

# Unified Development Ordinance

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## Town of Wytheville, Virginia



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# Article 1. Title, Purpose, Authority, Jurisdiction

## 1.1. Introduction

The Town of Wytheville Unified Development Ordinance combines zoning, site development standards, floodplain, and subdivision regulations into one ordinance.

## 1.2. Title

This ordinance shall be known and may be cited as the Unified Development Ordinance of the Town of Wytheville and may be referred to as the Unified Development Ordinance or UDO or ordinance.

## 1.3. Effective Date & Repeal of Prior Zoning and Subdivision Ordinances

- A. This ordinance shall be effective at 7 P.M. on the enactment date. Upon enactment, this ordinance shall repeal all previous versions of the Town of Wytheville's subdivision and zoning ordinances. All provisions of such ordinances in conflict with this new ordinance are hereby repealed.
- B. The effective date of the first zoning ordinance was July 15, 1969. The effective date of the first subdivision ordinance was June 8, 1970. Subsequent revisions and amendments of these two (2) ordinances occurred until the enactment of this Unified Development Ordinance in 2024.
- C. Any claim of lawful non-conformity or vested rights shall reference the original ordinance, code, or law in place at the time of development, which shall be used to establish lawful non-conforming uses or structures.

## 1.4. Purpose

- A. The purpose of the UDO is to promote the health, safety, and general welfare of the public, to encourage orderly development and to guide land use patterns that meet the long-term needs of the community.
- B. This document provides regulatory standards for the development of land and property, for the establishment of existing and future land uses and for the subdivision of property.

## 1.5. Intent

The Town of Wytheville recognizes the importance of predictable, transparent, and effective land use policies to encourage economic growth and support a thriving community. The intent of this ordinance is to provide land use policy in a reasonable and effective manner with clear language and predictable processes.

## 1.6. Authority

Pursuant to [§ 15.2 Chapter 22](#) and relevant titles of the Code of Virginia, the Town of Wytheville is enabled to adopt this ordinance for those areas located within the jurisdiction of the Town of

Wytheville. The Town seeks to fulfill the legislative intent of planning, subdivision of land and zoning as shown in Code of Virginia [§ 15.2-2200](#).

## **1.7. Jurisdiction**

The provisions of this ordinance shall apply to the incorporated areas located within the Town of Wytheville, excepting those areas determined by law to be under the sovereign control of the United States of America or the Commonwealth of Virginia.

## **1.8. Zoning of Annexed Land and Uncertain Zone Districts**

Any land that is annexed from the county into the incorporated Town of Wytheville, shall be regulated in accordance with the terms of annexation or reversion agreement that establishes such change in governance. If the terms of annexation do not specify a zone district for the annexed areas the default zone district shall be R-1. Any parcel of land whose zoning is not assigned or considered unclear by the Zoning Administrator, is hereby designated as being R-1 Residential District.

## **1.9. Comprehensive Plan**

The Town of Wytheville Comprehensive Plan provides the framework for the long-range development of the community. This ordinance shall be used to support the goals and objectives of the Comprehensive Plan.

## **1.10. Use of this Ordinance**

- A. The ordinance shall guide the physical development of land in Town and provide regulatory standards for subdivision of land, zoning, site development and floodplain development.
- B. The ordinance provides guidance on administrative requirements, workflow processes and the enforcement of the ordinance.
- C. The ordinance shall be used to determine the permitted uses of land as referenced by zone district and as shown in the land use table which is incorporated into this ordinance.
- D. The ordinance shall control the development of land and structures, all structural alterations or relocations of existing buildings occurring hereafter, and all enlargements of, additions to, changes in and relocations of existing structures.
- E. The ordinance shall be used to determine lawful non-conforming sites, structures and uses. The ordinance describes how non-conforming uses, sites and structures may continue, expand, or change over time.
- F. The ordinance shall guide the development of subdivisions, to include the design of plats for the purpose of recordation, and site plans for the physical development of subdivisions. The creation of new lots and/or modifications to any existing lot line of record, shall be in accordance with the provisions of this ordinance.
- G. The physical site development of land and the redevelopment of land shall be in accordance with the site design and development requirements of this ordinance.



- H. This ordinance shall be used to ensure that all departments, officials, and public employees of the Town that are vested with the duty or authority to issue permits, licenses or approvals will conform to the provisions of this ordinance. Any permit issued in conflict with the provisions of this ordinance shall be null and void.
- I. This ordinance is not intended to abrogate, annul, or otherwise interfere with any easement, covenant, or other private agreement or legal relationship, provided, however, that where the regulations of this ordinance are more restrictive or impose higher standards or requirements than such private agreements or legal relationships, the regulations of this ordinance shall govern.

## **1.11. Official Zoning Map and Zone Districts**

- A. This ordinance shall pertain to the corporate areas of the Town and to the zone districts as shown on the zoning map.
- B. The zoning map shall be housed and maintained in the Planning Department. The map is accessible to the public and available for public review on the Town of Wytheville Geographic Information System (GIS) webpage <https://www.webgis.net/va/wytheville/> and/or at the Town Municipal Building. Zone map amendments are updated on the official zone map and the public GIS at such a time that zone amendments are approved.
- C. The Town is geographically assigned into zone districts as reflected on the zoning map. In the use of this document specific standards referenced by zone district will be shown. Where standards are not specifically delineated by zone districts, the guidelines shall apply to all properties in Town. The overlay zone districts reflect supplemental standards to the standards of the underlying zone district.

## **1.12. Interpretation of District Boundaries and Rules of Construction**

### **A. Boundary Uncertainty**

Where uncertainty exists as to the boundaries of zoning districts shown on the official zoning map, the following rules shall apply:

1. Boundaries indicated as approximately following the centerlines of streets, rights-of-way, or alleys shall be construed to follow such centerlines.
2. Boundaries indicated as approximately following platted lot lines shall be construed to follow such platted lot lines.
3. Boundaries indicated as approximately following the centerlines of bodies of water shall be construed to follow such centerlines. In the event the centerlines move as the result of natural forces, the boundaries shall also move.
4. Whenever any dedicated street, alley or other public right-of-way is vacated by the Town Council, the zoning district boundaries adjoining each side of such street, alley, or public right-of-way shall automatically be extended to the centerline of the vacated premises, unless legal agreements are made between said owners and/or the Town that determine new boundaries or lines. Zone district lines shall follow the parcel boundaries.

## **B. Lot on Record**

The term parcel, lot, or lot on record shall mean a lot with a designated tax map parcel number as assigned by the Wythe County Commissioner of Revenue and the lot shall be shown on the zone map.

## **C. Split Zoning**

For the purpose of this ordinance, zone district lines shall follow the boundary lines of tax map parcel numbers, and lots shall not be split zoned. The Zoning Administrator is enabled to make determinations on unclear district boundaries. The Town is committed to repairing historic split zones and new split zones are not allowed.

## **D. Inclusive Zoning**

The Town uses inclusive zoning standards. Only those uses, and activities specifically listed as permitted or conditional on the land use table shall be permitted in the applicable zone district. Uses, and activities which are not expressly provided for or described within the provisions of this ordinance, and which are not listed in the land use table, shall be deemed prohibited until such time that the use is added as a zone text amendment to the land use table and listed as a permitted or conditional use.

## **E. State Code References**

All references to the Code of Virginia shall refer to those titles, articles, and chapters which are in effect on the effective date of this ordinance and shall also be construed as references to successor titles, chapters, articles, and sections. The Code of Virginia can be referenced online at <https://law.lis.virginia.gov/vacode/>

## **F. Rules of Construction**

This ordinance protects public interests and shall be liberally construed to effectuate its several purposes. The following rules shall apply in the construction of this ordinance, unless the application of such rules would effect a result that is contrary to the purposes of this ordinance, or the context clearly indicates otherwise:

1. The word “shall” refers to mandatory requirements. The word “may” or “should” is permissive.
2. A word importing the masculine gender shall extend and be applied to females as well as males. Words pertaining to gender shall be interchangeable.
3. A word importing the singular number may be applied to several persons or things as well as to one person or thing. A word importing the plural number may extend and be applied to one or more person or thing as well as to several persons or things.
4. The specific shall control the general.
5. The words “used,” “occupied” or “developed” include the words “intended,” “designed,” or “arranged to be used, occupied, or developed.”
6. Where terms are not defined, they shall have their ordinary accepted meanings, or such meaning as the context may imply. The definitions shown in this ordinance shall be used to interpret this ordinance.

7. The Zoning Administrator or Subdivision Agent is enabled to interpret the ordinance when standards or definitions are unclear. The use of zoning or planning references and/or the Webster's dictionary may be used when needed.
8. All references to any statute, regulation, guideline, manual or standard shall be to that statute, regulation, guideline, manual or standard as it exists on the date of adoption of this ordinance and shall include any amendment thereafter and any subsequently issued edition.
9. All references to "days" shall be to calendar days, unless otherwise specifically indicated. In the event that a deadline "day" or "date" associated with this ordinance falls on a Town-observed holiday or weekend, the day or date shall be extended to the next business day.
10. The word "street", when not preceded by either "public" or "private" means either a public street or a private street.
11. The phrase "agent, administrator, council, board or commission" means the responsible entity or group of people as assigned in this ordinance as the case may require, pursuant to applicable provisions of this ordinance. The term "Town" shall mean the Town of Wytheville and associated codes, ordinances, policies, or persons authorized on behalf of the Town to administer this ordinance.
12. The term "land use table" shall mean the official Land Use Table, which shall be used to control land uses.

#### **G. Minimum Standards and Units of Measurement**

The regulations and standards shall be held to be the minimum requirements listed unless otherwise stated by the Zoning Administrator or specifically mentioned as other in this ordinance. Units of measurement shall follow the standards listed below.

1. Area shall be measured in square feet and/or acreage.
2. Linear distances shall be in feet or miles.
3. All distances and areas refer to measurements in a horizontal plane.
4. Units under one foot shall be rounded to the next closest integral number.
5. Zoning setbacks, height and other units of measurement that relate to zone district standards shall be in accordance with Article 5.

#### **H. Contiguous Lots Under Same Ownership**

Lots or parcels under the same ownership, as shown in the tax records, which are next to, abutting, touching, or having a common boundary, and not separated by other parcels, private streets, public streets, or waterbodies, shall be considered contiguous lots. For the purposes of this ordinance, new structure placement can occur on contiguous lots under same ownership and setbacks shall be measured to the outermost lot line of the contiguous lots.

### **1.2. Severability**

The provisions of this ordinance are to be liberally construed to implement the purposes of this ordinance and to avoid conflict with the laws of the Commonwealth of Virginia or any other limitations imposed by law. However, if the provisions of any article, section, subsection,

paragraph, subdivision, or clause of this ordinance shall be adjudged or construed to be invalid by a court of competent jurisdiction for any reason, such judgement shall not affect or invalidate the remainder of any article, section, subsection, paragraph, subdivision, or clause of this ordinance, all of which shall remain in full force and effect.

### **1.3. Relation to Other Laws and Private Contracts**

- A. The relationship of this ordinance to other laws and private contracts is as listed in this section.
  - 1. Separate from, but supplementary to, all other requirements of the Wytheville Town Code. Compliance with the requirements of this ordinance shall not be deemed compliance with other Town ordinances or regulations.
  - 2. Separate from, but supplementary to, all other applicable requirements of state or federal law. If the requirements of this ordinance are in direct conflict with mandatory state or federal requirements, then the state or federal requirements shall apply.
  - 3. Separate from the requirements, terms or conditions of any private easement, covenant, agreement, or restriction. Neither the Town nor any of its officers, employees or agents shall have any duty to enforce a private easement, covenant, agreement, or restriction. When an applicable requirement of this ordinance is more restrictive than a similar applicable requirement of a private easement, covenant, agreement or restriction, the requirements of this ordinance shall apply.
  - 4. Where it is possible to implement, administer or interpret a particular provision of this ordinance in more than one way the Zoning Administrator is enabled to fairly interpret the ordinance to minimize conflict.

### **1.4. Transferability**

- A. Unless otherwise stated as part of an approval process, approvals and permits lawfully obtained shall transfer in title with the land to any successors of land provided that the parameters and conditions associated with the submitted application and the Town approval are adhered to, and the use of land remains active to maintain any lawful non-conforming status in accordance with Article 2.12 of this ordinance.
- B. When properties are in the process of transfer, it shall be the responsibility of the new owner to reapply for any permit that is in process but not approved, unless the property is under contract as “subject to zoning approval” and is related to the contractual sale of a property for a specified use.

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## **Article 2. Administration & Enforcement**

### **2.1. Purpose**

The purpose of this article is to convey the roles of developers, Town administrators and public bodies as it relates to this ordinance. Compliance standards, enforcement, and non-conformities are covered in this article.

### **2.2. Role of Landowner, Applicant, and/or Developer**

- A. A landowner who applies for a permit or approval may be known or referenced as the applicant and/or developer. A landowner may appoint a delegated person to submit an application on their behalf, as an applicant or developer. If such delegation occurs the landowner is responsible for ensuring that the delegated person follows the standards as shown in this ordinance and the landowner shall be held accountable for any violations of the ordinance.
- B. The landowner shall submit applications in the manner prescribed by this ordinance and the application's instructions, shall communicate with the Town in matters related to the project and shall adhere to the standards and laws for the project. Landowners are responsible for requesting inspections and certificates of completion.
- C. The landowner may be responsible for marking or locating onsite the location of proposed structures, site elements or improvements, the location of the existing lot lines, the area of private or public easements or rights-of-way and the location of underground utilities to ensure compliance.
- D. At the request of the Zoning Administrator or Subdivision Agent, a legal survey may be required to show the legal lot lines, rights-of-way, or easements. The burden of proof shall be on the landowner to identify and define the existing and proposed attributes related to the project and project boundaries.
- E. It is the responsibility of the landowner to share accurate land ownership records and contact information. In the absence of shared contact information, the address information on the property tax record may be used by the Town to communicate with landowners.
- F. The landowner is responsible for ensuring all Town codes, laws and ordinances are met in pursuit of the project. When additional permits or approvals are required, the landowner shall pursue and submit those applications separate from any zoning or subdivision application.
- G. The landowner is required to attend any meeting where applications are to be heard by the Board of Zoning Appeals, Planning Commission or Town Council.

### **2.3. Role of Zoning Administrator**

- A. The Town Council designates the Town Manager or his/her designee as the Zoning Administrator. At the discretion of the Town Manager one or more employees may be delegated to act in the role of Zoning Administrator to meet the needs of the Town.

- B. The Zoning Administrator is enabled to perform a variety of functions which include but are not limited to; interpret and administer the zoning provisions of this ordinance, conduct zoning site plan reviews, conduct site inspections, issue approvals and permits, investigate zoning complaints and issue notices of violations, enforce conditions associated with land use approvals, provide zone district determinations, enforce the provisions of the floodplain overlay as the floodplain manager, draft correspondences on behalf of the local government, surety administration, assist with vacation processes, activities related to the administration of zoning or land use planning, make recommendations to the Planning Commission, Board of Zoning Appeals, Town Manager, Town Council and/or other officials, and act in any other capacity as assigned and enabled by the Code of Virginia, this ordinance, the Town Manager or Town Council.
- C. For the purposes of this ordinance the term “administrator” shall mean Zoning Administrator. When applicable, the Zoning Administrator may delegate administrative duties to other Town staff when he/she is authorized to do so by the Town Manager. Authorized appeals of any decision made by the Zoning Administrator shall be heard by the Board of Zoning Appeals.

## 2.4. Role of the Subdivision Agent

- A. The Town Council designates the Town Manager or his/her designee as the Subdivision Agent. At the discretion of the Town Manager one or more employees may be delegated to act in the role of agent to meet the needs of the Town.
- B. The Subdivision Agent interprets, administers, and enforces the provisions of the subdivision standards and applicable provisions relating to both zoning and subdivision site development. This may include but is not limited to; reviewing and approving applications for subdivision, providing advisory opinions, interpretations, and guidance regarding the subdivision standards, administrative duties relating to vacation of plats, streets, and/or alleys, conducting inspections, enforcement actions, land records research, assisting with legal descriptions, administration of surety requirements, recordation of subdivision plats and legal documents. The Subdivision Agent is authorized to sign plats to show the Town’s approval of subdivision plats. The Subdivision Agent is enabled to act in any other capacity as it relates to subdivision administration and/or as delegated by the Town Manager.
- C. For the purposes of this ordinance the term “agent” shall mean Subdivision Agent. In accordance with Code of Virginia [§ 15.2-2260\(E\)](#), authorized appeals of any decision made by the Subdivision Agent shall be heard by the Wythe County Circuit Court.

## 2.5. Role of Planning Commission

- A. The Planning Commission is an advisory body appointed by the Town Council. The commission is organized pursuant to the Code of Virginia [§ 15.2-2210 - 2222](#). For the purposes of this ordinance the term commission shall mean Planning Commission.
- B. The Planning Commission typically meets once a month, unless otherwise deemed necessary, and may forgo meetings if there is no business to be heard. The commission operates in accordance with the Planning Commission Rules of Procedure available for review at the Planning Department and located on the Town website.
- C. The Planning Commission serves as an advisory board and provides recommendations to the Town Council who makes final determinations.

- D. The primary duties of the Planning Commission as it relates to this ordinance include, but are not limited to; comprehensive planning and plan review in accordance with the Code of Virginia [§ 15.2-2223, 2230, 2232](#), reviewing and making recommendations to the Town Council for special use exception permits, zoning map amendments (rezone), ordinance text amendments, major subdivision plat review, subdivision variations, comprehensive planning and any other power or authority granted to the Planning Commission by the Town Council and enabled by the Code of Virginia.
- E. When enabled, Town Council may direct the Planning Commission to perform other duties related to land use planning and studies.
- F. Authorized appeals of any decision made by the Planning Commission shall be heard by the Town Council and/or in accordance with the Code of Virginia.

## **2.6. Role of Board of Zoning Appeals (BZA)**

- A. The board of zoning appeals (BZA) is appointed by the Circuit Court of Wythe County and is organized pursuant to [§ 15.2-2308](#) of the Code of Virginia. Where referenced in this ordinance the term board or BZA shall mean the board of zoning appeals.
- B. The board meets as requested or as needed to review zoning variance applications and zoning appeals and is enabled with all additional powers and authority as granted by the Code of Virginia.
- C. The board of zoning appeals operates in accordance with the BZA Rules of Procedure which is available for review in the Planning Department and located on the Town website.
- D. Authorized appeals from any decision made by the board of zoning appeals shall be heard by the Wythe County Circuit Court in accordance with the Code of Virginia.

## **2.7. Role of the Town Council**

- A. The Town Council is the legislative body elected by the citizens of the Town. Where referenced in this ordinance, the term “council” shall mean the Town Council of Wytheville. The council operates in accordance with the Town Charter and the Town Council Rules of Procedure. The council typically meets twice a month in the council chambers of the municipal building.
- B. The Town Council is enabled to perform a variety of land use functions including but not limited to; adopting and updating the Comprehensive Plan, adopting, updating, or repealing in its entirety or in portions thereof of the Unified Development Ordinance, adopting or updating the official zoning map and any zoning districts pertaining to the official zoning map, reviewing and taking action on special use exception permits and the approval of major subdivisions, including the vacation of plats, streets and alleys. The Town Council shall have all additional authorities, powers, and duties granted by the Code of Virginia or Virginia law.
- C. Authorized appeals from any decision made by the Town Council shall be heard by the Wythe County Circuit Court in accordance with the Code of Virginia.



## 2.8. Legal Compliance and Enforcement

- A. In accordance with the powers granted to the locality and enumerated by the Code of Virginia, the locality is enabled to enforce the provisions of this ordinance.
- B. Any owner of property and/or any person identified as a lessee, principal, agent, employee or otherwise, who violates a provision of this ordinance, or who permits any such violation, or fails to comply with any of the requirements hereof, or who erects any building or structure or uses any building or land in violation of the provisions of this ordinance are declared to be subject to the enforcement provisions of this ordinance.
- C. The Zoning Administrator is authorized to enforce the zoning provisions of this ordinance, including site development standards and when delegated by the Town Manager may enforce other provisions as assigned. Upon becoming aware of any zoning violation, the Zoning Administrator may proceed to remedy the violation.
- D. The Subdivision Agent is authorized to enforce the subdivision and site development standards as shown in this ordinance and when delegated by the Town Manager may enforce other provisions as assigned. Upon becoming aware of any subdivision violation, the Subdivision Agent may proceed to remedy the violation.

## 2.9. Zoning Violations

- A. The following are violations of this ordinance and are declared to be unlawful.
- B. It shall be unlawful to construct or move any building or structure without a zoning permit. All structures require a zoning permit unless otherwise considered exempt in this ordinance.
- C. It shall be unlawful to construct an addition to an existing building without a zoning permit.
- D. It shall be unlawful to construct a new structure, modify or add to a structure or develop a site in violation of the zone district standards for the site.
- E. It shall be unlawful to occupy a building or structure until a building certificate of occupancy has been issued and/or until a zoning review or zoning certificate of compliance of the structure and uses has occurred.
- F. It shall be unlawful to use a site for a conditional use identified as such on the land use table for the zone district, until such time that all site design requirements and conditions have been met as shown in this ordinance.
- G. It shall be unlawful to establish a new use, engage in a use or to cause a change in a use of a parcel, when such use is not permitted in the zone district and not considered a lawful non-conforming use. Uses of land shall be permitted in accordance with the zone district, as listed in the land use table of this ordinance. It shall be unlawful to engage in a use that requires a special use exception permit, unless such permit has been issued by for the project as applied for.
- H. It shall be unlawful to fail to meet the conditions assigned or attached to any permit, rezone approval, special use exception permit or zoning variance approval, when such conditions are given in relationship to any permit or approval associated with this ordinance.

- I. It shall be unlawful to develop property in a manner that is not consistent with any approved site plan or subdivision plat. It shall be unlawful to develop property in violation of the zoning and/or subdivision site development standards of this ordinance. It shall be unlawful to develop a site when a minor or a major site plan review is required.
- J. In accordance with federal floodplain development requirements, it shall be unlawful to develop property, erect, construct or modify structures in violation of the floodplain overlay zone district standards as shown in this ordinance.
- K. It shall be unlawful to fail to comply with any other requirement or standard as shown in this ordinance.

## **2.10. Zoning Enforcement and Penalties**

### **A. Investigation**

Upon receipt of a complaint or a request to investigate a potential violation, the Zoning Administrator shall conduct an investigation of the complaint.

### **B. Inspection warrants and search warrants**

When needed, the Zoning Administrator is authorized to request and execute inspection warrants as issued by a magistrate or court of competent jurisdiction to allow the inspection of dwellings as authorized under Virginia Code [§ 15.2-2286\(A\)\(15\)](#).

### **C. Remedies**

If the Zoning Administrator determines that a violation of this ordinance exists, the Zoning Administrator may pursue any remedy authorized by law. The remedies provided are cumulative and are not exclusive except to the extent provided therein and shall be in addition to any other remedies authorized by law. Remedies include both civil penalties and criminal penalties.

### **D. Courtesy Notice**

The Zoning Administrator reserves the right to send a courtesy notice prior to any official notice of violation. The purpose of the courtesy notice is to encourage communication and compliance prior to a notice of violation. In some instances, due to the nature of the offense, the urgency of the offense or other willful acts of non-compliance the Zoning Administrator may immediately issue a notice of violation to remedy the situation without first sending a courtesy notice.

### **E. Notice of Violation**

If the Zoning Administrator determines the need to pursue an enforcement action, a notice of violation shall be issued to the person committing or permitting the violation and the landowner. The exception to the issuing of a notice of violation, as part of an enforcement action, shall only relate to civil penalties as shown in this article, which may be corrected by issuing a ticket and/or civil summons for civil penalty. Written notice of zoning violation or a written order of the Zoning Administrator sent by registered or certified mail, hand delivered or posted at the last known address of the property owner as shown on the current real

estate tax assessment record is deemed sufficient notice to the property owner and satisfies the notice requirements under general law.

#### **F. Contents of Notice of Violation**

The notice of violation shall state the basis for the decision, the notice of the right to appeal, where to find the information on the appeal process and the appeal fee. The notice of violation must include the timeline for compliance and any follow up actions which must occur for the violation to be abated.

#### **G. Civil Penalties**

Any person who violates any zoning provisions of the ordinance shall be subject to civil penalties, with the exception of violations for activities related to land development where, for the purposes of this section the term “land development” means a human-made change to, or construction on, the land surface including but not limited to, land disturbing activity or the construction of buildings, structures or improvements under an approved site plan or subdivision plat, but does not mean the land development project’s compliance with this article or for the violation of posting illegal signs on public property or right-of-way.

Civil Penalties are in lieu of criminal penalties except when civil penalties reach the \$5,000 limit, which is when the violation may be prosecuted as a criminal misdemeanor. In the event of a violation which results in any injury to any person a civil penalty shall not preclude a criminal penalty.

Procedure in the Issuance of a Civil Penalty. The Zoning Administrator shall commence a civil penalty process by either filing a civil summons in the general district court or by issuing a ticket. The civil summons or ticket shall contain, at a minimum the following elements; the name and address of person charged, the nature of the violation and section of the ordinance violated, the location and date that the violation occurred or was observed, the amount of the civil penalty being imposed for the violation, the manner, location and time in which the civil penalty may be paid to the Town, and the right of recipient of the summons to elect to stand trial and that a signature to an admission of liability will have the same force and effect as a judgement of a court; and either the date scheduled for the trial, or the date for scheduling of such trial by the court.

Amount of Civil Penalty. Any violation of this ordinance shall be subject to a civil penalty of \$200.00 for the initial summons, and a civil penalty of \$500.00 for each additional summons arising from the same set of operative facts. At such time that the penalty reaches the \$5,000 limit, the violation may be prosecuted as a criminal misdemeanor under Code of Virginia [§ 15.2-2209](#). Each day during which a violation is found to exist shall be a separate offense. However, the same scheduled violation arising from the same operative set of facts may not be charged more than once in a ten-day period. No civil penalties shall be assessed by a court having jurisdiction during the thirty-day appeal period for a notice of violation as provided by law.

Option to prepay civil penalty and waive trial. Any person ticketed for a violation of this ordinance may elect to pay the civil penalty by making an appearance in person or in writing by mail to the Treasurer Department of the Town prior to the date fixed for trial in court. Any person so appearing may enter a waiver of trial, admit liability, and pay the civil penalty established for the offense charged. A signature to an admission of liability shall have the same force and effect as a judgement of court. However, an admission or a finding of

liability shall not be deemed a criminal conviction for any purpose. If a person charged with a violation does not elect to enter a waiver of trial and admit liability, the violation shall be tried in the general district court in the same manner and with the same right of appeal as provided by law.

#### **H. Criminal Penalties**

1. In accordance with Code of Virginia [§ 15.2-2286 \(A\) \(5\)](#) Any person in violation of the zoning provisions of the ordinance shall be subject to a misdemeanor offense punishable by a fine of \$1,000.
2. If the violation is uncorrected at the time of conviction, the court shall order the person convicted to abate or remedy the violation in compliance with this ordinance, within the time period established by the court. Failure to remove or abate such violation within the time period established by the court shall constitute a separate misdemeanor offense punishable by a fine of \$1,000, and any such failure during any succeeding ten-day period shall constitute a separate misdemeanor offense for each ten-day period, punishable by a fine of \$1,500; and any such failure during any succeeding 10-day period shall constitute a separate misdemeanor offense for each 10-day period punishable by a fine of not more than \$2,000.
3. It is the responsibility of the violator to abate the violation, or the Town may pursue additional enforcement measures.

#### **I. Injunctive Relief**

Any violation of this ordinance may be restrained, corrected, or abated as the case may be in an action by the Town Council seeking injunctive or other appropriate relief.

### **2.11. Subdivision and Site Plan Violations and Enforcement**

- A. It shall be unlawful to subdivide property, modify lot lines, vacate lot lines, or otherwise modify tax map parcel lines in opposition to the subdivision standards of this ordinance. It shall be unlawful to subdivide property and/or modify lot lines without Town approval. It shall be unlawful to market and/or sell a newly created subdivided lot until such time that a subdivision plat has been legally recorded, and the lot has been assigned a tax map parcel number and all improvements shown on the subdivision plat or site plan have been made and/or a surety has been provided to the satisfaction of the Town of Wytheville.
- B. Subdivision and site plan enforcement is managed in a different manner than zoning violations. See Article 4, Section 4.4 of this ordinance for violations and enforcement actions pertaining to subdivision and development site plans.

### **2.12. Non-Conformities (Similar to Grandfathering)**

- A. The Town recognizes that a substantial portion of the incorporated area was developed prior to land use regulations and the adoption of existing ordinances. It is the intent of this section to carefully balance the needs of existing lawful non-conforming lots, structures and uses with current zoning standards. This article shall be used to encourage the lawful continuance and maintenance of lawful uses and lawful structures.
- B. Any use of land and/or characteristics of a use which were in lawful existence before this Unified Development Ordinance was passed or amended and which does not conform to

current standards, is considered a lawful non-conforming use. A lawful non-conforming use is a use that exists on the effective date of the ordinance and continues from that date forward in non-conformance status, until it is brought into conformance with current use standards, or the use ceases to exist.

- C. Lawful non-conformities are those non-conformities that were properly permitted and/or legally established prior to the adoption of this Unified Development Ordinance, but which may not currently comply with the ordinance due to a change in the regulations.
- D. Lawful non-conformities are allowed to continue in perpetuity when the use remains active and when there are no changes to the non-conforming use, the site, or the structure in accordance with this ordinance.
- E. Lawful non-conformities must be substantially established. Substantially established shall mean a use or structure that is not irregular, not infrequent, and not an accessory use to the primary use. When it is unclear as to whether or not a lawful non-conformity is substantially established, the burden of proof is on the landowner to support the claim.
- F. Sites, structures, and uses that were not properly permitted or legally established at the time of development and that do not comply with this Unified Development Ordinance are hereby declared to be illegal and may be subject to removal or cease to exist. Illegal uses, structures and sites shall not be changed, enlarged, or extended unless such action is in full conformance with this ordinance.
- G. The standards as shown below, or as otherwise permitted by law, shall be used to address the continuance and expansion of lawful non-conformities in the administration of this ordinance.
  - 1. Signs: Non-conformance related to signs shall be controlled by the sign standards of this ordinance as shown in Article 7, Section 7.15.
  - 2. Manufactured Homes: Manufactured homes in the RMH Zone District shall meet standards in Article 5, Subsection 5.12. Manufactured homes in the RA or RB-2 zoning districts shall meet the standards in Article 8, Section 8.31.
  - 3. Floodplain Development: Any structure or property in the floodplain overlay zone district shall meet the standards for existing structures as shown in floodplain overlay zone district standards found in Article 5, Section 5.26.
  - 4. Subdivision Regulations and Site Plans: The current subdivision regulations shall guide all current and future subdivision requests. There is no protected grandfathered status for not meeting current subdivision standards as shown in this ordinance. Pre-approved subdivision plats and site plans that have not been physically developed must meet the lot layouts and development standards as shown on the subdivision plat or site development plans as of the date of approval or shall voluntarily comply with existing standards. Expiration dates apply to site plans and subdivision plats which have not been developed and shall be referenced in Article 4. When a project has not been developed and the site plan is considered expired the project shall meet current standards.
  - 5. Natural Disasters and Fire Events, Structures: Lawful non-conforming primary and accessory structures that are damaged by a natural disaster or a fire, may be redeveloped to the original extent of the pre-existing structure, as long as the repair or restoration is started within twenty-four (24) months and completed within thirty-six (36) months from the date of damage or destruction. The time period countdown shall begin on the natural

disaster or fire event date. The burden of proof of the event date must be provided by the applicant.

6. Natural Disaster and Fire Events, Uses: When a lawful non-conforming use is impacted by a natural disaster or a fire, the non-conforming use may be continued if such use can be reinstated within the time periods as shown for structures.
7. Existing Lawful Non-Conforming Structures: Existing lawful non-conforming structures that do not meet current zone district standards of this ordinance, such as setbacks, shall be allowed to continue in the current condition. Structures may be expanded or enlarged provided that the expansion or enlargement does not further the non-conforming aspect of the structure and the expansion can meet all other requirements of this ordinance. If a non-conforming structure is removed entirely or structurally replaced by a factor of more than 80% of the pre-existing interior square footage of the structure it will lose non-conforming status. For any repair or replacement project that seeks to maintain lawful non-conforming status, a new permit to replace or repair the non-conforming structure shall be applied for and approved by the Town prior to the demolition or removal of the non-conforming structure. The burden of proof shall be upon the applicant to demonstrate that the structure meets this threshold for maintaining lawful non-conforming status.
8. Existing Lawful Non-Conforming Uses: Any existing, lawful non-conforming use that is established and in use upon the effective date of this Unified Development Ordinance, but located in a zone district where the use is not currently permitted in accordance with the current land use table, may be continued, subject to the restriction that the use remains similar or the same. If a lawful non-conforming use is discontinued for a period of time greater than two (2) years, the use shall be deemed to be abandoned at that site, the lawful non-conforming status is lost, and any subsequent use of the property shall conform to the current land use requirements of the respective zone district and this ordinance. Examples of “use discontinuance” may include but not be limited to; failure to maintain a business license for the use, failure to file or pay local, state, or federal taxes associated with the use, failure to maintain regular business hours and failure to maintain connection to utilities or provide access to the place of business.
9. Existing Lawful Non-Conforming Sites: Existing lawful non-conforming sites which maintain the status quo and do not seek to change the use or expand the building or site footprint shall be allowed to continue in the current state without the requirement to upgrade to current zoning site development standards. When changes to a non-conforming site are proposed, development sites will be required to meet current standards when one or more of the following activities occur.
  - a. Complete replacement of the structure(s) and/or complete replacement of the building site such as a complete re-grading of the site.
  - b. Structural replacement of 80% of the pre-existing interior square footage of the primary structure(s).
  - c. Site changes that grade, rework or intend to disturb 80% or more of the total square footage of the land surface area of the lot or site from the total square footage of the pre-existing land area of the site
  - d. The change in use of the site requires new site development or conditional standards that are not available on site, and these elements must be accommodated on the site for the new use.



- e. The change in use creates new traffic access points or the need for new traffic intersection or traffic safety measures. A traffic impact analysis and traffic mitigation measures will be required when over 200 ADT a day is proposed for a new use/group of uses.
10. Vested Rights Determinations: When requested by the owner, the statute shown in Code of Virginia [§ 15.2-2307](#) shall be used by the Zoning Administrator and the Town Attorney to make any vested rights determinations when prior approvals or affirmative government acts apply to the situation.

## 2.13. Zoning Certification Letters

- A. Any person may request an official response from the Zoning Administrator regarding the zoning of a site by requesting a zoning certification letter.
- B. A request for a zoning certification letter shall be submitted to the Planning Department. A fee may be required as listed on the Town's fee schedule. A zoning certification letter may provide basic zoning information regarding a site. This may include but not be limited to; the zone district, allowed uses as shown in the ordinance, site development standards which are required for a use, zone district standards that apply to the property and other types of inquiries.

## 2.14. Zoning Determination Letters

- A. Any person may request a zoning determination letter regarding the permissibility of a specific use or allowed density of the landowner's property. A zoning determination letter shall only be issued by the Zoning Administrator when the language used to interpret the ordinance is unclear, not expressly stated, or ambiguous, and at such times that the appeal time period for any previous approval or disapproval has expired. All other types of zoning interpretations by the Zoning Administrator shall be considered a zoning certification letter.
- B. A request for a zoning determination letter shall be submitted to the Planning Department. A fee may be required as listed on the Town's fee schedule. The Zoning Administrator, or other such person as appointed by the Town Manager to administer the Unified Development Ordinance is authorized to issue a zoning determination letter.
- C. The Zoning Administrator shall receive a concurrence by the Town Attorney prior to the issuance of any determination letter that involves vested rights, non-conforming uses, or the modification/ reversal of any previous decision of an Administrator in accordance with Code of Virginia [§ 15.2-2286.4](#).
- D. In accordance with Code of Virginia [§ 15.2-2204](#), it is the responsibility of the person submitting the request for a zoning determination letter to share a copy of the "Determination Letter" with the landowner of the property, within ten (10) days of receipt of the "Determination Letter" from the Town. The landowner's last known address as shown on the current real estate record or other address as provided by the landowner shall be used when sending the "Determination Letter" to the landowner.
- E. When applicable, any change, modification or reversal of a previous Zoning Administrator's decision or determination shall meet the requirements of Code of Virginia [§ 15.2-2311. C](#).



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## Article 3. Applications and Review Process

### 3.1. Overview

This article provides information on zoning applications and the review processes associated with this ordinance. Applications relating to the subdivision of property and those applications required to vacate a street, alley or plat are covered in Article 4 Subdivision Standards.

### 3.2. Schedule of Fees

- A. The schedule of fees for zoning and subdivision applications is included in the Master Fee Schedule and available at the Town of Wytheville Municipal Office or online at <https://www.wytheville.org/fees-rates>. Fees are listed with each application type and shall be paid prior to the issuance of a permit or approval, unless otherwise shown as part of the application or this ordinance.
- B. The Town Manager or his/her designee reserves the right to ensure that all delinquent taxes, liens, or other fees owed to the Town are paid prior to issuing any permit or approval related to this ordinance.

### 3.3. Timeframes and Communications

- A. It is the intent of the Town to review and approve complete applications in a timely manner. Locality staff will conduct the administrative review and approval process. Advanced zoning reviews will usually take 2-4 months to complete and will have multiple steps, which may include public hearings and a review by a board, commission, or Town Council.
- B. Zoning site plan and/or subdivision plat review will typically require up to 60 days to review after the receipt of a complete application. Coordination with other Town departments and outside agencies will add to this review time.
- C. The staff person assigned to the application type will communicate with the applicant throughout the process until a final determination is given. Applicants are encouraged to submit complete applications in a timely manner. It is the responsibility of the applicant to contact the appointed staff person for status updates and for any questions related to the application.

### 3.4. Records Retention

- A. Unless otherwise specified in this document, records associated with this ordinance shall be kept in accordance with the Library of Virginia Retention Schedule. Upon the effective date of this ordinance, the Town Manager may prescribe storage methods which may include the storage of records in the Planning Department, Building Department, the Public Utilities and Engineering Services Department, or in the files of the Town Clerk. Online applications and related information may be stored as digital records in the Open Gov online permit platform, or most recent permitting software as either an active or completed record.
- B. It shall be the responsibility of the applicant or the landowner to maintain their own zoning, subdivision, and related application records. The Town is under no obligation to store or provide records after the retention schedule time period has expired.

- C. In compliance with the National Flood Insurance Program, records related to regulatory floodplain development in the floodplain overlay zone district shall be kept in perpetuity.
- D. Individuals who wish to obtain Town related documents and records shall request the documents in accordance with the Town of Wytheville Freedom of Information Act Policy, available on the Town website or located at the municipal building.

### **3.5. Types of Applications and How to Apply**

- A. Applications fall into two types, administrative review and advanced zoning. Administrative review applications are those types that can be approved by an agent of the Town, such as the Zoning Administrator or the Subdivision Agent. Advanced zoning and major subdivision applications require a review and approval by one or more public bodies, such as the Planning Commission, the board of zoning appeals and/or the Town Council.
- B. All permit applications are available on the online portal available at the Town website or by visiting the Town Municipal Offices at 150 East Monroe Street, Wytheville, VA 24382. For the purposes of this document, the online portal shall be used to apply for all applications, unless otherwise stated. The term online portal shall be used to describe the online weblink where applications are accessible to the public. At the time of adoption of this ordinance the web address is <https://wythevilleva.portal.opengov.com/>.
- C. The online portal houses applications which are specific to each department. Zoning applications are housed in the Planning Department; however, the Building Department, the Public Utilities and Engineering Services Department, the Public Works Department and other departments may house applications relevant to a project.
- D. The Town prefers digital submittals with communication via email. In recognition that not all applicants have access to digital technology the Town will accommodate any person in need of assistance. A request for assistance shall be directed to the affiliated department associated with the application. General inquiries may be made to the Building Department, which can be reached at 276-223-3339, or to the Planning Department, which can be reached at 276-223-3361. The general phone line for all Town Offices is 276-223-3333.
- E. In addition to the information in this ordinance, the online application portal will communicate workflow steps and application specific requirements. Town staff members are assigned to each application type and are available to assist the public.
- F. Permits and approvals shall be obtained prior to site development or project construction. Failure to obtain a permit, or approval, when required will result in a notice of violation.
- G. A development project may require permits or approval processes outside of zoning. It is the responsibility of the developer to understand codes, ordinances and policies that apply to each project.

### 3.6. Application Types, Contacts, and Deciding Body

**Table 3.1: Application Types**

This reference table provides information on each application type.

Type of Application	Town Contact	Public Hearing	Review and Deciding Body
Zoning Permit for a Structure or Addition	Zoning Administrator	No	Zoning Administrator Only
Zoning Floodplain Development	Zoning Administrator	No	Zoning Administrator Only
Zoning Change of Use/Review for a Permitted Use	Zoning Administrator	No	Zoning Administrator Only
Zoning Sign Permit	Zoning Administrator	No	Zoning Administrator Only
Zoning Site Plan	Zoning Administrator	No	Zoning Administrator Only
Backyard Chickens as conditional use	Zoning Administrator	No	Zoning Administrator Only
Home Occupation as conditional use	Zoning Administrator	No	Zoning Administrator Only
Homestay Permit as conditional use	Zoning Administrator	No	Zoning Administrator Only
Other conditional uses as shown in Land Use Table	Zoning Administrator	No	Zoning Administrator Only
Zoning Determination or Certification Letter	Zoning Administrator	No	Zoning Administrator Only
Minor Subdivision	Subdivision Agent	No	Subdivision Agent Only
Major Subdivision	Subdivision Agent	No	Planning Commission Recommends, Town Council Decides
Subdivision Variation	Subdivision Agent	No	Planning Commission Recommends, Town Council Decides
Zoning Variance	Zoning Administrator	Yes	Board of Zoning Appeals Only
Zoning Appeal	Zoning Administrator	Yes	Board of Zoning Appeals Only
Special Use Exception Permit	Zoning Administrator	Yes	Planning Commission Hearing & Recommendation, Town Council Hearing and Decision
Rezone	Zoning Administrator	Yes	Planning Commission Hearing & Recommendation, Town Council Hearing and Decision
Zoning Ordinance Text or Comp Plan Amendment	Zoning Administrator	Yes	Planning Commission Hearing & Recommendation, Town Council Hearing and Decision
Vacation of a Plat	Subdivision Agent	Yes	Subdivision Agent and Zoning Administrator Review, Town Council Hearing and Decision.
Vacation of a Street or Alley	Subdivision Agent	Yes	Town Council Hearing and Decision

### **3.7. Zoning Permit Required, Administrative Review**

#### **A. Permit Required**

A zoning permit shall be required prior to the erection, construction, reconstruction, moving of, adding to, or alteration of any structure, placement of a zoning site element or the establishment of any land use or change in land use. Structures listed as exempt from permit in Section F.8 below shall not require a zoning permit.

#### **B. Administrative Review**

Administrative review pertains to applications that are reviewed and approved by the Zoning Administrator. The Zoning Administrator will review, and issue zoning permits in a timely manner. The Zoning Administrator reserves the right to determine when an application is complete and may request additional information and/or consult with other professionals or agencies to ensure that the project is in conformance with applicable laws or ordinances prior to issuing a zoning permit.

#### **C. Incomplete or Invalid Zoning Permit Applications**

An incomplete application shall mean that not all supporting information has been provided, as determined by the Zoning Administrator. If at any time an incomplete application remains incomplete for over six (6) months, the application may be deemed invalid and void. The Zoning Administrator is enabled to determine when zoning permit applications are deemed incomplete or invalid due to incomplete submittals or unresponsiveness by an applicant.

#### **D. Expired Permits when Not Active**

At such time that a zoning permit is issued, it is the responsibility of the applicant to pursue the activity for which the zoning permit is issued within one (1) year of the issuance of the permit. After one year of inactivity, the zoning permit may be considered expired. The Zoning Administrator reserves the right to declare a permit expired or to extend the timeframe for a zoning permit when it can be shown with good cause to do so.

#### **E. Certificate of Completions or Certificate of Occupancy**

It is the responsibility of the applicant to request a final zoning inspection when the project is complete. Upon receiving the request for a final inspection, zoning certificate of compliance or a certificate of occupancy the Zoning Administrator will conduct all necessary inspections and ensure that all conditions, site development improvements and zoning requirements are met prior to issuing the document.

#### **F. Administrative Zoning Permit Required**

An administrative zoning permit shall be required for the development of sites and structures and for changes in the use of a property. Zoning permit types include the following types.

1. Commercial/Industrial/Multi-Family Site Plan Review: This permit is for zoning site plan approval of multi-family, commercial, and industrial new development and redevelopment, as required by the Zoning Administrator and/or the UDO.
2. Zoning Review or Change of Use: A Zoning Review is performed to determine whether a proposed use or site improvement is allowed under the current zoning of the site.

3. Telecommunications Tower or Antenna Permit: This permit is for various telecommunications towers and antennae. In addition to this application, a special exception permit is required for any new tower or antenna in excess of 50 feet in height. (See Section 3.8, Advanced Zoning Applications and Processes below for Special Use Exception Permits.)
4. Home Occupation Permit Application: Home Occupation permits allow limited accessory use of a portion of a home for minor business purposes. The use must meet the standards for Home Occupations.
5. Homestay Hosts - Self-Certification Checklist and Permit Application: The Homestay Hosts - Self-Certification Checklist provides an opportunity for Homestay Hosts to verify that their Homestay is in compliance with Town Code and the Town of Wytheville Zoning Ordinance. Applicants complete the form, pay applicable fees, and obtain a business license to become a registered Homestay facility.
6. Backyard Chicken Keeping Permit Application: The UDO regulates the keeping of chickens in the Town limits. This permit is required to keep chickens in the rear yard of a single family residence.
7. Zoning Certification or Zoning Determination Letter: A Zoning Certification is a document provided to verify the current zoning of a parcel and/or to certify that the current land use is in compliance with the Town of Wytheville Zoning Ordinance.

## **G. New Construction**

A zoning permit is required for all new structures and buildings, except for those listed as exempt in this article. A zoning permit application and site plan shall be used for this type of permit. New construction shall meet the zone district standards and development standards as shown in this ordinance.

1. Additions:
 

A zoning permit is required for building additions, enlargements of buildings and structures, and/or when the proposed outside edge, dimensions, or footprint of the building or structure exceeds the original extent. A zoning permit application and site plan shall be used for this type of permit. Additions shall meet the zone district standards and development standards as shown in this ordinance.
2. Sign Permit:
 

A sign permit is required prior to the new placement of signs or modification of sign structures. Sign permit applications shall meet the zone district and development standards as shown in this ordinance.
3. Use Permits:
 

The applicant shall apply for and receive a zoning permit prior to a new use or prior to a change in the use of a structure or property. The use of the property shall be in accordance with the land use table of this ordinance. The zone district standards, site development standards, and applicable conditional use standards for the use shall be met.

  - a. A continued use of a legal and existing property or structure will not require a zoning change in use permit if the structure is not physically altered, enlarged, or modified

beyond the original outside perimeter of the structure and/or when the use is the same as that which has previously and lawfully existed on the site.

- b. A change in use permit is required when one use type is substituted by another use type, or when an additional use is added to an already existing use. For new structures, the use of the structure will be reviewed at the time as the zoning permit for the structure.
- c. A conditional use permit is a type of administrative permit issued by the Zoning Administrator to certify that the site has met the conditions for the use as outlined in Article 8. Examples of conditional use permit types include homestays or home occupation uses.

4. Floodplain Development:

The floodplain overlay zone district applies to those properties located in the regulatory floodplain established by the National Flood Insurance Program and adopted by the Town. The Town of Wytheville zoning map shall be used to determine when a property is located inside of a regulatory floodplain or floodplain overlay. Development in a regulatory floodplain requires a floodplain development permit.

5. Zoning Review of Development Site Plan:

Zoning site plan review is the act of reviewing the development plan, at the time of permitting, to ensure that the proposed development and use of land is in accordance with this ordinance. Zoning plan review is required prior to the construction or placement of new structures and/or new site development, Zoning plan review is required prior to the expansion of existing structures and/or modification to existing site elements that are regulated by this ordinance. Zoning plan review is required prior to or in conjunction with major subdivision applications and when required as stated in Article 4. for any minor subdivisions with infrastructure improvements. All articles of this ordinance shall be referenced in the design of zoning site plans. In addition to this ordinance, the Wytheville Town Code, relevant sections of the Town of Wytheville water and sewer standards, Erosion and Sediment Control Ordinance and statewide Stormwater Management Program shall be incorporated into or referenced on the zoning site plan when applicable.

Site plans shall incorporate each of the items required on the Town checklist for major and minor site plans.

A conceptual plan is not a formal submittal but a graphic representation of a plan to initiate a discussion with Town staff prior to the permit or approval process. Potential applicants may submit a conceptual plan prior to investment in the full application process by contacting the Zoning Administrator.

A zoning site plan review application shall be used for zoning site plan approvals. At such time that a complete application for a site plan review is received by Town staff, the site plan will undergo a review by the Zoning Administrator or his/her designee who will either approve the site plan or disapprove the site plan with a list of corrections. At such time that a site plan is approved, zoning permits and other types of Town approvals related to the site may be issued.

Site plans are required as shown below.

- a. Minor Site Plans: Required for single-family or manufactured home residential use on a singular lot or when associated with agricultural uses, non-commercial accessory uses, signs, and other minor projects. Minor site plans do not require a professional seal and can be hand drawn by the applicant. The minor site plan checklist can be found at the Planning Department and shall be used to design the minor site plan.
- b. Major Site Plans: Required for projects that need detailed and scaled drawings and/or need to demonstrate multiple site elements that are functionally related and site specific. Major site plans are required for multi-family residential uses, single-family residential uses or other types of development proposed as part of a major subdivision plan, commercial use, industrial use, and/or mixed use, and uses that relate to the installation of public utilities and public streets or intended systems that will connect to public infrastructure also require a major site plan. Major site plans require a plan set seal which shall be stamped by a licensed professional. The major site plan checklist can be found at the Planning Department and shall be used to design the major site plan. The Zoning Administrator and/or Subdivision Agent reserves the right to require a major site plan when the development type requires scaled drawings to indicate conformance to this ordinance.

## **H. Other Zoning Permits**

At the discretion of the Zoning Administrator, a zoning permit may be required for any other type of development when said development requires zoning approval as it relates to the administration of this ordinance.

## **I. Exempt from Administrative Zoning Permit**

The following types of structures are considered exempt from zoning permit requirements.

1. Residential accessory structures which are located on private property, and under twenty (20) square feet in area, and under six (6) feet high, and when a building permit is not required for the structure. When determined by the Zoning Administrator, other types of small accessory structures may be considered exempt from the requirements of this ordinance. All structures regardless of size shall receive a Town issued land use or structure permit prior to placement of any item which is to be located on or within a Town right-of-way.
2. Structures that may be listed as exempt from permit and are explicitly stated as such, in other areas of this ordinance.
3. Federal uses and buildings are exempt from local zoning requirements; however, federal agencies must consider local zoning laws before they construct or alter a building in accordance with 40 U.S.C. Section 3312(a).
4. State-owned lands and buildings are exempt from local zoning regulations when they are used for public purposes and when they are not used or occupied by a nonpolitical entity or person.
5. Pursuant to Code of Virginia, [§ 56-46.1](#) electrical transmission lines of 150 kV or more, must be approved by the State Corporation Commission and when such approval is given the project is exempt from local zoning jurisdiction. Lines over 138 KV must be shown to be in accordance with the Comprehensive Plan.
6. Certain Utilities. Utilities proposed for any public right-of-way must obtain Town approvals by applying for a land use permit. The following utility uses are exempt from obtaining a



separate zoning permit; lower voltage utility line poles, wires, cables, conduits, vaults, laterals, pipes, valves, meters or any other similar equipment when used for the purpose of distributing service locally to individual customers, within an approved or established service area, but not including telecommunications towers, plants, substations, major transmission lines, or trunk lines located on or above the surface of the ground or located underground when not part of the Town's public utility system.

### **3.8. Advanced Zoning Applications and Process**

- A. Advanced zoning applications require approval by the Board of Zoning Appeals or Town Council. The Planning Commission is an advisory board and will make recommendations to the Town Council.
- B. Advanced zoning processes are guided by the Code of Virginia, and the process can take several months for the review and approval process to be complete.
- C. The Code of Virginia [§ 15.2-2204](#) requires public hearings for advanced zoning applications. In the interest of efficient governance, Town staff is enabled to schedule public hearings as soon as they can reasonably be advertised and heard. For applications related to a specific site, the code requires advertising in the local newspaper and notifying adjacent landowners of the application request and the public hearing date. Adjacent landowner is defined by those who share a common boundary and may also include those on the opposite side of a creek, street, or railroad track from the subject property. The contact address shown on the tax map records for the locality shall be used as the notice address. Comments received by the public in relationship to the request will be prepared by Town staff in preparation for the board, commission or council who is considering the request. Comments may be submitted prior to a meeting or at the meeting in person. In consideration that the standard procedure is to consider advanced zoning applications at separate times, the Town Council reserves the right to schedule a joint public hearing and/or review of an application when needed. The Planning Commission may request and/or the Town Council may determine, at their own discretion, that it is in the best interest of the Town to host a joint review of an advanced zoning application with the Planning Commission. At such time, that the Town Council makes this determination, the Town Clerk will facilitate the scheduling of a meeting time that accommodates the applicant, the members of the Planning Commission and the members of the Town Council. The public hearing may be a combined event; however, each body will consider the application separately under their own enabling authority as required by law.
- D. The online application portal on the Town website shall be used to apply for advanced zoning applications. Application specific information is available for applicants at the online portal. Individuals who need assistance may also visit the municipal office to apply for these application types.
- E. If the advanced zoning application is denied by the Town Council or BZA the applicant must wait one (1) calendar year to apply again for the same application.
- F. Advanced zoning applications include the following types as shown below.
  - 1. Rezone or Zoning Map Amendments. A rezone application is used to request a change to the zone district designation of the property. Information about the rezone process is shown below.



- a. Rezones are specific to tax map parcel numbers and if approved the rezone will apply to the tax map parcel numbers listed on the application. A property may not be split zoned, and the rezone must follow lot lines.
- b. The Code of Virginia [§ 15.2-2286](#) requires that the Town Council shall make a decision within one (1) year of application unless the applicant agrees to a time delay.
- c. A resolution by the Town Council, a motion by the Planning Commission or a petition/application by the landowner are the three (3) ways to formally initiate a rezone process.
- d. In accordance with Code of Virginia [§ 15.2-2286](#), before a rezone can be heard the Town Council must adopt a resolution with the purpose for the rezone (public necessity, convenience, general welfare of good zoning practice) and refer the rezone to the Planning Commission, who must make a recommendation to the Town Council. By enactment of this ordinance, the Town Council has agreed that all rezone applications that come by way of landowner petition is good zoning practice and shall be directly heard and automatically referred to the Planning Commission for consideration. At such a time that a complete application is received, the Town staff will prepare the application for public hearing and a consideration by the Planning Commission. Upon hearing the application, the Planning Commission recommendation shall be sent to the Town Council for consideration of the application. The Town Council will host a second public hearing, consider the matter, and make the final determination.
- e. The landowner submitting the application must provide information to justify the need for the rezone. Site plans, narratives, draft legal documents, studies, reports, proposed uses with potential impacts, traffic studies, utility plans and proposed subdivision plats are examples of the types of information which may be needed to present the application. The online application portal shall be used to submit the application and will outline the application requirements.
- f. Traffic changes related to the rezone, transportation elements, the coordination of the transportation network, traffic safety and data on the short and the long-term impacts will be considered at the time of review. A traffic impact analysis, prepared by a qualified person will be required when the proposed Average Daily Trips (ADT) of the proposed uses is over 200 ADT.
- g. Piecemeal or spot zoning is not allowed when the rezone seeks to create an anomaly in the zoning map. An anomaly of the zoning map is a singular subject parcel or less than three subject parcels that are inconsistent with the zoning of the adjacent parcels and do not share a similar intent for zoning purpose as described in the zone district standard language. Any zoning request must be supported by the Comprehensive Plan and/or future land use map, and/or the application for rezone must show that the proposed uses of the project is similar in character to the adjacent properties. The application for rezone must show that the intended zone district purpose for the zone requested is similar in nature to the existing zone district of adjacent properties to the subject parcel(s). Business zone districts to include business/residential mixed uses that seek to maintain a similar community character are examples of similar zone districts with similar zone district purpose statements.
- h. When a rezone is proposed at the same time as a subdivision of property that intends to divide a lot line with two separate zone districts, the applicant can proffer,

prior to the rezone hearing, that a subdivision plat will be developed and recorded within sixty days (60) after a rezone approval. A preliminary subdivision plat shall be submitted at the time of rezone application. If the rezone is approved, the subdivision plat shall be recorded, and the zone district boundaries shall follow the newly created lot lines of the subdivision.

- i. A landowner (not applicant) may submit proffered conditions in writing prior to the consideration of the application by the Town Council. The proffered conditions must be related to the impact of the development and shall serve to mitigate concerns regarding the rezone's impact on the community.
  - j. The rezone application will be reviewed based on the following criteria; the existing use and the character of the property and abutting property, whether or not the proposed new use can meet the zone district standards for the proposed zone designation, whether or not the rezone is consistent with the vision and goals of the Comprehensive Plan, the suitability of the property for the proposed use, the trends of growth or change and the future vision of the community, the current and future needs of the community, transportation needs of the community and traffic impact, conservation of natural resources to include preservation of open space and preservation of floodplains/water resources, whether the rezone is the most appropriate use of the land given the localities constraints, and any other variable that relates to public health, safety or welfare.
  - k. As part of the rezone application, the applicant must show current or proposed adequate public water supply and infrastructure, adequate public sewer capacity and infrastructure, adequate transportation capacity and infrastructure and conceptual plans for addressing stormwater. All known proposed uses affiliated with the rezone project must be submitted at the time of application. If adequate infrastructure is not available, plans and/or mitigation measures, supported by the applicant, may be considered as part of the rezone application.
  - l. The approval by the governing body verifies that public necessity, convenience, general welfare, and good zoning practices warrant the approval of the rezone application.
  - m. Approvals or disapprovals of a rezone will be submitted in writing to the applicant and the landowner. If approved the new zone change will be shown on the Town Zoning Map as an approved rezone of the subject parcel(s).
2. Special Use Exception Permits (SUP). A special use exception permit is required to pursue a use that is not listed as a by-right permitted or conditional use for the zone district. For the purposes of this ordinance, special use permit, special use exception permit, special use exception permit or SUP shall all mean the same thing. The following information shall apply to special use exception permits.
- a. To apply for the special use exception permit, the option to apply for the zone district must be shown in the Land Use Table of this ordinance.
  - b. A complete permit application shall be submitted using the online portal and instructions provided in the portal.
  - c. A special use exception permit is specific to the tax map parcel numbers submitted on the application. The permit will run with the land as long as the use stays active and is in accordance with the original application. If the use is discontinued for two (2) years or more the permit shall expire.

- d. The project details and site plans must be adhered to if the request is approved. If the Town Council imposes conditions they must be met.
- e. The consideration of the application requires a public hearing for both the Planning Commission and the Town Council. The two public hearings are advertised in accordance with the Code of Virginia.
- f. The Planning Commission may recommend, and the Town Council may require conditions attached to the approval of the special use exception permit. Conditions must be related to the potential impact of the use on the community and shall be provided by the governing body at the time of the approval. Conditions must be measurable and enforceable. The permit can be revoked by the Town if the conditions are not met.
- g. The application will be reviewed on criteria which may include but may not be limited to; site design for the use and how it relates to adjoining properties, safe access to the site and the transportation network, whether or not the use will pose a risk to the health, safety or welfare of the environment or the people who reside in that neighborhood or the community at large, whether or not the use is in harmony with the type of surrounding land uses, whether or not the owner/ operator of the land use has demonstrated in the application that they will mitigate general nuisance and impact to the community, whether or not the use is in conformance with the general vision of the community and if the use meets the goals and objectives of the locality as listed in the Comprehensive Plan. In making a decision, the council may consider all factors, including but not limited to those concerns relevant to health, safety, welfare and what is best for the community.
- h. As part of the special use exception permit application the applicant must show current or proposed adequate public water supply and infrastructure, adequate public sewer capacity and infrastructure, adequate transportation capacity and infrastructure and conceptual plans for addressing stormwater. All known proposed uses affiliated with the project must be submitted at the time of application. If adequate infrastructure is not available, plans and/or mitigation measures, supported by the applicant, may be considered as part of the application.
- i. Major changes proposed to an already approved special use permit will require a resubmittal of the application with the proposed changes. The Zoning Administrator has been enabled to determine what constitutes a “major change,” which may include but not be limited to, major changes in the uses, services offered, hours and days of operation, impact to adjoining properties and major expansion of a building or site.
- j. The special use permit will run with the land regardless of ownership as long as use and conditions remain the same as the original application. The proposed use by any new owners must be consistent with what was applied for and approved by the Town Council. Special use exception permits that do not remain active, or that cease operations for a period of time over two (2) years will lose the permit status, unless it can be shown that the discontinuance was due to a natural disaster or fire in accordance with the non-conformities section of this ordinance. (See Article 2, Section 2.12.)
- k. The Town Council by enactment of this ordinance has determined that any special use exception permit application, deemed complete by the Zoning Administrator, shall be directly referred to the Planning Commission for consideration. The Planning

Commission shall host the public hearing and hear the application at the next available meeting date in which all public hearing requirements can be met. At such time that the Planning Commission has heard the request and has made a recommendation to the Town Council, the application shall immediately proceed to the next available meeting of the Town Council, given that the public hearing requirements can be met. The Town Council has determined that in the interest of efficiently serving the public that submitted zoning applications shall move through the process as efficiently as possible without the burden of setting hearing dates.

- I. Any appeal of the Town Council's decision regarding a special use exception permit application shall be made to the Circuit Court of Wythe County.
3. UDO Text Amendments and Comprehensive Plan Amendments. A landowner, the Planning Commission (by motion) or the Town Council may initiate a text amendment to request any changes to the Unified Development Ordinance or the Town of Wytheville Comprehensive Plan.
    - a. The applicant shall submit the appropriate information to justify the requested change along with the application as required and available on the Town application web portal or at the Town municipal office.
    - b. In order for the application to proceed, the Town Council must make a resolution that the text amendment should be considered and state the purpose (public necessity, convenience, general welfare, or good zoning practices). The Town Council shall direct the application to the Planning Commission for review and recommendation. The Planning Commission may hear the request after all public hearing advertising requirements have been met and a public hearing is held. The Planning Commission shall consider the matter and make any recommendations for approval or disapproval to the Town Council.
    - c. The Planning Commission and the Town Council shall consider the request for text amendment and review the application in consideration of the following attributes; the need and/or justification for the change; whether the change can be universally and fairly applied to the zone district(s), whether the change is in line with the long term goals of the zone district, the general welfare of the entire community, relationship to the Comprehensive Plan and general alignment with the other standards as listed in the document.
    - d. The Town Council shall have all the authority to hear and decide on the requested amendment after all public hearing requirements have been met and after such time that the public hearing has been held. The decision on approval or disapproval shall be provided in writing to the applicant.

### **3.9. Board of Zoning Appeals (BZA) Applications**

The board of zoning appeals (BZA) will consider applications for zoning variances and appeals of the Zoning Administrator. The BZA is vested with all other powers as granted by the Code of Virginia [§ 15.2-2309](#). The most common types of applications considered by the BZA are shown below.

#### **A. Zoning Variance Application**

1. The application and fee for a variance request shall be submitted by using the online application portal or by visiting the municipal building. The application, site plan and

justification for the variance will be used by the board of zoning appeals to make a decision regarding the granting of the variance. The burden of proof shall lie with the applicant to show the need for the zoning variance. A variance request requires a public hearing, with notice requirements as determined in Code of Virginia [§ 15.2-2204](#). The BZA hearing date will be set when the application is deemed complete and will be scheduled for the next available meeting date that can fulfill the public hearing requirements.

2. A variance will not authorize a use that is not otherwise allowed in the zone district. The variance request shall only apply to zoning standards relating to the physical elements of the site or proposed structure and the inability to meet the zoning standards as shown in the ordinance due to an unreasonable restriction or hardship.
3. The Code of Virginia [§ 15.2-2309\(2\)](#) provides guidance regarding the granting of a variance which includes:

*“Notwithstanding any other provision of law, general or special, a variance shall be granted if the evidence shows that the strict application of the terms of the ordinance would unreasonably restrict the utilization of the property or that the granting of the variance would alleviate a hardship due to a physical condition relating to the property or improvements thereon at the time of the effective date of the ordinance, or alleviate a hardship by granting a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability, and (i) the property interest for which the variance is being requested was acquired in good faith and any hardship was not created by the applicant for the variance; (ii) the granting of the variance will not be of substantial detriment to adjacent property and nearby properties in the proximity of that geographical area; (iii) the condition or situation of the property concerned is not of so general or recurring a nature as to make reasonably practicable the formulation of a general regulation to be adopted as an amendment to the ordinance; (iv) the granting of the variance does not result in a use that is not otherwise permitted on such property or a change in the zoning classification of the property; and (v) the relief or remedy sought by the variance application is not available through a special exception process that is authorized in the ordinance pursuant to subdivision 6 of [§ 15.2-2309](#) or the process for modification of a zoning ordinance pursuant to subdivision A 4 of [§ 15.2-2286](#) at the time of the filing of the variance application. Any variance granted to provide a reasonable modification to a property or improvements thereon requested by, or on behalf of, a person with a disability may expire when the person benefited by it is no longer in need of the modification to such property or improvements provided by the variance, subject to the provisions of state and federal fair housing laws, or the [Americans with Disabilities Act of 1990 \(42 U.S.C. § 12131 et seq.\)](#), as applicable. If a request for a reasonable modification is made to a locality and is appropriate under the provisions of state and federal fair housing laws, or the [Americans with Disabilities Act of 1990 \(42 U.S.C. § 12131 et seq.\)](#), as applicable, such request shall be granted by the locality unless a variance from the board of zoning appeals under this section is required in order for such request to be granted.”*

4. After such time that the BZA has rendered a decision on the matter, the applicant will receive written correspondence with the approval or disapproval in writing from the Zoning Administrator. The variance shall run with the land or the structure for which the variance was applied for.



## **B. Application for Zoning Appeal**

1. To submit an application to appeal a decision of the Zoning Administrator, or other administrative officer in the enforcement of zoning, the aggrieved person must file a notice of appeal, within thirty (30) days of receiving a notice of violation or other notice which is the subject of the appeal.
2. The notice of appeal can be filed by submitting an application for appeal by using the online application portal or by visiting the municipal office to file the appeal. A reasonable fee to cover the expenses of the appeal will be required as shown in the master fee schedule.
3. Supporting information such as the basis for the appeal and what article of the ordinance is being appealed shall be submitted with the application.
4. At such time that a complete application for zoning appeal has been submitted, a date shall be set for the next reasonable and available date of the board of zoning appeals, provided that the date shall allow the time required to assemble the body, compile information, and provide the public hearing notice requirements as required.
5. Additional information regarding filing a zoning appeal is available at the Code of Virginia [§ 15.2-2311](#) and this code should be referenced by any aggrieved person who chooses to file an appeal.
6. Appeals are generally heard within a few months, however the Code of Virginia [§ 15.2-2312](#) requires the appeal to be heard within ninety (90) days of receiving the notice to appeal.

## **3.10. Conditions Related to Advanced Zoning and BZA Applications**

- A. In the approval of special use exception permit, rezone or a variance application, conditions may be attached to the approval. If a condition is attached to the zoning approval it will be provided at the same time as the approval and conveyed in the approval letter.
- B. The Zoning Administrator shall be vested with all necessary authority on behalf of the Town Council to administer and enforce conditions attached to advanced zoning application approvals. This shall include, but not be limited to the ordering in writing of the remedy of any noncompliance with conditions, the bringing of legal action to insure compliance with conditions, requiring a guarantee or surety and releasing a surety as it relates to a condition and withholding additional permits and approvals until conditions are met.
- C. Information related to each type of approval with conditions is shown below.
  1. Proffered Conditions for Rezones: In accordance with the standards listed in the Code of Virginia [§ 15.2-2297](#), the property owner can submit reasonable voluntary proffers in writing, prior to the public hearing for the rezone. The proffers must be specifically attributable to a proposed impact from the rezone and submitted by the applicant prior to the consideration by the Town Council. If approved, the proffered conditions become part of the zoning map. The Town does not accept cash proffers or proffers that are not related to the proposed impact on a property or site. If the rezone is approved, the proffered conditions must be met for the life of the project. Failure to adhere to the conditions can result in a notice of violation.
  2. Special Use Exception Permit Conditions: The Town Council may attach conditions to an approval for a special use exception permit to minimize or mitigate the potential impacts

associated with the approval. The conditions must bear a reasonable relationship to the legitimate land use concerns and impacts generated by the proposed use. If approved, the conditions shall be met as part of the permit. Failure to meet the conditions can result in a revoke of the permit and/or a notice of violation.

3. Variance Conditions: The board of zoning appeals may impose conditions regarding the location, character, and other features of the proposed structure or use as it may deem necessary and related to the variance approval. The conditions shall be met as part of the approval. Failure to meet the conditions can result in a revoke of the approval and/or a notice of violation.

### **3.11. Development Sureties and Performance Agreements**

- A. The surety is used to provide assurance to the Town that the developer will complete the development. The surety provides the funds needed to complete the project should the developer default on the performance agreement or installation of the site plan improvements. The surety policy outlined in this ordinance may be used for other surety needs at the discretion of the Town Manager.
- B. Developers may submit a written request to post a surety in lieu of completing the infrastructure related to a development project and/or to receive some level of approval that allows additional time to complete a development project. The Town Manager will consider this request when it can be shown, to the satisfaction of the Town Manager, that a Town approval or plat recordation is needed prior to the completion of a development project. If the request is approved, the Town representative will consult with the developer on the submittal of any surety requirements.
- C. The Code of Virginia [§ 15.2-2241 through § 15.2-2245](#) is the enabling authority for local government sureties.
- D. The maximum time period for a surety and/or performance agreement shall be twenty-four (24) months unless an extension is requested by the developer and granted by the Town Manager in accordance with this ordinance.
- E. The process to request a time extension includes the following: the developer must submit a written request for an extension at least thirty (30) days prior to the expiration date or release of any surety. The maximum time extension shall be one (1) year. The request must provide an explanation as to why the deadline was not met. The developer shall provide documentation from the surety provider that the bank or other provider can and will provide the extension.
- F. In consideration of the time extension, the Town Manager will consider the following: percent of project completed, impact of the time extension to the public, rate of construction activity, whether the time delay could have been avoided by the developer, weather or economic conditions, developers history of performance, and/or other factors. A response from the Town Manager regarding the decision on the time extension will be sent in writing. If the time extension is not approved, the developer shall complete the project by the original deadline or risk default. If the time extension is approved all surety instruments and agreements shall be updated with the new date and the new surety shall be secured by the Town.

- G. A Town approved site plan will be required for any project that seeks to post a surety. The Town cannot accept surety without the approved major or minor site plan that shows the improvements on the plan. It is the responsibility of the developer to submit the complete site plan in accordance with this ordinance. Phased projects must clearly show the phase boundaries on the site plan and any subdivision plats. Surety shall be posted separately for each phase if they are to be completed at different times.
- H. The Town will require an approved subdivision plat along with the site plan prior to accepting a surety for a subdivision. Subdivision requirements are listed in Article 4.
- I. The Town will require a signed performance agreement form, which shall be completed, signed, and submitted by the developer with the surety instrument. For subdivision projects, a signed subdivision agreement, outlining the remaining work for which surety is posted. Performance and subdivision agreement forms shall be in the format provided by the Town and shall be submitted at the same time as the surety instrument.
- J. All surety requests shall include an itemized budget that reflects actual cost or an engineering estimate stamped by a licensed professional. The surety dollar value shall reflect the engineers estimate of work or itemized budget and must reflect the value of the proposed work and the contingency fee. The contingency fee shall be 110% of the engineers estimate or itemized budget and this amount shall be added to the dollar value of the estimate to reflect the total surety dollar value. The total dollar value of the surety amount shall be reviewed, and approved by the Town Manager before the surety instrument and required agreements are formally submitted to the Town.
- K. The types of surety instruments accepted by the Town include Corporate Surety Bonds, Cash Escrow Accounts, Irrevocable Letters of Credit and Certified Checks. The surety shall be in the format provided in this section or as shown on Town forms. The obligation of all surety is to PAY ON DEMAND from the designated funds as required to fully complete the improvements in accordance with the performance agreement and/or site plan.
- L. At such time that the surety amount is approved by the Town, the developer shall submit a surety instrument as shown in this section, along with any performance and/or subdivision agreements, approved site plans and subdivision plats. Forms of surety may include one or more of the following types. Corporate Surety Bonds must be furnished by an insurance company licensed to transact fidelity and surety insurance in Virginia and must guarantee the full amount of the improvements. Such bonds will obligate the surety when notified of its principal's default to elect either to perform in its principal's stead, or pay the face amount of the bond, or any lesser amount, as determined by the Town agent. Cash Escrow Account will require a Set Aside Agreement in a form approved by the Town and the agreement shall include the developer, a lending institution insured by FDIC or FSLIC which is making the development loan to the developer and to the Town, and the Town Manager. Irrevocable Letter of Credit must be insured by the FDIC or FSLIC and the exact language on the Town form must be used and submitted as shown on the form. Certified Check made payable to Town of Wytheville from an accredited and established financial institution. The surety instrument and related documents will be kept on file in the project folder of the respective department until the project is complete and surety is released.
- M. In the event that the project is not completed by the developer in accordance with this ordinance, the funds provided by the surety will be used by the Town to finalize the project in accordance with the approved site plan, performance agreement, subdivision agreement, subdivision plat, permit or other documentation submitted by the developer for the project.



- N. Surety templates and related forms are available at the Town municipal building and located on the Town website.
- O. The signed performance agreement indicates the date that all improvements shall be complete, inspected, and accepted by the Town. Accepted by the Town will include all inspections of improvements shown on the site plan or referenced in the performance agreement, required filings and recordings, required approvals by local departments, state departments, and third party inspections when requested by the Town. Acceptance shall be by the Town Manager or designated Town employee. If the improvements are not considered complete and accepted on the agreement date shown, and if an extension has not been approved, the developer will be considered in default.
- P. At such time that the Town determines that a development is in default, a written notice, sent by certified mail, shall be sent to the developer and to the source of the surety notifying each of the default status and directing the completion of the site improvements within thirty (30) days of receipt of the letter.
- Q. If the project remains in default after the thirty (30) day notice, the Town Manager will determine the appropriate action which may include, but not be limited to, any of the following actions; direct the Town Attorney to take any legal actions necessary to enforce the ordinance and surety requirements, notify the surety holder that the Town will draw on the surety, utilize any checks or other funds which were placed in surety for the project, contract for the completion of the project, other actions that ensure a timely completion of the project.
- R. The Code of Virginia [§ 15.2-2245](#) requires localities to consider partial releases and final releases of surety within thirty (30) days after receipt of written notice by the subdivider or developer. Upon receiving a request for partial or final release of surety the Town will respond to the developer with a notice stating any inspection deficiencies and corrective measures required to be addressed prior to the thirty (30) day expiration period, or a notice of outstanding approvals by other local departments or state agencies, or a determination that the improvements are complete, inspected and accepted by the Town and that the final surety will be released.

If the project is complete and accepted by the Town, the surety will be released within fourteen (14) days of this determination. If corrective measures are required, the developer will be notified of such and at such time that the improvements are completed, the developer shall notify the Town in writing that the corrective measures have been addressed and another inspection is required. The Town will issue a response as to whether or not the surety may be released and the reasons for such. This process shall continue until the project is complete and accepted by the Town.

Partial releases are subject to the requirement that at least thirty (30%) percent of the work for which the surety was provided is deemed complete. The Town shall not be required to execute more than three periodic partial releases in any twelve-month period. Partial releases by the Town will be based on the percentage of work completed and the appropriate percentage of surety will be released based on the work completed.

### **3.12. Environmental Site Assessments and Disclosure of Contaminants**

In the review of any site plan, subdivision plat or zoning permit application, the Town may require a Phase I Environmental Assessment and/or a disclosure and remediation of

contamination or other adverse environmental conditions of a property prior to approval of a subdivision or other development plans. See Code of Virginia [§ 15.2-2286](#).

### **3.13. Relationship to Other Codes and Ordinances**

This section is applicable to the relationship between this ordinance and other codes and ordinances, such as Building Codes, Town Codes/Ordinances, and Town of Wytheville water and sewer standards.

- A. When required, a zoning permit or zoning approval shall be obtained with or prior to a building permit. At the discretion of the Zoning Administrator and/or Building Official, the issuance of a building permit with a zoning review may be used to satisfy the need for a zoning permit.
- B. The issuance of a zoning permit, in and of itself, does not convey the permission to construct a structure or engage in a use that would otherwise require a building permit. A zoning permit does not provide an exemption from other Town codes and ordinances.
- C. It is the responsibility of the applicant to understand the types of permits and Town approvals are required for the project. Access requirements, fire suppression, water and sewer standards and building codes are examples of other types of codes that should be incorporated into zoning site design.
- D. Town codes and ordinances are available to the public at the Town website or by contacting the Town Clerk at the Town municipal building. Water and sewer utilities are regulated by both the Town Code and the Town of Wytheville water and sewer standards. The Town of Wytheville water and sewer standards provide the regulatory standards for utility design, installation, use and maintenance. The information is available at the Public Utilities and Engineering Services Department. Developers who intend to install public utilities or who intend to install any private utility that connects to Town infrastructure shall meet the Town of Wytheville water and sewer standards. Site plans which are under review for zoning or subdivision approval shall show both the existing and the proposed utility infrastructure of the site. The Public Utilities and Engineering Services Department will provide information on applicable standards.
- E. Any site which is in violation of a Town code, ordinance, or State law, may be subject to the withholding of future permits or approvals until the site is in conformance with laws, codes, and ordinances. The Town Manager reserves the right to withhold a permit approval until the noncompliance or violation is mitigated or resolved.

### **3.14. Relationship to Other Permitting Processes**

This section is applicable to the relationship between this ordinance and other permitting processes, such as Land Disturbance, Erosion and Sediment Control Permits and Stormwater Management Permits.

- A. The disturbance of land is regulated through the Town of Wytheville Erosion and Sediment Control Ordinance and any state stormwater management requirements. These regulations protect water and soil resources, manage the disturbance of land, and seek to reduce pollutants associated with land development. Information on erosion and sediment control and stormwater management may be found at the Public Utilities and Engineering Services

Department and on the Town's website. It is the role of the developer to understand these laws and how they relate to the development project.

- B. Zoning and subdivision site development plans shall reference and/or incorporate land disturbance plans, erosion and sediment control design and stormwater plans into the plan design. Development that meets the thresholds for stormwater management permit shall receive a conditional permit letter from DEQ prior to the issuance of local permits for development projects.
- C. Projects that meet or exceed the land disturbance threshold and/or impervious area thresholds and/or the "common plan of development" threshold which is established by Virginia Department of Environmental Quality (DEQ) will be required to meet these state regulations. A stormwater management site approval and permit will be required from the Virginia Department of Environmental Quality (DEQ) and the Town will require that the developer has state approvals or is in the process of receiving a state approval. The timeframe for state issued permits may take several months. To ensure a timely review of stormwater and erosion and sediment control plan elements, developers are encouraged to begin this process early and to utilize those qualified professionals who have both the experience and expertise with meeting DEQ requirements.
- D. Drainage easements, conveyance channels and areas reserved for stormwater ponds must be identified and shown on the site plan. Management of these areas over time, and the designation of either private or public ownership and maintenance responsibility shall be identified and shown on plats and plans. The recordation of maintenance agreements may be required for private ownership of stormwater areas. Subdivision plats must show recorded instruments with dedication and maintenance information for stormwater conveyance areas and related infrastructure.

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## Article 4. Subdivision Standards

### 4.1. Introduction

- A. This article provides guidance on how to subdivide land and/or modify lot lines. The subdivision and site development standards of this article and the applicable sections of this ordinance relating to site development are hereby considered the Town of Wytheville Subdivision Ordinance.
- B. The mandatory and optional provisions of Code of Virginia [§15.2-2240 -2242](#) are incorporated into this ordinance as shown. The relevant sections of this ordinance that pertain to subdivision administration and/ or site design and development of properties relating to subdivisions, such as; the coordination and design of streets, buffers and landscaping, sidewalks, site access and transportation elements, water and sewer standards, stormwater, drainage, and other key infrastructure required for subdivisions, are incorporated into these subdivision standards as shown in this section and other areas of the Unified Development Ordinance. Processes required for the acceptance or dedication of public use infrastructure and rights-of-way, along with processes and procedures for posting surety and performance guarantees related to subdivision and site development are incorporated into these standards as shown in this section and other areas of this ordinance.
- C. The Subdivision Agent shall administer these subdivision standards. The Office of the Subdivision Agent is located in the Town's Municipal Offices.

### 4.2. Intent of Subdivision Standards

- A. It is the intent of this ordinance to regulate subdivisions and to create an orderly pattern for the creation and modification of lots in the Town of Wytheville. The term subdivision means the division of property for the creation of new lots and/or modification to existing lot lines.
- B. It is the intent of this ordinance to provide guidance on the development of subdivision plats and development site plans that meet the requirements of the Town of Wytheville and the Commonwealth of Virginia. It is the intent of this ordinance to mandate professional survey standards and to ensure that proper legal descriptions, notes, and best practices for plat development and survey techniques are used for orderly development.
- C. It is the intent of this ordinance to guide the coordination of streets to include the width, grade and drainage of streets, development of sidewalks, surfaces of streets, along with ingress and egress access requirements, traffic control and other measures for traffic safety and transportation as shown in this article or related articles of this ordinance.
- D. It is the intent of this ordinance to provide administrative requirements for subdivisions and site plans, along with surety requirements as shown.
- E. It is the intent of this ordinance to guide the development of streets, curbs, gutters, stormwater conveyances, drainage systems, utilities, and other site design requirements as shown in this article or related articles of this ordinance.
- F. It is the intent of this ordinance to provide guidance for the dedication of easements or rights-of-way for conveyance to the Town for public use and to outline processes related to the acceptance of streets or utilities by the Town.

- G. It is the intent of this ordinance to ensure lots are designed in accordance with zone district standards and to integrate subdivision design with zoning development standards.
- H. It is the intent of this ordinance to ensure that land disturbance and grading plans associated with development meet both local and state requirements.
- I. It is the intent of this ordinance to design for public health, safety, and wellbeing and to make possible the provision of public services in a safe, adequate, and efficient manner. To include coordination and design of water and wastewater systems and use of the Town's public utilities in accordance with Town of Wytheville water and sewer standards. The Public Utilities and Engineering Services Department will provide information on applicable standards.
- J. It is the intent of this ordinance to provide for the vacation of plats and lot lines and for other types of vacation processes such as the vacation of public rights-of-way, alleys, and streets.

### **4.3. Enabling Authority & Applicability**

- A. In accordance with Code of Virginia [§ 15.2-2240](#) the Town of Wytheville is required to have a Subdivision Ordinance. The Code of Virginia [§ 15.2-2240 through § 15.2-2279](#) provides the enabling statutes for the Town of Wytheville's Subdivision Ordinance.
- B. This article shall apply to all subdivisions of land, division, redivisions and consolidations of land, the vacation of recorded subdivision plats or parts thereof, and the relocation of boundary lines in the Town of Wytheville.
- C. The article does not apply to divisions of land resulting from an order entered by a court of equity requiring that land be partitioned, or from the exercise of the power of eminent domain by any public agency.

### **4.4. Subdivision & Site Plan Violations and Enforcement**

In accordance with Code of Virginia [§15.2-2254](#) the following provisions shall be effective and enforceable by the Subdivision Agent acting on behalf of the Town Council.

- A. No person shall subdivide land without recording a plat of the subdivision and without fully complying with the provisions of this article.
- B. No plat of any subdivision shall be recorded unless and until it has been submitted to and approved by the duly authorized agent, or the Town Council.
- C. No person shall sell or transfer any land of a subdivision before a plat has been duly approved and recorded to create the new lot as provided herein.
- D. No person shall advertise a proposed lot as a marketable lot until the lot is lawfully created. No person shall market a proposed new lot until such time that the subdivision plat intended to create the new lot, has been approved by the Town and recorded.
- E. No person shall create a site plan or develop a site in violation of this ordinance.
- F. Any person violating the foregoing provisions of this article shall be subject to a fine of not more than \$500 for each lot or parcel of land so subdivided, transferred or sold and shall be required to comply with all provisions of this article and ordinance. The description of the lot

or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties or remedies herein provided.

- G. No clerk of any court shall file or record a plat of a subdivision required by this article to be recorded until the plat has been approved as required herein. The penalties provided by Code of Virginia [§17.1-223](#) shall apply to any failure to comply with the provisions of this section.
- H. Efforts to circumvent the subdivision standards or the review process will not be allowed. The Subdivision Agent reserves the right to refuse any plat that seeks to circumvent this ordinance. Examples include the preparing of multiple plats for review as single division types in rapid succession to avoid the requirements of major subdivisions, or other dishonest measures. The Subdivision Agent may require that new tax map numbers be fully assigned to a parcel and shown on the GIS prior to approving future modifications or subdivisions of that parcel.

#### **4.5. Public Infrastructure Relating to Site Plans or Subdivisions**

- A. This section pertains to subdivisions or site development projects that seek to install new utilities, streets, or other types of infrastructure in conjunction with a subdivision.
- B. Offsite Improvements: Any developer may voluntarily offer to fund off-site improvements associated with or needed by a proposed development. This offer may be considered by the Town when it can be shown to the satisfaction of the Town Manager and Town Attorney, that the off-site improvements can be safely installed, meet the Town specifications and standards for development and the requirements of the Code of Virginia. As part of a rezone application, a developer may proffer offsite improvements and if the rezone is approved the developer shall be responsible for installing the offsite improvements related to the needs of the development. The locality may, at its own discretion, enter into an agreement with a developer for offsite improvements subject to the requirements of Code of Virginia [§15.2-2242](#) and [§15.2-2243](#). Any such agreement shall be in place prior to site development and the consideration of the final site plan and/or final subdivision plat. Any developer who chooses to install offsite improvements shall execute a performance agreement with the Town that outlines how future payments or future agreements with future developers will be arranged when it is anticipated that the location of the offsite improvements is located in such areas where it is expected that there will be future developers who seek to use the installed improvements. In this instance such agreements shall show how future developers may or may not be required to reimburse the original developer for connection to these improvements.
- C. Nothing herein shall be construed as creating an obligation on behalf of the Town to construct, maintain, accept, or otherwise provide any subdivision improvements or site improvements which are required by this ordinance.
- D. Infrastructure proposed for public use must be shown on a major site plan, the easement areas and rights-of-way associated with the improvements must be shown on the subdivision plat. Site improvements which are proposed for private use must be shown on a site plan in accordance with the standards shown in this ordinance and approved by the Town prior to development.



- E. Developers who seek to build or install infrastructure to be dedicated to the Town for public use must make that intention known early in the design process and shall meet all requirements of this ordinance up and until the date of acceptance of the infrastructure by the Town Manager. The Town will not accept infrastructure that does not meet Town standards or which fails to meet inspection and acceptance standards.
- F. Only Town forces are allowed to install public utilities or streets or other infrastructure in Town rights-of-way or areas intended for Town rights-of-way unless otherwise agreed to in writing by the Town Manager or as a Town issued land use permit or approval. If the Town allows a developer to install infrastructure in the Town right-of-way or in areas that will become Town right-of-way, the infrastructure must be designed in accordance with Town standards, constructed in accordance with Town standards, inspected by authorized Town employees and deemed complete or a surety posted prior to subdivision plat approval.
- G. The Town of Wytheville water and sewer standards, and the relevant sections of the Town Code pertaining to water and sewer infrastructure, shall be used to establish compliance with water and sewer standards. The Public Utilities and Engineering Services Department will provide information on applicable standards and review plans associated with utility infrastructure.
- H. Until such time that public utilities, streets, or other infrastructure are officially accepted into the Town system, the developer shall be responsible for maintaining adequate site access, conducting regular maintenance and general repair to utilities, streets and infrastructure, mowing, vegetative maintenance, and snow removal of streets and sidewalks.
- I. The public water and public sewer capacity and public water pressures of the existing public utility system and/or the capacity of the Town's transportation network may not be adequate for all types of development. It is the developer's responsibility to understand the Town's limitations for these services and the Town has no obligation to increase infrastructure capacity or provide water quantity or pressure or wastewater capacity for any new development. Applications for development may be denied if adequate system capacity or the ability to serve a proposed development is not available as part of the Town's system.
- J. The existing Town maintained public street and public utility network is shown on the Town's inventory list available at the Public Utilities and Engineering Services Department. Any developer who chooses to develop outside of this existing network is responsible for the cost to construct and connect new utilities, new streets, and required infrastructure for the linear distances required to physically connect from the new user to the existing public system. If pump stations or other types of pump systems are needed, the Town is not obligated to provide this infrastructure. Developers shall be responsible for all traffic measures, transportation infrastructure and street requirements to connect to the existing street network and for all other health and safety requirements of the development initiated by the developer.
- K. The cost of any developer-initiated improvement shall be at the sole expense of the developer. If the Town Council determines that a project is advantageous to the community at large and that the project is critical to meeting the overall goals of the Town for economic development, to expand the utility or street network in specified areas of Town or to mitigate existing health and safety concerns, the Town Council may, at its' own discretion, determine that it is in the community's best interest to assist with specific infrastructure needs which are related to a proposed development. The Town Council reserves the right to hear any request or to refuse to hear any request to assist a development with infrastructure needs.

At such time that a request is made to Town Council, and the request is considered, any decision by the Town Council to assist financially or in kind with the needs of a development will be communicated to the developer in writing and prior to subdivision plat approval or site plan approval. The specific details of this decision will be shown as part of a subdivision or site plan agreement, along with a Town approved site plan. Any decision by the Town to assist a developer, either financially or otherwise, shall be specifically documented in the official minutes of the Town Council records.

#### **4.6. Relationship to Land Records and Geographic Information**

This section is applicable to the relationship between this ordinance and various land record data sources, such as Lots on Record, Geographic Information System (GIS), Tax Cards, Property Ownership, Mitigation Surveys.

- A. For the purpose of this ordinance a “lot on record” is a tract of land which has been assigned a tax map parcel number by the Wythe County Commissioner of Revenue Office.
- B. A new tax map parcel number is assigned to a new parcel after the recordation of a survey plat/subdivision plat which creates the new parcel(s). The Town of Wytheville does not assign tax map numbers and this role is reserved by law to the Commissioner of Revenue. Once a tax map number has been assigned the lot is considered a “lot on record.”
- C. The Town maintains the Wytheville Geographic Information System (GIS), which reflects “best available data” for tax map parcel numbers, lot boundaries and public infrastructure located in the Town. The Town GIS is for reference only and shall not be used for legal purposes. Historic properties which have not been surveyed are reflected using best available data. Any errors to the Town GIS may be reported to the Public Utilities and Engineering Services Department. To facilitate the correction of an error on the GIS, a legal survey and/or supporting information must be presented to the Town. The Subdivision Agent shall make the final determination regarding any correction to the Town GIS system and reserves the right to allow or refuse any correction.
- D. New subdivisions or new modifications to lot lines and/or any new infrastructure will only be reflected on the Town GIS system after the recordation of the final survey plat in the Clerk of Court and after the new lines are mapped by the county and processed/uploaded. This timeframe is out of the control of the Town and there is a time delay for the GIS system to reflect recorded plats and instruments.
- E. The Wythe County Commissioner of Revenue office shall be contacted for questions related to the property tax card information which is available on the Town GIS. This information is maintained by the Commissioner of Revenue office and made available on the Town GIS as a courtesy to the public.
- F. Upon the legal transfer of a property from one entity to another entity, there is a time delay before the new ownership will appear on the Town GIS and/or property tax cards. All legal references to property ownership shall be confirmed by conducting the appropriate research in the land records of the Wythe County Clerk of Court. The Town will not be held responsible for information obtained on the Town GIS.
- G. Historical mistakes, court orders, and takings may have created lots in Town that are not usable. The Town seeks to fix these historic issues, where possible, to create usable lots and physical order. The Subdivision Agent is authorized to initiate mitigation surveys that



address historic mapping issues and remnant lots that are considered unusable or unable to meet current subdivision standards. Once initiated, the landowner(s) shall first approve the survey as shown on the face of the plat. If the landowner is not in agreement, the plat will not be recorded. The Wythe County Commissioner of Revenue, the Town Manager and the Subdivision Agent must approve these mitigation surveys prior to recordation. If initiated by the Town, the costs associated with the mitigation survey and recordation shall be borne by the Town. If initiated by the landowner, the costs associated with the mitigation survey and recordation shall be borne by the landowner.

#### **4.7. Subdivision Classifications and Type of Review**

The Town of Wytheville has three (3) subdivision classification/application types. This includes minor subdivisions, major subdivisions and the vacation of a plat, street, or alleyway. The classification types are used to distinguish the various applications and the processes related to the review of the subdivision. In unclear situations, the Subdivision Agent reserves the right to interpret which classification type shall be used in reference to a specific project. Classification types include the following.

##### **A. Minor Subdivision Classification**

This classification includes subdivision application types that seek to adjust boundary lines between lots on record (Boundary Line Adjustments), vacate boundary lines between lots on records (Boundary Line Vacations), and/or achieve a single division of property (Create Additional Lot) and/or create a number of new lots that is less than three lots (Create or Affect Less than Three Lots). This classification shall not include any project that seeks to install new public utility lines or public streets for Town acceptance, create new private streets and/or is reliant on phased development to achieve more than three (3) lots over time. This classification shall not be used with any project that involves homeowner associations or multi-parcel (over 3) arrangements with long term common maintenance of common areas or infrastructure. The Subdivision Agent will review a complete minor subdivision application and make the final approval determination for minor subdivision applications.

##### **B. Major Subdivision Classification**

This classification includes those subdivision application types that seek to create the addition of three (3) new lots or more. New lots are defined as lots that will have new tax map parcel numbers and this number of new lots will not include the original parent parcel on record. Projects defined as planned unit developments and/or other types of projects that facilitate a planned development with common ownership and/or shared common spaces shall also be considered a major subdivision. Any project that seeks to install new public infrastructure to serve the development, such as new utility line extensions and/or new public streets shall be considered a major subdivision. Projects that are phased to create a number of lots that exceed the minor subdivision threshold over several phases are considered a major subdivision. The Subdivision Agent will ensure the application is complete, meets the requirement of this ordinance and prepare the application for the Planning Commission review. The Planning Commission will review the application and make a recommendation to the Town Council, who will review the application and make the final approval determination.

### **C. Vacation of Plat, Street or Alley Classification**

This classification includes those applications that seek to vacate a plat, street, or alleyway. Vacation classification shall include any action to vacate a plat, street or alleyway directed by the Town, initiated by the Town and/or any landowner. The Subdivision Agent will ensure the application is complete, meets the requirements of this ordinance and prepare the application for the Town Council. Town Council will consider requests for vacation of a plat, street, alley, or a right-of-way. The Town Council reserves the right to refer the matter to the Planning Commission for a recommendation prior to review, and may delegate this review to the Planning Commission at the Town Council's discretion.

## **4.8. Subdivision Application Review Process & Recordation**

- A. The owner of the parcel(s) for which a subdivision application is submitted shall be considered the applicant and developer. A landowner can delegate responsibility to another entity to serve on his/her behalf, however, the legal responsibility for adhering to this ordinance resides with the landowner. It is the responsibility of the landowner, and/or any developer, to meet the requirements of this ordinance.
- B. Complete subdivision applications shall be submitted by using the online portal at the Town website or by visiting the municipal office. The applicant shall use either the minor subdivision application, major subdivision application or the vacation of plat, street, or alley application. All subdivision applications will require a survey plat prepared by a licensed professional and the survey shall meet the standards of this ordinance.
- C. A subdivision application is considered complete when the requirements of the application type are met, fees are paid, the survey plat is submitted, and when any required information and site plans required for the project are submitted and deemed adequate by the Town. The Subdivision Agent is enabled to determine when the application is complete and shall serve as the point of contact for all subdivision applications. The OpenGov portal available at the Town website is available to submit subdivision applications and affiliated plats and plans related to a project.
- D. A major site plan is required for all major subdivisions as described in this ordinance. A major site plan may be required for a minor subdivision, when multi-family, commercial or industrial uses are associated with any change in a lot line or increase in number or lots. A major site plan will be required for any extension of public utilities and/or public streets and when a surety is proposed.
- E. The major site plan for the major subdivision application shall incorporate zoning standards, and development features as required on the site plan checklist available at the municipal offices. The purpose of the major site plan is to ensure that the physical improvements are designed for the project and that the infrastructure is technically feasible in accordance with the proposed lot lines, rights-of-way, and easement conveyances shown on the subdivision plat. Areas on the subdivision plat must align with the proposed locations of physical improvements shown on the site plan. A review and approval of the development major site plan by the Town representative is required prior to final subdivision review and approval by the Subdivision Agent or Town Council.
- F. At the time of application, the developer has the option to either submit a preliminary subdivision plat or a final subdivision plat application for review. The benefit of submitting a preliminary plat for review is to receive assurance from the Town that the lot layout and

general conceptual road and utility network is approvable before the necessary site development plans and detailed engineering work is complete. Any person who intends to submit a preliminary subdivision plat in lieu of a final subdivision plat shall let the Subdivision Agent know of this intention at the time of application.

- G. Pursuant to Code of Virginia [§15.2-2260.F and G](#),

*“Once a preliminary subdivision plat is approved, it shall be valid for a period of five years, provided the subdivider (i) submits a final subdivision plat for all or a portion of the property within one year of such approval, and (ii) thereafter diligently pursues approval of the final subdivision plat. “Diligent pursuit of approval” means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon 90 days’ written notice by certified mail to the subdivider, the (subdivision) agent may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.”*

*“Once an approved final subdivision plat for all or a portion of the property is recorded pursuant to [§ 15.2-2261](#), the underlying preliminary plat shall remain valid for a period of five years from the date of the latest recorded plat of subdivision for the property. The five-year period of validity shall extend from the date of the last recorded plat.”*

- H. Upon receiving a complete subdivision application, the Subdivision Agent will review the application within sixty (60) days. The failure to act on the application within sixty (60) days of receipt of the complete subdivision plat or site plan, shall constitute approval of the plat or plan. If the plat or plan is approved, the applicant will receive a written notice of approval within this sixty (60) day period. If the plat or plan is not approved, the Subdivision Agent will provide the applicant with written notice of denial detailing the reasons for such denial and how to correct the plat. If a previously disapproved plat or plan is resubmitted for consideration as a complete application, failure by staff to act on such application within forty-five (45) days shall constitute approval of the plat or plan. The maximum review period may be extended only by written agreement between the Subdivision Agent and the applicant. These timelines are set by the Code of Virginia [§ 15.2-2259](#).
- I. In the review of the subdivision or site plan, the Town reserves the right to require legal instruments, field markings, supporting information and/or third-party reviews to ensure that the subdivision plat and development project meets the requirements of this ordinance.
- J. The developer shall install all improvements as shown on the approved site plan prior to requesting a final approval of a subdivision plat. When improvements have not been installed, a surety instrument and performance agreement will be required prior to Town approval and recordation. For the purposes of this ordinance, Article 3, Section 3.11 shall be used to guide the surety process for both site development and subdivision applications. A subdivision agreement, and/or a performance agreement will be required to identify the roles of all parties as it relates to subdivisions and site plans. Surety forms and draft subdivision and performance agreements are available on the Town website.
- K. For any subdivision project that is constructing utilities, sidewalks, streets, or other types of improvements planned for public acceptance, a performance agreement or a subdivision agreement on the form prescribed by the Town must be completed and submitted prior to

plat review. The agreement must indicate each type of improvement, the timeline for action and the assurance that the developer is committed to completing the improvements. The items listed on the agreement must match the approved site plan and subdivision plat, and when surety is used any surety documents. Agreements may be recorded in the Clerk of Court and follow the chain of title for related lots created by the subdivision.

- L. Subdivision survey plats shall be reviewed and approved by the Town agent prior to recordation in the Wythe County Clerk of Court. Approval shall be shown on the face of the plat by the signature of the Subdivision Agent or Town Manager. Prior to final plat approval the Town may require subdivision plat or site plan reviews of the project by appropriate local, state and/or federal agencies and the approval signatures from authorized persons.
- M. Subdivisions that are reliant on homeowner associations or other types of shared space agreements for the management of common areas and critical infrastructure shall develop the appropriate written instruments and legal documents in a draft form and present these documents to the Subdivision Agent at the time of subdivision plat review. The Subdivision Agent will review the documents to ensure agreement with the site plan and subdivision plat along with long term maintenance needs of the development. If the subdivision approval is based on these types of agreements to provide or maintain the critical infrastructure associated with the subdivision, the developer will be required to draft and record the homeowners' agreements, bylaws, and/or other legal documents needed to formally establish the association or partnership within thirty (30) days of the recording of the subdivision plat.
- N. The Subdivision Agent will assist the applicant with the final recordation of the plat and required legal instruments. Recording will occur at the Wythe County Clerk of Court. Recordation fees will be charged to the applicant to cover the cost of recordation. The act of plat recordation and legal instrument recordation will finalize the subdivision process and legally establishes the subdivision which shall create any new lots, easements or rights-of-way shown on the subdivision plat, provided all infrastructure is accepted and performance agreement obligations are met when applicable.
- O. A failure to record a subdivision plat within six (6) months of final approval by the Town shall cause the plat to be void unless another time period has otherwise been provided by the Town. When infrastructure is proposed for public use, the time period for plat recordation may be extended to one (1) year after the final approval date or to reflect any time limit included in any surety agreement approved by the governing body or Town agent.
- P. The Subdivision Agent may require that easements, conveyances, and other legal documents related to the project are recorded at the same time as the subdivision plat to ensure compliance with the ordinance. The applicant shall fully cooperate with the Subdivision Agent, who may require forms, signatures, processes, fees, and/or other legal instruments which may be required to complete the recordation process and finalize the subdivision.
- Q. Once recorded the subdivision plats and other recorded documents are stored and available for review at the Wythe County Clerk of Court Office.
- R. Public utility, drainage, and street conveyances for public use, to include those areas which are shown on the subdivision plat as "dedicated for public use" shall be conveyed to the Town as either a public right-of-way or easement upon the final recordation of the plat.

- S. The formal acceptance of any public street and the public utility infrastructure will only transfer to the Town after such time that the street or utility is inspected, and accepted as complete by the Town Manager or at such time that Town Council adopts an official resolution to receive the asset.
- T. Effective upon the adoption date of this ordinance. Subdivisions which are not fully constructed or developed but may have a previously recorded subdivision plat and related approved site plans shall only be valid for five (5) years after the date of approval. If the developer chooses not to construct site development infrastructure to current standards, these projects shall only be allowed to construct and develop the project in accordance with the original site plan, original development standards and/or subdivision plat that was approved and this status remains valid for five (5) years after the original approval date. The developer may voluntarily decide to vacate the original plat or plan and redesign to current standards and/or develop the project to current standards.

After the five (5) year deadline from approval date, site plans that have not been fully constructed shall no longer be valid, considered void and must be resubmitted for approval and meet current standards. After the five (5) year deadline, subdivisions that are still fully under control of the same developer, in which no portion of the subdivision was conveyed off, shall be required to vacate the subdivision plat and the subdivision shall no longer be valid. If a subdivision was recorded and any portion was conveyed to third parties in accordance with Code of Virginia [§ 15.2-2261.F](#), the subdivision plat shall remain valid.

#### **4.9. Proposed Changes to Subdivision Plats**

- A. Proposed change to a subdivision plat prior to recordation. Prior to the final approval and recordation of a subdivision plat by the Town, any proposed changes to a minor subdivision plat can be submitted to the Subdivision Agent for another review. Proposed changes shall be shown on both the final subdivision plat and the site plan when a site plan is required. The landowners with property shown on the plat must be in agreement with the changes and landowners will be required to sign the new plats upon which the proposed changes are shown. Any costs associated with proposed changes shall be at the expense of the landowner(s). Proposed changes to major subdivisions shall be sent at least two (2) weeks prior to a major subdivision review by the Planning Commission to allow time for the item to be prepared for the Planning Commission review. Minor changes to a plat between the Planning Commission and the Town Council review are allowed, any major changes must go back through the Planning Commission review process before major changes receive a consideration by the Town Council. The Subdivision Agent is enabled to make the determination on what constitutes major changes.
- B. Proposed change to a subdivision plat after recordation. After the recording of a survey plat, any proposed changes to a subdivision plat on record shall be submitted to the Subdivision Agent for a review. The Subdivision Agent will review the proposed changes in accordance with Code of Virginia [§ 15.2-2271 through § 15.2-2274](#) and consider whether or not any lots were sold. Proposed changes to a subdivision plat where lots were sold to other persons other than the original developer/owner of the property, will require a review by the Town Attorney who shall coordinate with the Subdivision Agent in making a determination as to whether or not the original plat must be vacated in accordance with Article 4.16 of this ordinance. Access streets, HOA agreements and bylaws, restrictive covenants, stormwater, common public utility elements, common areas and other variables will be examined as part



of this review. This section shall not apply to boundary line adjustments or vacation between landowners as shown below.

- C. Proposed changes to boundary lines when not applicable to easements or rights-of-way. The boundary line of any lot, or parcel of land may be vacated, relocated or otherwise altered by recordation of a deed or boundary line adjustment plat, without vacation of a recorded plat, provided that no easements or utility rights-of-way located along any lot lines to be vacated may be extinguished or altered without the express consent of all persons holding any interest therein, and such consent shall be evidenced by the signatures of such persons on the deed. The action shall not involve the relocation or alteration of streets, alleys, easements, for public passage, or other public areas. The deed reflecting the boundary line adjustment shall reference the recorded plat by which the applicable lot lines were originally created.
- D. Further subdivision of a recorded subdivision. The local governing body has no authority to restrict the subdivision of land when the proposed division meets all other requirements of the ordinance. The Town will not enforce private restrictive covenants or other private agreements as it relates to restricting further division and any development that seeks to restrict future subdivision must do so independent of this ordinance. Proposed subdivision of property will be reviewed in accordance with current standards of this ordinance.

#### **4.10. Subdivision Variations and Exceptions**

- A. The Town may grant subdivision variations or exceptions to the general regulations of the subdivision standards upon reasonable finding that such variation or exception is warranted due to unusual situations or when strict adherence to the general regulations would result in substantial injustice or hardship. Examples of improvements or proposals that require subdivision variation approval include, but are not limited to the following:
  - 1. Waiver of curb and gutter requirements.
  - 2. Waiver of requirements for sidewalk installation.
  - 3. Approval of the creation of new private streets.
- B. The applicant is required to meet the standards for subdivision as shown in this ordinance. Should an applicant choose to apply for a subdivision variation or exception to the subdivision or site plan standards of this ordinance, the burden is on the applicant to present the case.
- C. In evaluating the application for a subdivision variation or exception, the Planning Commission and Town Council will consider relevant factors that may include but not be limited to the following factors.
  - 1. There is an unusual situation where strict adherence to the general regulations would result in substantial injustice or hardship.
  - 2. The authorization of the variation or exception will not be of substantial detriment to adjacent or nearby property.
  - 3. The authorization of variation or exception will not be detriment to the public safety, health, or welfare.
  - 4. The situation is not so general or recurring in nature as to warrant amendments to this ordinance.

5. The hardship is created by the physical character of the property, or the immediately adjacent property, and/or historical issues associated with the site.
  6. Personal or self-inflicted hardships shall not be considered grounds for the authorization of a variation or exception.
  7. The variation will not in any manner change the provisions of the zoning provisions of this ordinance, Comprehensive Plan, or official zoning map.
- D. The process to apply for a subdivision variation or exception is shown below.
1. The applicant shall submit the application for subdivision variation or exception by submitting an application through the online portal or by visiting the municipal offices.
  2. The Subdivision Agent will review the application for completeness and at such time that the application is considered complete will prepare the application for review by the Planning Commission.
  3. The Planning Commission will hear the application and make a recommendation to the Town Council.
  4. The Town Council will hear the application and make a decision on the matter. The decision will be communicated to the applicant in writing.
  5. The applicant will use the decision on the subdivision variation or exception to complete the design of the final subdivision plat and related site plans. The applicant will submit the final subdivision plat and related site plans for review in accordance with this ordinance.

#### **4.11. Transfer of Easements or Rights-of-way**

- A. This section shall apply to any projects that intend to transfer rights-of-way or easements to the Town or to other parties, in accordance with Code of Virginia [§15.2-2265](#) and [§15.2-2241.A.6](#)
- B. This section outlines the responsibility of developers to understand the importance of showing existing easements or rights-of-way on plats prior to recordation and the importance of developing written instruments to accompany the dedication on plats.
- C. The conveyance of right-of-way or easements to the Town, when needed in association with any public infrastructure or public need shall be shown on the subdivision plat with the appropriate width as shown and notes required for the type of infrastructure. The Subdivision Agent reserves the right to require written instruments prepared in accordance with legal standards, as an additional form of conveyance for right-of-way and easements which are shown on subdivision plats.
- D. The recordation of an approved plat shall operate to transfer, in fee simple, to the Town in which the land lies the portion of the premises platted as is on the plat set apart for streets, alleys or other public use and to transfer to the locality any easement indicated on the plat to create a public right of passage over the land. The recordation of such plat shall operate to transfer to the Town, or to such association or public authority as the locality may provide, such easements shown on the plat for the conveyance of stormwater, domestic water, and sewage, including the installation and maintenance of any facilities utilized for such purposes, as the locality may require. Nothing contained in this article shall affect any right of a subdivider of land heretofore validly reserved. The Clerk of Court shall index in the name of all the owners of property affected by the recordation in the grantor's index any plat

recorded under this section. Nothing in this section shall obligate the locality, association, or authority to install or maintain such facilities unless otherwise agreed to by the locality, association, or authority.

- E. When the authorized officials of a locality within which land is located, approves in accordance with the subdivision ordinances of the locality a plat or replat of land therein, then upon the recording of the plat or replat in the circuit court clerk's office, all rights-of-way, easements or other interest of the locality in the land included on the plat or replat, except as shown thereon, shall be terminated and extinguished, except that an interest acquired by the locality by condemnation, by purchase for valuable consideration and evidenced by a separate instrument of record, or streets, alleys or easements for public passage subject to the provisions of Code of Virginia [§ 15.2-2271](#) or [§15.2-2272](#) shall not be affected thereby.
- F. All public easements, except those for public passage, easements containing improvements, those that contain private utility facilities, common or shared easements for the use of franchised cable operators and public service corporations, may be relocated by recordation of plat or replat signed by the owner of the real property, approved by an authorized official of a locality, regardless of the manner of acquisition or the type of instrument used to dedicate the original easement. In the event the purpose of the easement is to convey stormwater drainage from a public street, the entity responsible for the operation of the roadway shall first determine that the relocation does not threaten either the integrity of the roadway or public passage. The Clerk of Court shall index the locality as grantor of any easement or portion thereof terminated and extinguished under this section.
- G. In accordance with Code of Virginia [§ 15.2-2241.A.6](#), For conveyance of common or shared easements to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone and electric service to the proposed subdivision. Once a developer conveys an easement that will permit electric, cable, internet, or telephone service to be furnished to a subdivision, the developer shall, within 30 days after written request by a cable television operator, internet service provider, or telephone service provider, grant an easement to that cable television operator, internet service provider, or telephone service provider for the purpose of providing cable television, internet, and communications services to that subdivision, which easement shall be geographically coextensive with the electric service easement, or if only a telephone, internet, or cable service easement has been granted, then geographically coextensive with that telephone, internet, or cable service easement; however, the developer and franchised cable television operator, internet service provider, or telephone service provider may mutually agree on an alternate location for an easement. If the final subdivision plat is recorded and does not include conveyance of a common or shared easement as provided herein, the local Planning Commission or agent designated by the governing body to review and act on submitted subdivision plats shall not be responsible to enforce the requirements of this subdivision.

#### **4.12. Subdivision Survey Plats- Required Elements Must be Shown on the Plat**

- A. The name of the subdivision, the property owner(s), site developer if different, responsible surveyor or engineer, the date of the drawing, and total number of sheets.
- B. The zoning district in which the property is located and any applicable zoning overlay districts. Town GIS shall be used to determine zone district.



- C. The magisterial district in which the property is located.
- D. The FEMA designated flood zone(s) in which the property is located and the associated flood insurance rate map. When applicable, any other requirements for floodplain development as required by the National Flood Insurance Program and Federal Emergency Management Agency, such as flood elevations, floodways, and extent of the regulatory floodplain.
- E. A north arrow, legend, title block, reference datum, vicinity map. Plats shall be to scale and shall include a graphic scale and a written scale. Plats shall use a 1: 2000 standard.
- F. Name of existing subdivision in which the lots are located, if applicable.
- G. The benchmark from which all measurements are taken (point of beginning).
- H. All existing platted and proposed streets with names, numbers, pavement width, and right-of-way or easement widths.
- I. Location of any grave or structure marking the location of a human burial or indication of the lack thereof.
- J. Adjacent property tax map numbers and owners. Show current title reference.
- K. All parcels and proposed conveyances that are to be dedicated for public use or as common space.
- L. Curve and line data and dimensions by bearings and distances of boundaries of all proposed and existing lot lines and rights-of-way or easements.
- M. Accuracy of not less than one (1) in twenty thousand (20,000).
- N. Watercourses, their names, and any applicable information, and when applicable drainage districts and mapped dam break inundation zones.
- O. Show area of all proposed and existing lots in acreage units. Lots of less than one acre in size shall also be shown in square feet.
- P. Linear feet of street/road frontage for all existing and proposed affected lots.
- Q. Location of existing or proposed easements located on the subject property.
- R. Location of existing and proposed utilities located on the subject property and ownership of the utility.
- S. Location of Existing or proposed onsite septic or onsite well/other water source locations.
- T. When needed for the VDH approval of onsite systems, appropriate system information, related contours, and any other information required by the VDH and/or specified in the Town of Wytheville Guidelines for VDH Review of Subdivision Plats.
- U. Any existing and proposed development or buildings located on the subject property(s). When setbacks of existing or proposed structures are less than 50 feet to property lines, plat shall show the distance in linear feet for all structures from the building line to any current and/or proposed property lines.

- V. The 911 street addresses of related structures as shown on the plat. If 911 street addresses have not been designated yet, use TBD and street name.
- W. Original seal from the professional licensed to develop survey plats in the Commonwealth of Virginia.
- X. When the plat is of land acquired from more than one source of title, the outlines of parent parcels shall be indicated upon the plat. Source of title shall be clearly associated with each parent parcel.
- Y. Vacated lot lines shall be clearly marked as such. When lots are to be combined this shall be shown and stated on the plat. Proposed combination of lots shall not violate zone district or other zoning requirements.
- Z. Vacated plats, easements, and right-of-way shall be clearly identified and indicate approval dates of Town Council actions. The process for vacating plats and public right-of-way shall be in accordance with this ordinance.
- AA. Acreage table showing pre-subdivision lot areas of all affected tax map numbers and after subdivision lot areas of all affected tax map numbers.
- BB. Notes on the plat shall be accurate. The Subdivision Agent reserves the right to require note corrections or the addition of notes as needed to satisfy the intent of this ordinance. At a minimum, the following plat notes shall be on the face of the plat.
  - 1. The shown properties are located in the Town of Wytheville. Development shall meet the requirements of the Town of Wytheville Unified Development Ordinance.
  - 2. Indicate if properties are currently served by public water and/or sewer or onsite water and/or septic services. If public utilities are proposed, please specify as proposed not currently served.
  - 3. Status of Street or Access: Properties are located on a public street currently maintained by the Town of Wytheville. (or) Properties are located on a private street and are not maintained by the Town of Wytheville (or) Other type of road access and maintenance.
- CC. The plat shall contain any other information, as determined by the Subdivision Agent to meet the intent of this ordinance.

#### **4.13. General Requirements for Subdivision Plats and Site Plans**

##### **A. Zoning Site Development Standards**

Reference Article 7 of this ordinance for zoning site development standards which shall be considered. Lots shall be designed to accommodate the required zoning site development standards for the proposed use. Areas needed for site access, parking, landscaping, buffers, and other improvements shall be adequate for the proposed use. Design considerations for sites with karst, floodplains, wetlands, and fill are included in Article 7. Standards and design for emergency vehicles, fire apparatus design and fire hydrants are shown in Article 7.

**B. Zoning District Standards**

Reference Article 5 for zoning district standards which shall inform the lot size and density. Lot size and orientation shall be adequate to meet the zone district standards and the end uses of the lot. Lot sizes shall be designed to accommodate both primary and accessory structure setback requirements and density requirements.

**C. Zoning Use Standards**

The uses of land affiliated with the proposed subdivision shall be in accordance with the land use table in Article 6. If a conditional use or special exception use permit is proposed Article 8 shall be used to ensure that the lot is designed to meet the needs of any uses.

**D. Access to Lots Required**

All lots shall have access to public or private streets in accordance with this ordinance. Street entrances, access easements and/or the adequate delineation of access locations will be required for subdivision approval. If a proposed subdivision is intended to create one or more private streets, a subdivision variation approval is required. Access location and type shall meet the development standards of this ordinance as shown in Article 7.

**E. Monuments**

Concrete monuments or iron pins shall be set for all corners, angle points, radial points, and at intermediate points along streets or boundary lines where monuments cannot readily be seen from one another. The monuments shall be installed per Code of Virginia requirements. Any monument removed, moved, or destroyed during the development of any property shall be replaced or established by a licensed professional.

**F. Public and Private Utility Easements**

The location of public utilities must be shown. Delineate public utility width and type as referenced in the Town of Wytheville water and sewer standards or as required by the private utility. Notes on the plat or separate deeds of conveyance shall cover long term maintenance responsibility of the utility easement areas. The location of existing or proposed public and private utility easements, with details shall be shown on the plat with reference to the recorded instruments. The Public Utilities and Engineering Services Department will provide information on applicable standards.

**G. Stormwater/ Drainage Infrastructure and Easements**

Stormwater and drainage easements, areas needed for stormwater open space, site access and maintenance easement for stormwater management facilities shall all be shown on the plat. The minimum width of access and maintenance easements for stormwater pipes, swales and drainage areas shall be a minimum of 15' wide and dependent on the topography of the area may require additional space for steep slopes or areas of excessive rock. Stormwater ponds, best management practice (BMP) areas and open space requirements related to a required stormwater management (SWM) plan, shall be surveyed out and the metes and bounds of the boundaries shall be shown. Notes on the plat or separate deeds of conveyance shall define the long-term maintenance responsibility of stormwater infrastructure and areas. Pre-existing or proposed drainage and/ or stormwater

easements with associated details shall be shown on the plat with reference to recorded instruments on file at the Wythe County Clerk of Court.

**H. Public Use Access Easements/Rights-of-way**

The required width and type of right-of-way and/or easement for the public use and maintenance of new public streets, sidewalks, and any other public access infrastructure shall be shown on the plat. Notes on the plat or separate deeds of conveyance shall cover long term maintenance responsibility. Adequate width, type and exclusive or non-exclusive use shall be listed. Any pre-existing access easements, alleys and right-of-way shall also be shown on the plat with appropriate details of these conveyances and reference to the recorded instruments. New right-of-way shall only be allowed for public streets, sidewalks and areas which are specifically noted as those areas which are intended for conveyance to the Town and to be maintained by the Town in perpetuity. Public street right-of-way width shall meet the VDOT [Urban Construction and Maintenance Program Guidance \(Urban Manual\)](#) and include areas for sidewalks when required.

**I. Clustering of Single-Family Dwellings and Preservation of Open Space**

The clustering of single-family dwellings for the preservation of open space is allowed when such development is located in a Planned Unit Development Overlay Zone District, cottage style neighborhood, and/or capable of meeting all other zone district standards and site design standards as shown in this ordinance.

**J. Professional Seal**

Subdivision plats shall be prepared by a professional engineer or land surveyor registered in the commonwealth and shall be signed and sealed with original ink indicating as such.

**K. Survey Extents**

Survey extents showing the proposed changes to subject properties shall be relative to the project when it is reasonable to do so. Remainder of tracts not shown on the survey shall be called out. The Subdivision Agent reserves the right to either require a field survey of an entire property or extents of an entire property, when it is needed to indicate that all requirements of this ordinance can be met. If a previously recorded plat is used in lieu of a property survey, the deed book and page shall be referenced, and a sketch of the property boundaries taken from the recorded plat shall be included on the plat. Acreage and square footage changes to tax map numbers must be shown as an acreage or area table.

**L. Coordinate System**

All plats should be surveyed on the NAD 1983 State Plane Virginia South Coordinate System. The surveyor acting on behalf of the developer shall be required, after final plat recordation, to submit the final and approved subdivision in a digital GIS shapefile compatible with the Town GIS system.

**M. Jurisdictional Lines**

The creation of new lots and/or amendments to lots platted under the provisions of this ordinance, to the best extent possible based on available data, shall draw new lot lines in agreement with jurisdictional boundaries. Proposed changes to those lots which are located

in more than one jurisdiction shall be approved by both the Town and the respective adjacent jurisdiction and agreed to by the Wythe County Commissioner of Revenue's office prior to recordation.

**N. Zone District Agreement**

A proposed subdivision must have zone district agreement and a lot shall not be split zoned. If proposed lots are not of the same zone district, a rezone application shall be submitted and approved prior to subdivision plat review and approval. As part of the rezone application, a preliminary subdivision plat, submitted by a licensed surveyor and showing that the boundary line adjustment or vacation can meet all other requirements of this article shall be submitted for consideration. A proffered agreement by the developer, to record the subdivision plat within six (6) months of the rezone approval shall be submitted at the time of the rezone application. If a rezone is approved, a subdivision plat that meets the requirements of this ordinance can be recorded.

**O. Access, Streets, Sidewalks and Transportation Elements**

The approval of the plat is reliant on the ability of the developer to meet the needs of this ordinance for site access and the needs of transportation infrastructure to serve the proposed development. (See development standards in Article 7 for more information and design guidelines for streets, sidewalks, site access and transportation elements.)

**P. Erosion and Sediment Control and Stormwater Management**

If the proposed subdivision and type of subdivision development meets the threshold requirement for either a Town Erosion and Sediment Control Plan and Permit and/or a Department of Environmental Quality (DEQ) Stormwater Management (SWM) Plan and Permit, the preliminary site plans for this type of development must be submitted prior to or at the same time as the subdivision plat. The DEQ "common plan of development" is defined as "a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules." These types of developments will require a SWM plan and permit for the proposed land disturbing activity. The DEQ and local E&S and zoning site plan approvals or the ability to achieve site plan approvals shall be required prior to the final subdivision plat approval.

**Q. Drainage**

Drainage shall be considered as part of the plat design and sites shall plan to accommodate potential runoff from the entire upstream drainage area. The plat shall indicate those areas that need to be reserved for stormwater drainage easements through abutting properties and development areas. Lot sizes shall be designed to accommodate adequate stormwater infiltration and drainage areas on the lot. Sufficient areas shall be reserved for community-based retention and detention areas when needed. Infrastructure shall be sized appropriately for the conveyance of proposed drainage and stormwater.

**R. Public Water and Public Sewer Connection Required**

1. In accordance with Code of Virginia [§15.2-2121](#), the Town requires that any proposed subdivision lot, must provide public water and public sewer by the extension of and connection to abutting or adjacent public water and public sewer systems. In providing the extension of on-site public or private water and sewer infrastructure to meet the needs of

the subdivision or site plan, the developer shall follow the standards and the specifications of the Town of Wytheville water and sewer standards. The Public Utilities and Engineering Services Department will provide information on applicable standards. The water source and size of the proposed utility system shall be capable of meeting the needs of the built-out development. Sewerage systems must be compatible with Town conveyance needs, pump stations and requirements for protection of the public sewerage system. The type of proposed water and sewer public utilities serving the subdivision or site, the owner of the utility and any notes needed to convey that either private or public water and/or public sewer service is available to serve each lot shall be shown on the plat. The location and type of both proposed and any in place utility infrastructure shall also be shown on the plat or plan, such as other existing lines, meter bases, manholes, cleanouts, and other appurtenances. The cost and completion of these connections to the proposed lots associated with the subdivision or site plan shall be at the expense of the developer.

2. In the event that a connection to public water and/or public sewer is not possible due to limitations of the property by virtue of extreme location, topography, or other geographic constraints, the developer can apply for a subdivision variation of this public water or public sewer connection requirement and shall propose an approvable onsite system. The request must be made prior to final subdivision plat submittal. If approved, the proposed subdivision must show the ability to provide onsite water and/or onsite wastewater systems. Onsite systems will require a Virginia Department of Health (VDH) approval for the use of onsite systems on each proposed new lot.

#### **S. Onsite Water and Septic**

Subdivision lots or site plans that propose to use onsite wells or onsite septic systems for water and sewer must first receive permission as a subdivision variation. If the variation is approved by the Town, the developer shall then be required to meet the Virginia Department of Health requirements for system setbacks, separation distances and other applicable standards for the required operation, health, and safety of onsite systems. Evidence that the Virginia Department of Health (VDH) standards can be met must be submitted prior to Town Subdivision Plat Review and approval. For any subdivision that proposes the use of onsite systems, the reference guide Town of Wytheville Guidelines for VDH Review shall be used to guide the review and approval of onsite systems.

#### **T. Required Public Utility Easements (PUE)**

Public utility easements shall be required for the future connection of the subject property and adjacent properties to public water and public sewer utilities when it is determined by the Subdivision Agent that such easements are needed for proposed or future growth. The minimum required PUE width is 15' wide on all exterior lines of the lot, unless it can be shown that adequate easements are in place or service lines and easements are already meeting the needs of the community for public utility to the extent that new public utility easements are unnecessary. Easement location and width shall incorporate the long-term maintenance needs of these utilities, and the Subdivision Agent may require additional easement in those locations with steep terrain, sensitive areas, or unusually deep utility line locations.

#### **U. Private Utilities**

Easements are required to provide electrical power, telecommunications, and other utilities such as natural gas, in the appropriate locations. The developer shall show how electrical



power and natural gas (where available), and telecommunications utilities will be accessible to the lots shown on any subdivision plat. Developers shall limit ground disturbance and plan accordingly to “dig once” and install adequate pipe, conduit, and cable infrastructure to meet service needs.

**V. Lot Identification, Orientation and Arrangement**

The lots shall be numbered or identified on the plat for reference. The arrangement of the lots shall be designed so that the practical installation of access locations, required infrastructure, and intended structures can be physically constructed on the space as it relates to geography and other limiting factors. Preferred orientation shall be to the street frontage, or for corner lots, along the narrowest side of the parcel, unless it can be shown that alternate orientations are needed for reasons outside of the control of the developer and that the layout is arranged in a harmonious manner with the surrounding community and landscape.

**W. Remnants Not Allowed**

Residual tracts that are below a usable minimum lot size shall not be allowed and these areas shall be combined with other lots. Excessive right-of-way or public easements that have no value to the Town or the general public will not be accepted by the Town.

**X. Street Names, Addresses, and Signage**

The developer shall submit any new street name to the Subdivision Agent for review and consideration by the Subdivision Agent. Proposed names that bear a close resemblance to other established streets and/or names that create unintentional confusion will not be allowed. Street naming guidelines that meet emergency management and industry standards shall be used. The Subdivision Agent in coordination with the Town GIS coordinator will approve proposed street names and classify the access type in accordance with the Town of Wytheville Street and Access Classification System. Developers will be responsible for installing and maintaining street signs for private streets and private access drives. Street name signage must meet Town standards for the classification type. Structure addresses will be designated by the GIS coordinator in accordance with E-911 standards and the Town of Wytheville Addressing Guidelines. Properties shall display property addresses on visible signage and maintain address signage in accordance with the USBC. See Article 7, Section 7.2 for additional standards for display of street addresses on new and existing buildings.

**4.14. Required Statements on Subdivision Plats**

The following statements shall be on every plat submitted for subdivision review and approval. Signatures are not required for preliminary review, however, all signatures shall be on the final paper copies of the plat prior to the Town’s signature of the plat and final approval. The Subdivision Agent reserves the right to require additional statements as needed for specific projects.

**A. Surveyor’s Statement Required**

All plats shall include a Certification and Source of Title Statement, with signature line for the surveyor.

*“This is to certify that the property shown hereon is the property acquired by (property owner) by an instrument dated \_\_\_\_\_ and recorded as (Deed Book and Page) and (Land Record number) and recorded in the Clerk’s office of the Circuit Court of Wythe County, Virginia. Said land records being the last instrument in the chain of title to said property.”*

*“I hereby certify that this survey, to the best of my knowledge and belief, is correct and complies with the requirements of the Town of Wytheville Unified Development Ordinance. Given under my hand this \_\_\_\_\_ day of \_\_\_\_\_.” \_\_\_\_\_ (signed name)*

**B. Owner’s Statement Required**

The owner’s statement with the signature of all the owners of any applicable parcels subject to the subdivision and dated for each owner, shall be on the plat.

*“The platting or dedication of the following described land (insert a correct description of the land subdivided) is with the free consent and in accordance with the desire of the undersigned owners, proprietors, and trustees, if any.”*

\_\_\_\_\_ Owner Name \_\_\_\_\_ Date

(A notary statement for each signed owner must be on the plat)

**C. Town Approval Statement Required**

All plats shall contain the following statement with a signature and date line for the Subdivision Agent’s Approval.

*“This subdivision plat meets all of the requirements of the Town of Wytheville Unified Development Ordinance as of the date this plat was approved and signed.”*

\_\_\_\_\_ (name) \_\_\_\_\_ (date)

When it is necessary for a Major Subdivision to be heard by the Town Council for final approval a statement indicating the date of approval shall be on the face of the plat.

*“The Wytheville Town Council approved this plat at the xx/xx/xx meeting, as shown on the approved meeting minutes.”*

**D. Water and/or Sewer Notes Required**

If a plat contains lots which are not already connected to public water or sewer, or if lots have not been approved for public water and sewer connection, by the Director of Public Utilities, the plat shall contain the following statement:

*“Lot \_\_\_ as shown herein, is not connected to public water and/or sewer and the lot(s) have not been evaluated to determine the feasibility of a public utility connection or identified way to access public water or public sewer.”*

If a plat contains lots that are already connected to or public water and/or sewer, or the lots are already approved to be connected to public water and/or sewer by the Director of Public Utilities, including all needed easements and rights-of-way, the completed inspections of said systems and the final approval to connect said systems, the nature of such shall be



specified on the plat and a signature line for the Director of Public Utilities to indicate his/her approval shall be shown on the face of the plat.

*“Lot \_\_\_\_\_ as shown herein, have an existing connection to public water and/or sewer” or “Lot \_\_\_\_\_ as shown herein have been evaluated by the Director of Public Utilities for connection to public water and/or sewer and such connection is possible upon application and required payment for connection/required equipment to connect by the lot owner.”*

If a plat contains lots that are reliant on the use of onsite systems for water and/or sewer, the following shall be shown on the plat.

*“Lot \_\_\_\_\_ as shown herein, is reliant on the use of onsite well/spring/etc. for water supply and/or the use of onsite septic.”*

#### **4.15. Plat Statements When Required**

When applicable to the subdivision, the following statements shall be on the face of the subdivision plat. Signatures will be required prior to final approval and execution by the Town.

##### **A. Private Street Statement**

If a private street is used to access a lot, the plat shall contain the following statement:

*“Access to the lot(s) shown on this plat is privately owned and maintained and does not meet the standards necessary for inclusion in the public street system, will not be maintained by the Virginia Department of Transportation or the Town of Wytheville, and are not eligible for rural addition funds, as defined in [§ 33.2-335](#), or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board. Under no circumstances shall the Town of Wytheville or VDOT be required to make any improvements or be responsible for any maintenance of the roadway. The private owners shall be entirely responsible for all maintenance, repairs, and improvements, to include vegetative control, litter management, snow plowing and regular repairs to the street infrastructure, shoulders, and access easement. The Town of Wytheville police will not enforce traffic control or parking on private streets.”*

##### **B. Shared Use Access Statement**

If a proposed lot or site plan is approved based on the use of shared access, the following statement shall be on the plat.

*“The lots as shown on this plat are reliant on a shared use or shared driveway access and maintenance agreement on file at the Wythe County Office of Circuit Court. The Town is not responsible for enforcing this agreement and any dispute shall be heard as a civil matter between the parties subject to this agreement. The Town is not responsible for maintenance of any shared driveway and shall not cut vegetation, snowplow, or otherwise maintain these areas.”*

##### **C. VDH Signature**

When a subdivision plat requires a VDH signature line to verify VDH approval as it relates to onsite septic systems, it shall contain the following statement, or similar statement provided by VDH, with a VDH signature line and date line:

*“This subdivision is approved for individual onsite sewage systems in accordance with the provisions of the Code of Virginia, and the [Sewage Handling and Disposal Regulations \(12 VAC 5-610-10 et seq., the “Regulations”\)](#), and the Town of Wytheville Unified Development Ordinance.*

*This subdivision was submitted to the Health Department for review pursuant to [§ 32.1-163.5](#) of the Code of Virginia which requires the Health Department to accept private soil evaluations and designs from an Authorized Onsite Soil Evaluator (AOSE) or a Professional Engineer working in consultation with an AOSE for residential development. The Department is not required to perform a field check of such evaluations. This subdivision was certified as being in compliance with the Board of Health’s regulations by: (AOSE/PE name, certification or license #, phone #). This subdivision approval is issued in reliance upon that certification.*

*Pursuant to [§ 12VAC5-610-360](#) of the Regulations, this approval is not an assurance that Sewage Disposal System Construction Permits will be issued for any lot in the subdivision unless that lot is specifically identified as having an approved site for an onsite sewage disposal system, and unless all conditions and circumstances are present at the time of application for a permit as are present at the time of this approval. This subdivision may contain lots that do not have approved sites for onsite sewage systems.*

*This subdivision approval is issued in reliance upon the certification that approved lots are suitable for “traditional systems” however actual system designs may be different at the time construction permits are issued.”*

VDH Approval Authority signature line and a space for the date shall be located at the bottom of the statement.

**D. Stormwater Management Note**

This statement shall be on every plat with stormwater elements.

*“The maintenance, repair, and operation of any stormwater management improvements and conveyance systems, as shown on this plat, are the private responsibility of the current and future landowners of the property shown herein and shall not become a public responsibility unless formally dedicated to and expressly accepted by Town of Wytheville or other public agency.”*

**E. Homeowner Association, Restrictive Covenants, and other Private Agreements**

If a project/plan or plat is approved by the Town, and the plat or plan is based on the intent that either private restrictive covenants, shared use agreements, homeowner’s association arrangements, will be legally established and in place to provide common access, long term maintenance and other established private agreements, a statement shall be placed on the face of the plat that indicates and calls out the respective areas controlled by these agreements and the source of recorded instruments in the Clerk of Court. A statement shall be shown on the face of the plat that indicates.

*“Private agreements and/or restrictive covenants are not enforced by the Town of Wytheville and are subject to enforcement by the parties specified within the agreement.”*

For private and public streets and other common areas which are essential to the health, safety and welfare of a community, the Town may require that the development have a proposal in place to address long term maintenance, such as restrictive covenants or formation of a Homeowners Association.

## **4.16. Vacation of Plat, Street or Alley**

### **A. Purpose**

1. The purpose of this section is to outline the process for the vacation of a subdivision plat that has already been recorded at the Clerk of Court. The Code of Virginia [§15.2-2271](#), [2272](#), [2273](#), and [2274](#) provides guidance on the vacation of plat process for localities in Virginia. The application to vacate can be submitted by property owners, or the process can be initiated by the Town Council through an ordinance of vacation. The vacation of a street or alley and related processes is covered at the end of this section.

### **B. Vacation of Plat Before Sale of Lot Therein (By The Owners)**

1. The owners, proprietors, and trustees, if any, who signed the statement of consent to subdivide on the final recorded subdivision plat of any subdivision, may apply in writing for the vacation of the recorded plat or part thereof.
2. With the consent of the Town Council, the owners, proprietors, and trustees shall duly execute, acknowledge, and record in the Wythe County Circuit Court Clerk's office a written instrument declaring the plat or part thereof to be vacated. The Town's consent shall appear on the face of the instrument, by the signature of the Town Manager or agent. The effect of recording this instrument shall be to divest all public rights in, and to reinvest the owners, proprietors, and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat.

### **C. Vacation of Plat Before Sale of Lot Therein (Ordinance of Vacation)**

1. The Town Council may adopt an ordinance vacating a recorded plat, or part thereof, where no lot has been sold.
2. The ordinance shall not be adopted until after notice has been given as required by Virginia Code, 1950, as amended [§ 15.2-2204](#). The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance.
3. Pursuant to Code of Virginia [§ 15.2-2271](#), an appeal against the adoption of the ordinance may be filed with the Wythe County Circuit Court within thirty days of the adoption of the ordinance. Upon appeal the court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably damaged.
4. If no appeal from the adoption of the ordinance is filed within the time provided above or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the Wythe County Circuit Court Clerk's office.
5. The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat, or any portion thereof, so vacated, and to

divest all public rights in and to the property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, and easements for public passage and other public areas laid out or described in the plat.

**D. Vacation of Plat After Sale of Lot (Consent of All Owners)**

1. The owners of all lots shown on a subdivision plat may apply in writing for the vacation of the recorded plat or part thereof. For the purposes of this section, the word "owners" shall not include lien creditors except those whose debts are secured by a recorded deed of trust or mortgage and shall not include a consort of an owner.
2. In cases involving drainage easements or street rights-of-way where the vacation does not impede or alter drainage or access for any lot owners other than those lot owners immediately adjoining or contiguous to the vacated area, only the signature of those lot owners immediately adjoining or contiguous to the vacated area shall be required.
3. The Subdivision Agent shall refer the application to the Town Council for action.
4. With the consent of the Town Council, the owners shall duly execute, acknowledge, and record in the Wythe County Circuit Court Clerk's office a written instrument declaring the plat or portion thereof to be vacated. The Town Council's consent shall appear on the face of the instrument, by the signature of the mayor or agent. The effect of recording this instrument shall be to divest all public rights in, and to reinvest the owners, proprietors, and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat.

**E. Vacation of Plat After Sale of Lot (Ordinance of Vacation)**

1. The Town Council may adopt an ordinance vacating a recorded plat, or part thereof, where a lot has been sold. The ordinance may be initiated by motion of one of the Town Council members or on the application of any interested person.
2. The ordinance shall not be adopted until after notice has been given as required by Virginia Code, 1950, as amended [§ 15.2-2204](#). The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon. Any person may appear at the meeting for the purpose of objecting to the adoption of the ordinance.
3. Pursuant to Code of Virginia [§ 15.2-2272](#), an appeal against the adoption of the ordinance may be filed with the Wythe County Circuit Court within thirty days of the adoption of the ordinance. Upon appeal the court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably damaged.
4. If no appeal from the adoption of the ordinance is filed within the time as provided above, or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the Wythe County Circuit Court Clerk's office.
5. The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat, or any portion thereof, so vacated, and to divest all public rights in and to the property and reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, and easements for public passage and other public areas laid out or described in the plat.

## **F. Effect of Vacation of Plat After Lot Has Been Sold**

The recordation of the instrument shall operate to destroy the force and effect of the recording of the plat or part thereof so vacated, and to vest fee simple title to the centerline of any streets, alleys or easements for public passage so vacated in the owners of abutting lots free and clear of any rights of the public or other owners of lots shown on the plat, but subject to the rights of the owners of any public utility installations which have been previously erected therein. If any street, alley, or easement for public passage is located on the periphery of the plat, the title for the entire width thereof shall vest in the abutting lot owners. The fee simple title to any portion of the plat so vacated as was set apart for other public use shall be revested in the owners, proprietors, and trustees, if any, who signed the statement of consent to the subdivision, on the final recorded subdivision plat, free and clear of any rights of public use in the same.

## **G. Notation on Vacated Plat**

Immediately upon the vacation of a recorded subdivision plat, or part thereof, the clerk of the circuit court shall write in plain legible letters across such plat or part thereof, the word, "VACATED" and also make a reference on the same to the volume and page in which the instrument of vacation is recorded. The Subdivision Agent shall cause similar notations to be made to the Town's official copy of the plat.

## **H. Request to Alter or Vacate a Public Street, Public Alley, or Similar Public Way**

1. Nothing in this section shall prohibit the Town Council, on its own accord, from exercising its legislative power to vacate a public street, public alley, or way in accordance with the Town Charter and Virginia law.
2. Any request submitted by the public to vacate a public street, public alley or other public way shall be submitted by using the Town's online application web portal or by visiting the municipal offices. The fee shall be paid prior to consideration by the Town Council. The applicant shall also be responsible for the public hearing advertising costs which are required to process this application.
3. In accordance with Code of Virginia [§15.2-2008](#) the Town requires that as a condition of the vacation of a public right-of-way, alley, easement, or street, (hereafter referred to as a right-of-way) that all abutting landowners shall be in agreement to the vacation of said right-of-way, and that the abutting landowners shall purchase the right-of-way by equal fractional portion of that which is to be vacated. The following shall apply.
  - a. As part of the application to vacate a street or alley, it is the responsibility of the applicant to provide to the Town a signed petition of all adjoining landowners that each landowner is in general agreement with the desire to vacate the public way.
  - b. The abutting landowners may agree to a substitute payment arrangement, however conveyance of the land area of the right-of-way to be vacated shall be divided along the centerline of said right-of-way with the fractional portion to be added to each respective adjoining parcel. If a substitute payment agreement is reached between the abutting property owners, a copy of the agreement shall be included in the application for vacation.
  - c. The value of the land shall be the average of that which is assessed on all adjoining parcels, as the fair market value, in accordance with the most recent tax valuation on

record at the Commissioner of Revenue office and tabulated in dollars per square foot.

- d. The payment for the value of the right-of-way, alley or associated land area shall be made by certified check prior to the public hearing. The certified check shall be held until Town Council approval is completed, at which time the check shall be processed.
  - e. The Town Council may in its sole discretion waive the dollar value payment for the right-of-way, when it can be shown that the general benefit to the community warrants the waiver of the payment.
4. A public hearing shall be held and advertised in accordance with Code of Virginia [§15.2-2006](#) prior to consideration by the Town Council. Town Council shall set the public hearing, and at their discretion they may appoint three (3) to five (5) “viewers”, as either a committee of the council or comprised of other qualified persons to review the request and prepare a report that outlines any inconvenience that would result from discontinuing the right-of-way. At their discretion, the council can pay the viewers up to \$50 for their service.
  5. When an applicant requests a vacation to accommodate expansion or development of an existing or proposed business, the Town Council may condition the vacation upon commencement within a specified period of time and failure to meet this condition may void the vacation. A conditional vacation shall not be recorded until a condition has been met.
  6. The Town Council will consider the application to vacate based on variables which includes but is not limited to; ability to provide and maintain current and proposed future utilities that would use the public way, current and future use of the right-of-way by the Town and the citizenry for transportation or access, future use of the area for public parks or other public uses, ability of all adjacent landowners to agree with the request, comments heard during the public hearing or other concerns by citizens, cost savings to the Town, ability of emergency vehicles to access the site or surrounding areas, and any negative impacts associated with the vacation.
  7. If the Town Council agrees with the request to vacate a public way, they may enact an ordinance to vacate by majority vote of the membership.
  8. The Town Council may initiate a vacation proceeding on its own accord, subject to the public hearing requirements and the drafting of an ordinance.

#### **I. Appeal of Vacation Decision**

Any appeal of a decision relative to vacation of a public way shall be filed within sixty days of adoption of the ordinance with the Wythe County Circuit Court.



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## Article 5. Zoning Districts

### 5.1. Purpose and Interpretation

1. Each zoning district guideline in this article includes a purpose statement and a table of district guidelines and regulations.
2. Zoning districts provide a range of community land uses. See Table 6.1 in Article 6 for permitted land uses in each zoning district.
3. Overlay Zoning Districts include Entrance Corridor, Small-Lot Small-Home (SLSH), Floodplain, and Planned Unit Development (PUD) overlay districts. Regulatory guidelines for each of these overlay districts provide supplemental development standards for the underlying zoning district. In the case of the PUD and SLSH districts, the overlay districts provide alternative development standards, which a developer may use if conditions are met.
4. Zone District standards for each zoning district shall be interpreted as follows:
  - a. Front yard setbacks shall be measured from the right-of-way line.
  - b. All setbacks shall be measured to the closest point on the structure (such as the closest point on a porch, stairway, bay window, or similar appurtenance) to the property line or right-of-way line.
  - c. Primary building heights shall be measured from the lowest finished grade point along the front of the structure to the highest point of the roof or parapet wall. Chimneys, flues, flagpoles, church spires, belfries, cupolas, water towers, and non-commercial radio or television antennae are exempt from height restrictions. Commercial antennae and telecommunications towers are subject to the conditions found in Article 8, Section 8.44.
  - d. Accessory building heights are measured from the lowest finished grade along the side closest to an adjoining parcel to the bottom of the eave line.
  - e. Maximum dwelling unit density shall be measured against the total area of the entire site or subdivision including land utilized for parking areas, access drives, and/or streets.
  - f. Corner lot side yard setbacks shall apply equally to frontage along a private street or private driveway serving multiple dwelling units as to those located along a public street.
  - g. Side yard setback requirements may be increased in cases where sloping land would make it difficult for emergency services to enter a rear yard to respond to an emergency. Determination of the need for additional side yard setback may be made by the Zoning Administrator or by the Fire Chief.
  - h. Where minimum lot sizes are provided for different use types, if the available square footage of a lot is smaller than the requirement for that use type, then that use is not permitted on that parcel.
5. See Article 7 for development standards that apply to development in all zoning districts.
6. See Article 8 for standards that apply to development of projects involving conditional uses as designated in Table 6.1 Permitted Uses by Zoning District.



7. Standards for Setbacks and Yard Encroachments: The setback or yard space required for a use or structure shall, during its life, remain free of all uses or occupancies except as follows:
- a. Accessory structures may encroach on required rear yards in conformance with the accessory structure regulations found in Article 8, Section 8.3.
  - b. Accessory Dwelling Units (ADUs) where allowed by the Land Use Table, may encroach on required rear yards in conformance with the accessory dwelling unit regulations found in Article 8, Section 8.2 Accessory Dwelling Units.
  - c. Fences, walls, retaining walls, light standards, and landscaping shall be permitted in any required yard, subject to the regulations found in Article 7 Section 7.13.
  - d. Eaves, cornices, windowsills, and belt courses may project into any required yard a distance not to exceed two feet.
  - e. A deck or patio that is not more than thirty (30) inches above the finished grade within three (3) feet surrounding the deck or patio, may project beyond the front yard setback line up to 50% of the front yard setback. A deck or patio that is more than 30 inches above the finished grade, and any covered deck or patio, shall not project into the required front yard setback.
  - f. Driveways shall be permitted in required yards but shall be three feet or more from any property line, except where such driveways are developed jointly as a common drive to adjoining lots.
  - g. Handicap ramps shall be allowed to encroach in all yards if the following criteria are met:
    - 1.) The encroachment by the ramp must be the minimum necessary to accomplish safe access.
    - 2.) The ramp must meet the current edition of the Virginia Uniform Statewide Building Code.
    - 3.) The minimum size of a building entry landing associated with the ramp shall meet Virginia Uniform Statewide Building Code requirements. The maximum building entry landing size allowed to encroach in a require yard shall be six (6) feet by six (6) feet.
    - 4.) For single-family residential uses, a ramp that is constructed for temporary use must be removed three (3) months after the ramp is no longer needed for handicap access. This requirement shall not apply to ramps that are architecturally integrated with the dwelling and that have the character of a normal and natural building entrance.

## **5.2. A-1 Agricultural**

### **A. Context**

The A-1 Agricultural Zoning District provides space for the practice of general agriculture and animal husbandry. This zoning district is a continuation of the existing A-1 Agricultural Zoning District.

It is anticipated that at a future date some parcels in this zoning district will be recommended for rezoning to other zoning district designations as the Town of Wytheville continues to develop.

### **B. Purpose**

1. To discourage excessive development of agricultural land with large lot subdivisions.
2. To allow flexibility and creativity in the design of residential subdivisions that create village-like clusters of residences while preserving larger farmland tracts.
3. To maximize efficiency of utilities and minimize the need for construction of new infrastructure.
4. To encourage conservation of prime farmland and natural resources, such as wetlands, floodplains, riparian zones, aquifer recharge areas, forests, topsoil, steep slopes, ridge lines, hilltops, and wildlife habitats.
5. To protect scenic views and scenic rural character of Wytheville.
6. To provide areas for agricultural production.
7. To provide opportunities for home occupations while limiting activities that increase traffic due to customer visits and product shipping activities.

### **C. Permitted Land Uses**

See Table 6.1 Permitted Uses by Zoning District found in Article 6 for permitted land uses for the A-1 Agricultural Zoning District.

## D. Zoning District Standards

Item	Zoning District Standards	
<p>Minimum Lot Size for various uses.</p> <p>The Health Official must approve any individual water or sewer system. The Zoning Administrator may require additional lot area for individual water or sewer systems if considered necessary by the Health Official.</p>	Single-family with public water and sewer.	10,000 sq. ft.
	*Single-family with an individual onsite septic system.	30,000 sq. ft. with Health Dept. approval.
	*Single-family with individual onsite septic system and onsite water systems.	1 acre with Health Dept. approval.
	Cluster PUD or small lots with farm/open space preservation. Public sewer and water required. Must preserve at least 60% of site for farming, viewshed preserve, open space, or environmental preserve.	10 acres minimum for the overall PUD site. Minimum lot size within the PUD per Town Council Approval.
	<p>*Connection to public water and sewer utilities is required for all uses when those utilities are available.</p> <p>Note: All multi-family, cluster development, public, and semi-public uses require public water and sewer systems.</p>	
Maximum Dwelling Unit Density.	One (1) single-family home, or one (1) duplex, and, subject to conditional use standards, one (1) accessory dwelling unit per parcel.	
Maximum Building Height.	<p>35 Feet.</p> <p>Exception for Residential Structures: Up to 45 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Exception for Public or Semi-public Buildings: Up to 60 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Cupolas, church spires, belfries, monuments, water towers, chimneys, flues, flagpoles, non-commercial television, and radio antennae are exempt.</p>	
Minimum Primary Building Setbacks.	Front: 30 feet or the average of setbacks of structures in the same block, whichever is less, but not less than 20 feet.	
	Corner Lot Side Yard: 20 feet.	
	Interior Lot Side Yard: 15 feet.	
	Rear: 25 feet.	
Minimum Accessory Structure Setbacks. All accessory structures must be located in the rear yard.	Minimum setbacks for accessory structures adjacent to corner street side yards shall be the same as for the primary structure along the street side.	
	Height less than 8.5 feet: 3 feet from any party lot line.	
	Height between 8.5 and 12 feet: 5 minimum feet from any party lot line.	
Minimum Structure Separation.	10 feet minimum between accessory structures and any habitable structure. 15 feet minimum between any two habitable structures.	
	Accessory structures may be attached to a primary structure provided that applicable fire and building code requirements are met. In such cases, the accessory structure is then considered part of the primary structure.	
Minimum Floor Area for Dwellings.	500 square feet.	
Minimum Frontage.	Frontage must be adequate to meet the entrance geometry standards. (See Article 7, Sections 7.12 and 7.16.	

## **5.3. R-1 Residential**

### **A. Context**

The R-1 Residential Zoning District provides for low-density residential development.

Parcels currently located in existing R-1 areas will continue to be zoned as R-1 Residential. It is anticipated that new R-1 zoning will only occur in areas that cannot be easily served by existing sanitary sewer lines and that additions to the zoning district would apply to areas where large lots are required to accommodate private sewage systems.

### **B. Purpose**

1. To provide for single-unit dwellings and certain accessory dwellings at a relatively low density.
2. To stabilize and protect the character of neighborhoods in the district.
3. To allow for compatible community and recreational uses, such as schools, parks, churches, and certain public facilities that serve the community.
4. To provide opportunities for home occupations while limiting activities that increase traffic due to customer visits and product shipping activities.

### **C. Permitted Land Uses**

See Table 6.1 Permitted Uses by Zoning District found in Article 6 for permitted land uses for each of the R-1 Residential Zoning District.

## D. Zoning District Standards

Item	Zoning District Standards	
<p>Minimum Lot Size for a Residence.</p> <p>The Health Official must approve any individual water or sewer system. The Zoning Administrator may require additional lot area for individual water or sewer systems if considered necessary by the Health Official.</p>	Single-family with public water and sewer.	10,000 sq. ft.
	*Single-family with an individual onsite septic system.	30,000 sq. ft. with Health Dept. approval.
	*Single-family with individual onsite septic system and onsite water systems.	1 acre with Health Dept. approval.
	<p>*Connection to public water and sewer utilities is required for all uses when those utilities are available.</p> <p>Note: All public and semi-public uses require public water and sewer systems.</p>	
Maximum Dwelling Unit Density.	One (1) single-family home and subject to conditional use standards one (1) accessory dwelling unit per parcel.	
Maximum Building Height.	<p>35 Feet.</p> <p>Exception for Residential Structures: Up to 45 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Exception for Public or Semi-public Buildings: Up to 60 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Cupolas, church spires, belfries, monuments, water towers, chimneys, flues, flagpoles, non-commercial television, and radio antennae are exempt.</p>	
Minimum Primary Building Setbacks.	Front: 30 feet or the average of setbacks of structures in the same block, whichever is less, but not less than 20 feet.	
	Corner Lot Side Yard: 20 feet.	
	Interior Lot Side Yard: 15 feet.	
	Rear: 25 feet.	
Minimum Accessory Structure Setbacks. All accessory structures must be located in the rear yard.	Minimum setbacks for accessory structures adjacent to corner street side yards shall be the same as for the primary structure along the street side.	
	Height less than 8.5 feet: 3 feet from any party lot line.	
	Height between 8.5 and 12 feet: 5 minimum feet from any party lot line. Height of 12 feet or more: Same setback as primary building.	
Minimum Structure Separation.	<p>10 feet minimum between accessory structures and any habitable structure.</p> <p>15 feet minimum between any two habitable structures.</p>	
Minimum Floor Area for Dwellings.	1,400 square feet.	
Minimum Frontage.	Frontage must be adequate to meet the entrance geometry standards. (See Article 7, Sections 7.12 and 7.16.)	

## 5.4. R-2 Residential

### A. Context

The R-2 Residential Zoning District provides for low to medium density residential development.

Parcels currently located in existing R-2 areas will continue to be zoned as R-2 Residential. It is anticipated that new R-2 zoning will only occur in areas that are easily served by existing sanitary sewer lines. Some portions of the existing R-2 district may in the future be recommended for rezoning to other districts to better reflect existing and future development patterns of the Town.

### B. Purpose

1. To promote residential uses within house-scale buildings, including single-family dwellings and multiplex dwellings with up to 4 dwelling units.
2. To stabilize and protect the character of neighborhoods in the district.
3. To allow for compatible community and recreational uses, such as schools, parks, churches, and certain public facilities that serve the community.
4. To provide opportunities for home occupations while limiting activities that increase traffic due to customer visits and product shipping activities.

### C. Permitted Land Uses

See Table 6.1 Permitted Uses by Zoning District found in Article 6 for permitted land uses for the R-2 Residential Zoning District.

## D. Zoning District Standards

Item	Zoning District Standards	
<p>Minimum Lot Size for various uses.</p> <p>The Health Official must approve any individual water or sewer system. The Zoning Administrator may require additional lot area for individual water or sewer systems if considered necessary by the Health Official.</p>	Single-family with public water and sewer.	8,000 sq. ft.
	Duplex with public water and sewer.	10,000 sq. ft.
	Triplex with public water and sewer.	12,000 sq. ft.
	Fourplex with public water and sewer.	14,000 sq. ft.
	*Single-family with individual onsite septic system.	30,000 sq. ft. with Health Dept. approval.
	<p>*Single-family with individual onsite septic system and/or onsite water systems.</p> <p>*Connection to public water and sewer utilities is required for all uses when those utilities are available.</p> <p>Note: All multi-family, cluster development, public, and semi-public uses require public water and sewer systems.</p> <p>Note: Townhouses and Condominiums are subject to the same lot size and unit density regulations as other multiplex housing types.</p>	1 acre with Health Dept. approval.
Maximum Dwelling Unit Density.	One (1) single-family home, or one multi-unit housing structure with up to four (4) units, and, subject to conditional use standards, one (1) accessory dwelling unit per parcel.	
Maximum Building Height.	<p>35 Feet.</p> <p>Exception for Residential Structures: Up to 45 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Exception for Public or Semi-public Buildings: Up to 60 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Cupolas, church spires, belfries, monuments, water towers, chimneys, flues, flagpoles, non-commercial television, and radio antennae are exempt.</p>	
<p>Minimum Accessory Structure Setbacks.</p> <p>All accessory structures must be located in the rear yard.</p>	Minimum setbacks for accessory structures adjacent to corner street side yards shall be the same as for the primary structure along the street side.	
	Height less than 8.5 feet: 3 feet from any party lot line.	
	Height between 8.5 and 12 feet: 5 minimum feet from any party lot line.	
	Height of 12 feet or more: Same setback as primary building.	
Minimum Primary Building Setbacks.	Front: 25 feet or the average of setbacks of structures in the same block, whichever is less, but not less than 15 feet.	
	Corner Lot Side Yard: 15 feet.	
	Interior Lot Side Yard: 10 feet for single-family residences and for multi-family uses, interior lot side yard setback must be increased by 3 feet for every unit above 1.	
	Rear: 25 feet.	
Minimum Structure Separation.	<p>10 feet minimum between accessory structures and any habitable structure.</p> <p>15 feet minimum between any two habitable structures.</p>	
Minimum Floor Area for Dwellings.	1,150 square feet.	
Minimum Frontage.	Frontage must be adequate to meet the entrance geometry standards. (See Article 7, Sections 7.12 and 7.16.)	



## **5.5. R-2 FH Residential**

### **A. Context**

The R-2 FH Residential Zoning District is a legacy zoning district. It is the intent that the zoning district designation will be eliminated when existing residential funeral home uses are abandoned or shifted to other more appropriate zoning district designations.

### **B. Purpose**

This legacy district provides for historical use of a funeral home in a residential setting.

### **C. Permitted Land Uses**

See Table 6.1 Permitted Uses by Zoning District found in Article 6 for permitted land uses for the R-2 Residential Zoning District for allowable land uses in addition to funeral homes.

## D. Zoning District Standards

Item	Zoning District Standards	
Minimum Lot Size for various uses.	Single-family with public water and sewer.	8,000 sq. ft.
	Duplex with public water and sewer.	10,000 sq. ft.
	Triplex with public water and sewer.	12,000 sq. ft.
	Fourplex with public water and sewer.	14,000 sq. ft.
	Note: All uses require public water and sewer systems. Note: Townhouses and Condominiums are subject to the same lot size and unit density regulations as other multiplex housing types.	
Maximum Dwelling Unit Density.	One (1) single-family home, or one multi-unit housing structure with up to four (4) units, and, subject to conditional use standards, one (1) accessory dwelling unit per parcel.	
Maximum Building Height.	35 Feet. Exception for Residential Structures: Up to 45 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height. Exception for Public or Semi-public Buildings: Up to 60 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height. Cupolas, church spires, belfries, monuments, water towers, chimneys, flues, flagpoles, non-commercial television, and radio antennae are exempt.	
Minimum Accessory Structure Setbacks. All accessory structures must be located in the rear yard.	Minimum setbacks for accessory structures adjacent to corner street side yards shall be the same as for the primary structure along the street side.	
	Height less than 8.5 feet: 3 feet from any party lot line.	
	Height between 8.5 and 12 feet: 5 minimum feet from any party lot line.	
Minimum Primary Building Setbacks.	Front: 25 feet or the average of setbacks of structures in the same block, whichever is less, but not less than 15 feet.	
	Corner Lot Side Yard: 15 feet.	
	Interior Lot Side Yard: 10 feet for single-family residences and for multi-family uses, interior lot side yard setback must be increased by 3 feet for every unit above 1.	
	Rear: 25 feet.	
Minimum Structure Separation.	10 feet minimum between accessory structures and any habitable structure. 15 feet minimum between any two habitable structures.	
Minimum Floor Area for Dwellings.	1,150 square feet.	
Minimum Frontage.	Frontage must be adequate to meet the entrance geometry standards. (See Article 7, Sections 7.12 and 7.16.	

## **5.6. R-3 Urban Residential (Formerly R-3 Residential)**

### **A. Context**

The R-3 Urban Residential Zoning District is a renaming of existing R-3 Residential Zoning District. The new name is used to better reflect the medium density residential development that the district serves. A new maximum density cap limits residential development within the district to 45 bedrooms per acre. No density cap was included previously.

Parcels currently located in existing R 3 areas will continue to be zoned as R 3 Urban Residential when this ordinance is adopted. It is anticipated that new R 3 zoning will only occur in areas that are easily served by existing sanitary sewer lines. Some portions of the existing R 3 district may in the future be recommended for rezoning to other districts to better reflect existing and future development patterns of the Town.

### **B. Purpose**

1. To promote residential uses within house-scale buildings, including single-family dwellings and multiplex dwellings with up to 12 dwelling units.
2. To encourage infill development in long established neighborhoods in a manner that is consistent and compatible with historic development patterns.
3. To stabilize and protect the character of neighborhoods in the district.
4. To allow for compatible community and recreational uses, such as schools, parks, churches, and certain public facilities that serve the community.
5. To provide opportunities for home occupations while limiting activities that increase traffic due to customer visits and product shipping activities.

### **C. Permitted Land Uses**

See Table 6.1 Permitted Uses by Zoning District found in Article 6 for permitted land uses for the R-3 Urban Residential Zoning District.

## D. Zoning District Standards

Item	Zoning District Standards	
<p>Minimum Lot Size for various uses.</p> <p>The Health Official must approve any individual water or sewer system. The Zoning Administrator may require additional lot area for individual water or sewer systems if considered necessary by the Health Official.</p>	Cottage Home with public water and sewer.	4,000 sq. ft.
	Single-family with public water and sewer.	6,000 sq. ft.
	Duplex with public water and sewer.	9,000 sq. ft.
	Triplex with public water and sewer.	11,000 sq. ft.
	Four to twelve-unit multi-plex with public water and sewer.	3,250 sq. ft per unit.
	*Single-family with individual onsite septic system.	30,000 sq. ft.
	*Single-family with individual onsite septic system and/or onsite water systems.	1 acre.
Maximum Dwelling Unit Density.	<p>*Connection to public water and sewer utilities is required for all uses when those utilities are available.</p> <p>Note: All multi-family, cluster development, public, and semi-public uses require public water and sewer systems.</p> <p>Note: Townhouses and Condominiums are subject to the same lot size and unit density regulations as other multiplex housing types.</p>	
Maximum Building Height.	<p>45 bedrooms per acre.</p> <p>35 Feet.</p> <p>Exception for Residential Structures: Up to 45 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Exception for Public or Semi-public Buildings: Up to 60 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Cupolas, church spires, belfries, monuments, water towers, chimneys, flues, flagpoles, non-commercial television, and radio antennae are exempt.</p>	
Minimum Primary Building Setbacks.	<p>Front: A minimum of 20 feet or the average of setbacks of structures in the same block, whichever is less, but not less than 10 feet.</p>	
	<p>Corner Lot Side Yard: 15 feet.</p>	
	<p>Interior Lot Side Yard: 5 feet for single-family residences and a minimum setback of 12 feet for multi-family uses. Additionally, for multi-family uses, interior lot side yard setback shall increase by 3 feet for every unit above 1. Additional setback up to 12 feet may be required to provide emergency access on sites with significant cross slope between units as determined by the Zoning Administrator or Building Official.</p>	
	<p>Rear: 25 feet.</p>	
Minimum Accessory Structure Setbacks. All accessory structures must be located in the rear yard.	<p>Minimum setbacks for accessory structures adjacent to corner street side yards shall be the same as for the primary structure along the street side.</p>	
	<p>Height less than 8.5 feet: 3 feet from any party lot line.</p>	
	<p>Height between 8.5 and 12 feet: 5 minimum feet from any party lot line.</p>	
Minimum Structure Separation.	<p>Height of 12 feet or more: Same setback as primary building.</p> <p>10 feet minimum between accessory structures and any habitable structure. 15 feet minimum between any two habitable structures.</p>	
Minimum Dwelling Floor Area.	700 square feet.	
Minimum Frontage.	Frontage must be adequate to meet the entrance geometry standards. (See Article 7, Sections 7.12 and 7.16.	

## 5.7. R-4 High Density Residential

### A. Context

The R-4 Residential Zoning District is created to provide opportunities for higher density residential development and flexibility in zoning district standards to better address the housing needs of the Town of Wytheville.

No parcels will be assigned to this zoning district at the time of adoption of the Unified Development Ordinance, but it is anticipated that appropriate areas will be rezoned in the future.

### B. Purpose

1. To promote a variety of higher density residential lifestyle options including townhouses, small lot patio homes, cottage neighborhoods, and other multifamily uses.
2. To encourage neighborhoods with clustered high-density residential uses with useful open space provided in common areas for recreation and social interaction.
3. To allow for compatible community and recreational uses, such as schools, parks, churches, and certain public facilities that serve the community.
4. To provide opportunities for home occupations while limiting activities that increase traffic due to customer visits and product shipping activities.

### C. Permitted Land Uses

See Table 6.1 Permitted Uses by Zoning District found in Article 6 for permitted land uses for the R-4 High Density Residential Zoning District.

## D. Zoning District Standards

Item	Zoning District Standards	
Minimum Lot Size for various uses.	Townhouse	1,000 sq. ft.
	Single-family Cottage.	4,000 sq. ft.
	Duplex.	6,000 sq. ft.
	Triplex.	8,000 sq. ft.
	Four to eight-unit multi-plex.	10,000 sq. ft.
	Multi-plex with 9 or more units.	16,000 sq. ft.
	Public water and sewer are required for all uses in the R-4 Residential District.	
Maximum Dwelling Unit Density.	70 bedrooms per acre.	
Maximum Building Height.	<p>35 Feet.</p> <p>Exception for Residential Structures: Up to 45 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Exception for Public or Semi-public Buildings: Up to 60 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Cupolas, church spires, belfries, monuments, water towers, chimneys, flues, flagpoles, non-commercial television, and radio antennae are exempt.</p>	
Minimum Primary Building Setbacks.	Front: 10 feet.	
	Corner Lot Side Yard: 10 feet.	
	Interior Lot Side Yard: 0 feet with common firewall construction. 7.5 feet setback or 15 feet minimum between end units of townhouse or condominium style multi-family structures.	
	Rear: 25 feet.	
Minimum Accessory Structure Setbacks. All accessory structures must be located in the rear yard.	Minimum setbacks for accessory structures adjacent to corner street side yards shall be the same as for the primary structure along the street side.	
	Height less than 8.5 feet: 3 feet from any party lot line.	
	Height between 8.5 and 12 feet: 5 minimum feet from any party lot line. Height of 12 feet or more: Same setback as primary building.	
Minimum Structure Separation.	<p>10 feet minimum between accessory structures and any habitable structure.</p> <p>15 feet minimum between any two habitable structures.</p>	
Minimum Floor Area for Dwellings.	Not regulated.	
Minimum Frontage.	Frontage must be adequate to meet the entrance geometry standards. (See Article 7, Sections 7.12 and 7.16.	

## 5.8. RA Residential Artisan

### A. Context

The RA Residential Artisan Zoning District is a proposed district created to provide a place for innovative opportunities for individuals that are involved with the arts, crafts, and similar creative endeavors by creating neighborhoods where creative activities are seamlessly integrated with residential uses.

No parcels will be assigned to this zoning district at the time of adoption of the Unified Development Ordinance, but it is anticipated that appropriate areas will be rezoned in the future.

It anticipated that areas in the M-1 Industrial, or B-2 Business Zoning Districts and potentially portions of other zoning districts where existing uses are characterized by a mix of residential uses and industrial style structures, will be recommended for rezoning to the RA zoning district.

The change will provide better protections for both quality of life for residents and economic viability for businesses.

### B. Purpose

1. To provide a variety of residential building forms that can sustain the social activity, and rich cultural fabric of a creative arts district.
2. To provide a mix of compatible residential, industrial, and commercial uses that create attractive and economically vibrant mixed-use artisan industrial district.
3. To create a seamless connection between older industrial areas and traditional residential neighborhoods.
4. To provide for home occupations that involve more intense activities, such as creative workshops and makerspaces that are intermingled with live-work dwellings, work-live dwellings, and industrial-loft residences.
5. To encourage the adaptive reuse of aging and obsolete industrial structures, many of which possess historical significance.

### C. Permitted Land Uses

See Table 6.1 Permitted Uses by Zoning District found in Article 6 for permitted land uses for the RA Residential Artisan Zoning District.



## D. Zoning District Standards

Item	Zoning District Standards	
Minimum Lot Size for various building forms and land uses.	Live-Work or Townhouse.	1,000 sq. ft.
	Single-family.	4,000 sq. ft.
	Duplex.	6,000 sq. ft.
	Triplex.	8,000 sq. ft.
	Four to eight-unit multi-plex.	10,000 sq. ft.
	Multi-plex with 9 or more units.	16,000 sq. ft.
	Light Industrial Uses	16,000 sq. ft.
	Public water and sewer are required for all uses in the RA Residential Artisan District.	
Maximum Dwelling Unit Density.	45 bedrooms per acre.	
Maximum Building Height.	<p>35 Feet.</p> <p>Exception for Residential Structures: Up to 45 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Exception for Public or Semi-public Buildings: Up to 60 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Cupolas, church spires, belfries, monuments, water towers, chimneys, flues, flagpoles, non-commercial television, and radio antennae are exempt.</p>	
Minimum Primary Building Setbacks.	Front: 20 feet or the average of setbacks of structures in the same block, whichever is less, but not less than 10 feet.	
	Corner Lot Side Yard: 15 feet.	
	Interior Lot Side Yard: 0 feet with common firewall construction. 7.5 feet setback or 15 feet minimum between end units of townhouse or condominium style multi-family structures.	
	Rear: 15 feet.	
Minimum Accessory Structure Setbacks. All accessory structures must be located in the rear yard.	Minimum setbacks for accessory structures adjacent to corner street side yards shall be the same as for the primary structure along the street side.	
	Height less than 8.5 feet: 3 feet from any party lot line.	
	Height between 8.5 and 12 feet: 5 minimum feet from any party lot line.	
Minimum Structure Separation.	10 feet minimum between accessory structures and any habitable structure.	
	15 feet minimum between any two habitable structures.	
Minimum Floor Area for Dwellings.	Not regulated.	
Minimum Frontage.	Frontage must be adequate to meet the entrance geometry standards. (See Article 7, Sections 7.12 and 7.16.	

## 5.9. RB-1 Residential Business

### A. Context

The RB-1 Residential Business Zoning District is a proposed district created to provide a place for innovative housing and business opportunities for individuals that seek to live or work in a vibrant downtown environment.

No parcels will be assigned to this zoning district at the time of adoption of the Unified Development Ordinance, but it is anticipated that appropriate areas in or near Downtown Wytheville will be rezoned at a later date.

In the future, residential uses located within existing business zoning districts near downtown, residential uses located along central arterial streets, and certain residential areas immediately adjacent to Downtown Wytheville, will be recommended for rezoning to the R-B1 zoning district.

The new district regulations provide better protections for both quality of life for residents and economic viability for businesses located in the district as well as increasing the types of uses that promote economic viability of the district.

### B. Purpose

1. To protect the historic character of Wytheville by allowing a blend of compatible commercial and residential uses to increase the economic value of historic buildings in predominantly residential areas adjacent to the Downtown Business District.
2. To encourage a variety of residential lifestyle options including townhouses, small lot patio homes, cottage neighborhoods, live-work dwellings, work-live dwellings, and other multifamily configurations.
3. To provide a lifestyle with easy access to the restaurants, social activities, and cultural life offered in an established downtown district.
4. To encourage a broad range of home occupations that benefit from the professional image and urban character of Downtown Wytheville while being compatible with neighboring residential uses.
5. To provide for schools, parks, churches, and community facilities that strengthen the Wytheville community.

### C. Permitted Land Uses

See Table 6.1 Permitted Uses by Zoning District found in Article 6 for permitted land uses for the RB-1 Residential Business Zoning District.

## D. Zoning District Standards

Item	Zoning District Standards	
Minimum Lot Size for various uses.	Live-Work or Townhouse.	1,000 sq. ft.
	Single-family.	4,000 sq. ft.
	Duplex.	6,000 sq. ft.
	Triplex.	8,000 sq. ft.
	Four to eight-unit multi-plex.	10,000 sq. ft.
	Public water and sewer are required for all uses in the RB-1 Residential Business District.	
Maximum Dwelling Unit Density.	45 bedrooms per acre.	
Maximum Building Height.	<p>35 Feet.</p> <p>Exception for Residential Structures: Up to 45 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Exception for Public or Semi-public Buildings: Up to 60 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Cupolas, church spires, belfries, monuments, water towers, chimneys, flues, flagpoles, non-commercial television, and radio antennae are exempt.</p>	
Minimum Primary Building Setbacks.	Front: 20 feet or the average of setbacks of structures in the same block, whichever is less, but not less than 10 feet.	
	Corner Lot Side Yard: 15 feet.	
	Interior Lot Side Yard: 0 feet with common firewall construction. 7.5 feet setback or 15 feet minimum between end units of townhouse or condominium style multi-family structures.	
	Rear: 25 feet.	
Minimum Accessory Structure Setbacks. All accessory structures must be located in the rear yard.	Minimum setbacks for accessory structures adjacent to corner street side yards shall be the same as for the primary structure along the street side.	
	Height less than 8.5 feet: 3 feet from any party lot line.	
	Height between 8.5 and 12 feet: 5 minimum feet from any party lot line.	
Minimum Structure Separation.	10 feet minimum between accessory structures and any habitable structure.	
	15 feet minimum between any two habitable structures.	
Minimum Floor Area for Dwellings.	Not regulated.	
Minimum Frontage.	Frontage must be adequate to meet the entrance geometry standards. (See Article 7, Sections 7.12 and 7.16.	

## 5.10. RB-2 Residential Business

### A. Context

The RB-2 Residential Business Zoning District is a proposed district created to provide a place for innovative housing and business opportunities for individuals that live or work along Wytheville's entrance corridor highways.

No parcels will be assigned to this zoning district at the time of adoption of the Unified Development Ordinance, but it is anticipated that appropriate areas will be rezoned at a later date.

In the future, residential uses located within existing business zoning districts adjacent to an entrance corridor along a primary arterial street and other residential uses located along entrance corridor arterial streets, will be recommended for rezoning to the RB-2 zoning district.

The new district regulations provide better protections for both quality of life for residents and economic viability for businesses located in the district as well as increasing the types of uses that promote economic viability of the district.

### B. Purpose

1. To encourage a mix of compatible commercial and residential uses that improve quality of life for those living adjacent to primary arterial routes where heavy traffic and a changing commercial environment have disincentivized investment in residential property.
2. To create a transition between commercial uses along primary routes and nearby residential neighborhoods.
3. To reinforce the small-town character of Wytheville by encouraging vibrant land uses linked by a common residential character along the Town's entrance corridors.
4. To encourage a broad range of home occupations that benefit from the professional image and urban character of Downtown Wytheville while being compatible with neighboring residential uses.
5. To provide for schools, parks, churches, and community facilities that strengthen the Wytheville community.

### C. Permitted Land Uses

See Table 6.1 Permitted Uses by Zoning District found in Article 6 for permitted land uses for the RB-2 Residential Business Zoning District.

## D. Zoning District Standards

Item	Zoning District Standards	
Minimum Lot Size for various uses.	Live-Work or Townhouse.	4,000 sq. ft.
	Single-family.	6,000 sq. ft.
	Duplex.	9,000 sq. ft.
	Triplex.	11,000 sq. ft.
	Four to eight-unit multi-plex.	13,000 sq. ft.
	Multi-plex with 9 or more units.	16,000 sq. ft.
	Public water and sewer are required for all uses in the RB-2 Residential Business District.	
Maximum Dwelling Unit Density.	45 bedrooms per acre.	
Maximum Building Height.	<p>35 Feet.</p> <p>Exception for Residential Structures: Up to 45 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Exception for Public or Semi-public Buildings: Up to 60 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Cupolas, church spires, belfries, monuments, water towers, chimneys, flues, flagpoles, non-commercial television, and radio antennae are exempt.</p>	
Minimum Primary Building Setbacks.	Front: 25 feet or the average of setbacks of structures in the same block, whichever is less, but not less than 15 feet.	
	Corner Lot Side Yard: 25 feet.	
	Interior Lot Side Yard: 0 feet with common firewall construction. 15 feet setback or 15 feet minimum between end units of townhouse or condominium style multi-family structures.	
	Rear: 25 feet.	
Minimum Accessory Structure Setbacks. All accessory structures must be located in the rear yard.	Minimum setbacks for accessory structures adjacent to corner street side yards shall be the same as for the primary structure along the street side.	
	Height less than 8.5 feet: 3 feet from any party lot line.	
	Height between 8.5 and 12 feet: 5 minimum feet from any party lot line.	
Minimum Structure Separation.	10 feet minimum between accessory structures and any habitable structure.	
	15 feet minimum between any two habitable structures.	
Minimum Floor Area for Dwellings.	Not regulated.	
Minimum Frontage.	Frontage must be adequate to meet the entrance geometry standards. (See Article 7, Sections 7.12 and 7.16.	

## 5.11. RH Historic Residential (Formerly R-1M)

### A. Context

The RH Historic Residential Zoning District is a renaming of the former R-1M Residential Zoning District. The district was created to protect the unique historic resources of the Wytheville Historic District, which covers most of the zoning district.

Parcels currently designated to the R-1M Residential Zoning District will be included in the new RH Residential Zoning District. It is anticipated that some other areas located within the Wytheville Historic District, but not currently included in the R-1M district will be recommended for rezoning to the RH district at a future date.

### B. Purpose

1. To encourage the comprehensive preservation, protection, and enhancement of historically and architecturally significant structures, landscapes, and streets.
2. To encourage continued use and discourage demolition of historic structures, by providing reasonable flexibility in zoning district standards to facilitate historic preservation goals.
3. To protect established historic neighborhoods of low to moderate density by the using the following approaches.
  - a. Designing district regulations to stabilize and protect the character of neighborhoods in the district.
  - b. Limiting development primarily to single-unit dwellings and certain accessory dwellings at a relatively low density. However, adaptive reuse of existing structures with historical value is encouraged and may utilize multifamily configurations to achieve preservation of significant historic structures.
4. To provide opportunities for home occupations while limiting activities that increase traffic due to customer visits and product shipping activities.
5. To provide for schools, parks, churches, and community facilities that strengthen the Wytheville community.

### C. Permitted Land Uses

See Table 6.1 Permitted Uses by Zoning District found in Article 6 for permitted land uses for the RH Historic Residential Zoning District.

## D. Zoning District Standards

Item	Zoning District Standards
Minimum Lot Size.	8,000 sq. ft.
	Public water and sewer are required for all uses in the RH Historic Residential District.
Maximum Dwelling Unit Density.	One (1) single-family home and subject to conditional use standards one (1) accessory dwelling unit per parcel.
Maximum Building Height.	<p>35 Feet.</p> <p>Exception for Residential Structures: Up to 45 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Exception for Public or Semi-public Buildings: Up to 60 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Cupolas, church spires, belfries, monuments, water towers, chimneys, flues, flagpoles, non-commercial television, and radio antennae are exempt.</p>
Minimum Primary Building Setbacks.	Front: 25 feet or the average of setbacks of existing structures in the same block, whichever is less, but not less than 15 feet.
	Interior Lot Side Yard or Corner Lot Side Yard: 15 feet.
	Rear: 25 feet.
Minimum Accessory Structure Setbacks. All accessory structures must be located in the rear yard.	Minimum setbacks for accessory structures adjacent to corner street side yards shall be the same as for the primary structure along the street side.
	Height less than 8.5 feet: 3 feet from any party lot line.
	Height between 8.5 and 12 feet: 5 minimum feet from any party lot line.
	Height of 12 feet or more: Same setback as primary building.
Minimum Structure Separation.	<p>10 feet minimum between accessory structures and any habitable structure.</p> <p>15 feet minimum between any two habitable structures.</p>
Minimum Floor Area for Dwellings.	1,400 square feet.
Minimum Frontage.	Frontage must be adequate to meet the entrance geometry standards. (See Article 7, Sections 7.12 and 7.16.)



## 5.12. RMH Residential Manufactured Home (Formerly R-3 MH)

### A. Context

The RMH Residential Manufactured Home Zoning District is a renaming of the existing R-3 MH Residential Zoning District. The district was originally created to provide space for manufactured home parks within the Town.

Parcels currently located in existing R-3 MH Residential Zoning District will continue to be zoned as RMH Residential Manufactured Home. The regulatory framework of the previous district was adapted from the R-3 Residential Zoning District and was not specifically geared for regulation of manufactured home parks and similar manufactured housing complexes. The new zoning district regulations are designed to provide a regulatory framework that is appropriate for this specific use.

It is anticipated that other existing manufactured home parks will be recommended for rezoning to the RMH district to facilitate regulations that are consistent with the established lawful non-conforming uses at those manufactured home parks.

### B. Purpose

1. To promote affordable housing by the establishments of neighborhoods of well-maintained manufactured homes.
2. To provide opportunities for home occupations while limiting activities that increase traffic due to customer visits and product shipping activities.
3. To provide guidance on site development standards for manufactured home parks that promote safe placement of homes in relationship to transportation networks and other structures.
4. To provide guidance on the replacement of homes in older already established manufactured home parks.
5. To provide minimum design standards for new manufactured home parks.

### C. Permitted Land Uses

See Table 6.1 Permitted Uses by Zoning District found in Article 6 for permitted land uses for the RMH Residential Manufactured Home Zoning District.

## D. Zoning District Standards

Item	Zoning District Standards	
Minimum Lot Size	Manufactured Home Park.	3 acres.
	Public water and sewer are required for all uses in the RMH Residential District.	
Minimum Size for Manufactured Home Space.	Manufactured Home Park.	4,000 sq. ft.
Maximum Dwelling Unit Density.	Manufactured Home Park	8 units per acre
Maximum Building Height.	35 Feet. Cupolas, church spires, belfries, monuments, water towers, chimneys, flues, flagpoles, non-commercial television, and radio antennae are exempt.	
Minimum Primary Building Setbacks.	Front: 25 feet along street frontage.	
	Corner Lot Side Yard: 25 feet along street frontage.	
	Interior Lot Side Yard: 10 feet.	
	Rear: 10 feet.	
Minimum Accessory Structure Setbacks. All accessory structures must be located in the rear yard.	Minimum setbacks for accessory structures adjacent to corner street side yards shall be the same as for the primary structure along the street side.	
	Note: Common ownership parks will require joint permit by landowner of park	
	Height less than 8.5 feet: 3 feet from any party lot line.	
	Height between 8.5 and 12 feet: 5 minimum feet from any party lot line.	
Minimum Structure Separation.	10 feet minimum between accessory structures and any habitable structure.	
	15 feet minimum between any two habitable structures.	
Vehicular Circulation and Parking, Utilities and Refuse	Manufactured home parks shall have an internal driveway system with designated and approved entrance points along one or more public streets, adequate for emergency vehicle access. Each lot or location of a manufactured home shall have a parking space of adequate size in accordance with this ordinance and provide graveled or paved parking with accessible path to home entrance. Central refuse dumpster or refuse pick up locations are required. Utilities must be metered for separate ownership when applicable. Public water and public sewer is required.	
Screening.	All party lot lines (rear yard or side yard) shall be screened with a minimum 6-foot-tall decorative privacy fence.	
Minimum Floor Area for Dwellings.	Not regulated.	
Minimum Frontage.	Frontage must be adequate to meet the entrance geometry standards. (See Article 7, Sections 7.12 and 7.16.	
Replacement on Lot	Lawfully established existing parks are allowed to replace homes of similar size when it can be shown that the lot was established and accommodated a home at the time of park inception. Home may be larger when setbacks can be met and home will not encroach on other properties, rights-of-way, access areas or public utility easements.	

## **5.13. MA Medical Arts (Formerly MA-1)**

### **A. Context**

The MA Medical Arts Zoning District is a renaming of the MA-1 Medical Arts Zoning District. The primary purpose of the district is to provide space for the practice of medical arts and veterinary science in a location that is free from distracting commercial and industrial uses while protecting the quiet enjoyment of residential neighborhoods.

Parcels currently located in existing MA-1 Medical Arts Zoning District will continue to be zoned as MA Medical Arts.

### **B. Purpose**

1. To provide for the practice of medicine, health care services, and the required support services and businesses related to the medical arts.
2. To provide guidance for development of managed care facilities, such as hospitals, nursing homes, assisted living facilities, state authorized group homes, and similar uses.
3. To restrict residential and commercial uses, which conflict or interfere with the orderly function of medical service and assisted living providers.

### **C. Permitted Land Uses**

See Table 6.1 Permitted Uses by Zoning District found in Article 6 for permitted land uses for the MA Medical Arts Zoning District.

## D. Zoning District Standards

Item	Zoning District Standards
Minimum Lot Size.	Lot size not regulated.
	Public water and sewer are required for all uses in the MA Medical Arts District.
Maximum Dwelling Unit Density.	Residential dwellings are not permitted in this zoning district except for caretaker residences and state authorized group home facilities.
Maximum Building Height.	60 Feet. Cupolas, church spires, belfries, monuments, water towers, chimneys, flues, flagpoles, non-commercial television, and radio antennae are exempt.
Minimum Primary Building Setbacks.	Front: 10 feet.
	Corner Lot Side Yard: 10 feet.
	Interior Lot Side Yard: 15 feet.
	Rear: 25 feet.
Minimum Accessory Structure Setbacks. All accessory structures must be located in the rear yard.	Minimum setbacks for accessory structures adjacent to corner street side yards shall be the same as for the primary structure along the street side.
	Height less than 8.5 feet: 3 feet from any party lot line.
	Height between 8.5 and 12 feet: 5 minimum feet from any party lot line.
Minimum Structure Separation.	10 feet minimum between accessory structures and any habitable structure.
	15 feet minimum between any two habitable structures.
Minimum Floor Area for Dwellings.	Dwellings are not permitted except for caretaker residences and with a special use exception permit, group lodging facilities. Floor area for these dwelling types is not regulated.
Minimum Frontage.	Frontage must be adequate to meet the entrance geometry standards. (See Article 7, Sections 7.12 and 7.16.

## 5.14. B-1 Light Business

### A. Context

The B-1 Light Business Zoning District is a renaming of the B-1 Business Zoning District. The primary purpose of the district is to provide lands primarily for offices, garden style office buildings and limited retail uses that are compatible with low to medium-density residential development.

Parcels that are currently designated to the B-1 Business Zoning District will continue to be zoned as B-1 Light Business. Some portions of the existing B-1 district may in the future be recommended for rezoning to other districts to better reflect existing and future development patterns of the Town.

### B. Purpose

1. The B-1 Light Business District is a zone for light commercial activities that serve the needs of the citizens and visitors of Wytheville and surrounding areas in a garden office campus setting.
2. To provide lands primarily for offices, office buildings and limited retail uses that are compatible with adjoining low to medium-density residential development. The district is home to light business uses that do not cause excessive noise, smoke, or traffic congestion.
3. To protect new and existing residences adjacent to the district from the adverse impacts of business activity with landscape screening.

### C. Permitted Land Uses

See Table 6.1 Permitted Uses by Zoning District found in Article 6 for permitted land uses for the B-1 Light Business Zoning District.

## D. Zoning District Standards

Item	Zoning District Standards
Minimum Lot Size.	Lot size not regulated
	Public water and sewer are required for all uses in the B-1 Light Business District.
Maximum Dwelling Unit Density.	Residential dwellings are not permitted in this zoning district except for caretaker residences.
Maximum Building Height.	<p>35 Feet.</p> <p>Exception for Residential Structures: Up to 45 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Exception for Public or Semi-public Buildings: Up to 60 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Cupolas, church spires, belfries, monuments, water towers, chimneys, flues, flagpoles, non-commercial television, and radio antennae are exempt.</p>
Minimum Primary Building Setbacks.	Front: 10 feet.
	Corner Lot Side Yard: 10 feet.
	Interior Lot Side Yard: 0 feet with common firewall construction. 7.5 feet setback or 15 feet minimum between end units of townhouse or condominium style multi-family structures.
	Rear: 10 feet.
Minimum Accessory Structure Setbacks. All accessory structures must be located in the rear yard.	Minimum setbacks for accessory structures adjacent to corner street side yards shall be the same as for the primary structure along the street side.
	Height less than 8.5 feet: 3 feet from any party lot line.
	Height between 8.5 and 12 feet: 5 minimum feet from any party lot line.
Minimum Structure Separation.	10 feet minimum between accessory structures and any habitable structure.
	15 feet minimum between any two habitable structures.
Minimum Floor Area for Dwellings.	Dwellings are not permitted except for caretaker residences. Floor area for this dwelling type is not regulated.
Minimum Frontage.	Frontage must be adequate to meet the entrance geometry standards. (See Article 7, Sections 7.12 and 7.16.)

## 5.15. B-2 General Business

### A. Context

The B-2 General Business Zoning District is a renaming of the B-2 Business Zoning District, with new regulatory guidance that is specific to the unique character of inner-ring retail shopping areas. These are the smaller retail shopping areas just outside of the historic downtown, which are located primarily along the US-11 corridor.

The primary purpose of the district is to provide lands for community shopping, recreational, and service activities for several neighborhoods and appropriately located on arterial streets and selected collector streets.

Parcels that are currently designated to the B-2 Business Zoning District will continue to be zoned as B-2 General Business. It is anticipated that portions of the existing B-2 district with differing character of business enterprises will in the future be recommended for rezoning to other districts to better reflect existing and future development patterns of the Town.

### B. Purpose

1. To encourage economic development in Wytheville by providing place for commercial retail and service activities that serve the needs of the citizens and visitors of Wytheville and surrounding areas.
2. To focus residential development on high density projects that preserve prime retail land for economic development.
3. To guide development patterns that encourage density, walkability, and reduced need for car use by supporting future opportunities for efficient public transit.
4. To support a full range of business uses, including those that require large buildings, parking, and transportation infrastructure.
5. To guide commercial development to reduce adverse impacts of business activity on adjoining neighborhoods through the use of landscape screening and zoning district standards.

### C. Permitted Land Uses

See Table 6.1 Permitted Uses by Zoning District found in Article 6 for permitted land uses for the B-2 General Business Zoning District.



## D. Zoning District Standards

Item	Zoning District Standards	
Minimum Lot Size.	Live-Work or Townhouse.	1,000 sq. ft.
	Five to eight-unit multi-plex.	10,000 sq. ft.
	Multi-plex with 9 or more units.	16,000 sq. ft.
	Nonresidential uses	Lot size not regulated.
	Public water and sewer are required for all uses in the B-2 Business District.	
Maximum Dwelling Unit Density.	Up to 45 bedrooms per acre.	
Maximum Building Height.	60 Feet. Cupolas, church spires, belfries, monuments, water towers, chimneys, flues, flagpoles, non-commercial television, and radio antennae are exempt.	
Minimum Primary Building Setbacks.	Front: 10 feet.	
	Corner Lot Side Yard: 10 feet.	
	Interior Lot Side Yard: 0 feet with common firewall construction. 8 feet setback or 15 feet minimum between end units of townhouse or condominium style multi-family structures.	
	Rear: 10 feet.	
Minimum Accessory Structure Setbacks. All accessory structures must be located in the rear yard.	Minimum setbacks for accessory structures adjacent to corner street side yards shall be the same as for the primary structure along the street side.	
	Height less than 8.5 feet: 3 feet from any party lot line.	
	Height between 8.5 and 12 feet: 5 minimum feet from any party lot line.	
	Height of 12 feet or more: Same setback as primary building.	
Minimum Structure Separation.	10 feet minimum between accessory structures and any habitable structure. 15 feet minimum between any two habitable structures.	
Minimum Floor Area for Dwellings.	Not regulated.	
Minimum Frontage.	Frontage must be adequate to meet the entrance geometry standards. (See Article 7, Sections 7.12 and 7.16.	

## **5.16. B-2 DT Business Downtown**

### **A. Context**

The B-2 DT Business Zoning District is a legacy zoning district. Elimination of this zoning district is intended after all areas of the district are rezoned to one of the new zoning districts that are designed to address the unique characteristics of specific areas within the existing B-2 DT area.

The primary purpose of the district is to protect the historic character of Wytheville's traditional downtown district and to assure its continued economic viability and role as the cultural heart of the greater Wytheville community.

### **B. Purpose**

1. To support the economic, cultural, and general welfare of the Town through the preservation, promotion, and protection of Wytheville's historic downtown.
2. To establish a regulatory environment that supports a vibrant downtown urban center that is rich in culture and character.
3. To establish and maintain an attractive environment for the downtown business community by preserving historic resources, while allowing appropriate additions and adaptive reuse.
4. To encourage a variety of mixed business, artisan industrial, and residential uses that provide a center for local entrepreneurship and cultural engagement.
5. To protect new and existing residential uses that provide opportunities for citizens that want to live and enjoy a walkable community with a variety of restaurants, boutique shops and social venues for a rich cultural lifestyle.

### **C. Permitted Land Uses**

See Table 6.1 Permitted Uses by Zoning District found in Article 6 for permitted land uses for the B-2 DT Business Downtown Zoning District.

## D. Zoning District Standards

Item	Zoning District Standards	
Minimum Lot Size for various uses.	Not regulated.	
	Public water and sewer are required for all uses in the B-2 DT Downtown Business District.	
Maximum Dwelling Unit Density.	45 bedrooms per acre.	
Maximum Building Height.	45 Feet.	
	<p>Exception for Public or Semi-public Buildings: Up to 60 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Cupolas, church spires, belfries, monuments, water towers, chimneys, flues, flagpoles, non-commercial television, and radio antennae are exempt.</p>	
Primary Building Setbacks.	Minimum Front: 0 feet or average of the existing setbacks within the same block, whichever is greater.	
	Corner Lot Side Yard: 0 feet or average of the existing setbacks within the same block, whichever is greater.	
	Interior Lot Side Yard:	<p>0 feet with common firewall construction.</p> <p>5 feet or sufficient to provide 10 feet of separation from any adjoining habitable structure, whichever is greater.</p>
	Rear Yard:	<p>0 feet with common firewall construction.</p> <p>5 feet or sufficient to provide 10 feet of separation from any adjoining habitable structure, whichever is greater.</p>
Minimum Accessory Structure Setbacks. All accessory structures must be located in the rear yard.	Minimum setbacks for accessory structures adjacent to corner street side yards shall be the same as for the primary structure along the street side.	
	3 feet from any party lot line	
Minimum Structure Separation.	<p>10 feet minimum between accessory structures and any habitable structure.</p> <p>0 feet with code compliant firewall construction.</p>	
Minimum Floor Area for Dwellings.	Not regulated.	
Minimum Frontage.	Frontage must be adequate to meet the entrance geometry standards. (See Article 7, Sections 7.12 and 7.16.	

## 5.17. BMX Business Mixed-Use

### A. Context

The BMX Business Mixed-Use Zoning District is a new zoning district intended to serve portions of the former B-2 Business Zoning District that are not currently performing at highest and best use.

No parcels will be assigned to this zoning district at the time of adoption of the Unified Development Ordinance, but it is anticipated that appropriate areas will be rezoned at a later date.

The regulatory guidance provided is specific to the unique character of aging strip-style retail shopping centers and larger tracts of undeveloped commercial property in locations that are less attractive for development of retail space.

### B. Purpose

1. To encourage a mix of high density residential development and targeted commercial development to create dense walkable neighborhoods that reduce the need to rely on cars for daily activities and support future efficient public transit.
2. To encourage multifamily residential building forms such as mixed-use lifestyle centers, townhouses, condominiums, multi-plex structures, and live-work dwellings.
3. To develop a stable tax base by encouraging efficiencies in use of public infrastructure through dense development patterns.
4. To encourage development patterns that create density, walkability, and reduced need for car use by supporting future opportunities for efficient public transit.
5. To support a range of retail and service businesses that may require larger buildings, parking, and transportation infrastructure.
6. To protect residential uses in or adjacent to the district from the adverse impacts of adjoining business activity through the use of landscape screening and zoning district standards.

### C. Permitted Land Uses

See Table 6.1 Permitted Uses by Zoning District found in Article 6 for permitted land uses for the BMX Business Mixed Use Zoning District.

## D. Zoning District Standards

Item	Zoning District Standards
Minimum Lot Size.	Lot size not regulated.
	Public water and sewer are required for all uses in the BMX Business Mixed-Use District.
Maximum Dwelling Unit Density.	Not regulated.
Maximum Building Height.	60 Feet. Cupolas, church spires, belfries, monuments, water towers, chimneys, flues, flagpoles, non-commercial television, and radio antennae are exempt.
Minimum Primary Building Setbacks.	Front: 10 feet.
	Corner Lot Side Yard: 10 feet.
	Interior Lot Side Yard: 0 feet with common firewall construction. 8 feet setback or 15 feet minimum between end units of townhouse or condominium style multi-family structures.
	Rear: 10 feet.
Minimum Accessory Structure Setbacks. All accessory structures must be located in the rear yard.	Minimum setbacks for accessory structures adjacent to corner street side yards shall be the same as for the primary structure along the street side.
	Height less than 8.5 feet: 3 feet from any party lot line.
	Height between 8.5 and 12 feet: 5 minimum feet from any party lot line.
	Height of 12 feet or more: Same setback as primary building.
Minimum Structure Separation.	10 feet minimum between accessory structures and any habitable structure. 15 feet minimum between any two habitable structures.
Minimum Floor Area for Dwellings.	Not regulated.
Minimum Frontage.	Frontage must be adequate to meet the entrance geometry standards. (See Article 7, Sections 7.12 and 7.16.

## 5.18. BTS Business Travel Services

### A. Context

The BTS Business Travel Services Zoning District is a new zoning district intended to serve portions of the former B-2 Business Zoning District. The primary purpose of the district is to regulate commercial development in areas that are best situated to serve the needs of regional commerce and travelers along the area's interstate highways.

No parcels will be assigned to this zoning district at the time of adoption of the Unified Development Ordinance, but it is anticipated that appropriate areas will be rezoned at a later date.

### B. Purpose

1. To encourage economic development in Wytheville by providing place for intense commercial activities that serve the citizens and visitors of the Wytheville region with a focus on businesses related to travel on the I-77 and I-81 Interstate corridors.
2. To develop a stable tax base by providing space for new and existing land uses that provide significant tax revenues such as restaurants and lodging facilities.
3. To encourage efficiency in use of public infrastructure through dense development patterns.
4. To guide development patterns that encourage density, walkability, and reduced need for car use by supporting future opportunities for efficient public transit.
5. To guide commercial development to reduce adverse impacts of business activity on adjoining neighborhoods through the use of landscape screening and zoning district standards.

### C. Permitted Land Uses

See Table 6.1 Permitted Uses by Zoning District found in Article 6 for permitted land uses for the BTS Business Travel Services Zoning District.

## D. Zoning District Standards

Item	Zoning District Standards
Minimum Lot Size.	Lot size not regulated.
	Public water and sewer are required for all uses in the BTS Business Travel Services District.
Maximum Dwelling Unit Density.	Residential dwellings are not permitted in this zoning district except for caretaker residences and, with a special use exception permit, group lodging facilities.
Maximum Building Height.	60 Feet. Cupolas, church spires, belfries, monuments, water towers, chimneys, flues, flagpoles, non-commercial television, and radio antennae are exempt.
Minimum Primary Building Setbacks.	Front: 10 feet.
	Corner Lot Side Yard: 10 feet.
	Interior Lot Side Yard: 0 feet with common firewall construction. 8 feet setback or 15 feet minimum between habitable structures.
	Rear: 10 feet.
Minimum Accessory Structure Setbacks. All accessory structures must be located in the rear yard.	Minimum setbacks for accessory structures adjacent to corner street side yards shall be the same as for the primary structure along the street side.
	3 feet from any party lot line
Minimum Structure Separation.	10 feet minimum between accessory structures and any habitable structure. 15 feet minimum between any two habitable structures.
Minimum Floor Area for Dwellings.	Dwellings are not permitted except for caretaker residences and with a special use exception permit, group lodging facilities. Floor area for these dwelling types is not regulated.
Minimum Frontage.	Frontage must be adequate to meet the entrance geometry standards. (See Article 7, Sections 7.12 and 7.16.



## 5.19. DTB-1 Downtown Business Core

### A. Context

The DTB-1 Downtown Business Core Zoning District is a new zoning district intended to serve portions of the former B-2 DT Business Zoning District.

No parcels will be assigned to this zoning district at the time of adoption of the Unified Development Ordinance, but it is anticipated that appropriate areas will be rezoned at a later date.

The primary purpose of the district is to establish an economically sustainable business climate that will enable the preservation of the historic fabric of Downtown Wytheville and in particular, to guide development within the core areas of Downtown Wytheville. These areas will be guided towards development that is consistent with the development patterns established historically, including construction up to the right-of-way line, multi-story construction, and traditional downtown storefront style architecture.

### B. Purpose

1. To establish and maintain an attractive environment for the downtown business community by preserving historic resources, while allowing appropriate additions and adaptive reuse.
2. To encourage a mix of business, artisan industrial, and residential uses that provide a center for local entrepreneurship and cultural engagement.
3. To implement zoning district standards within the district that protect and encourage the continuation of the traditional form of the built environment found in Historic Downtown Wytheville. The traditional form includes two to three story structures built to the right-of-way line with commercial uses on the ground floor and a mix of commercial and residential uses on the upper floors.
4. To protect new and existing residential uses that provide opportunities for citizens that want to live and enjoy a walkable community with a variety of restaurants, boutique shops and social venues for a rich cultural lifestyle.

### C. Permitted Land Uses

See Table 6.1 Permitted Uses by Zoning District found in Article 6 for permitted land uses for the DTB-1 Downtown Business Core Zoning District.

## D. Zoning District Standards

Item	Zoning District Standards
Minimum Lot Size for various uses.	Not regulated.
	Public water and sewer are required for all uses in the DTB-1 Residential Business District.
Maximum Dwelling Unit Density.	45 bedrooms per acre.
Maximum Building Height.	<p>45 Feet.</p> <p>Exception for Public or Semi-public Buildings: Up to 60 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Cupolas, church spires, belfries, monuments, water towers, chimneys, flues, flagpoles, non-commercial television, and radio antennae are exempt.</p>
Primary Building Setbacks.	Minimum Front: 0 feet.
	Maximum Front 15 feet.
	Corner Lot Side Yard: 0 feet.
	Interior Lot Side Yard: 0 feet with common firewall construction.
Rear: 0 feet with firewall construction.	
Minimum Accessory Structure Setbacks. All accessory structures must be located in the rear yard.	Minimum setbacks for accessory structures adjacent to corner street side yards shall be the same as for the primary structure along the street side.
	3 feet from any party lot line
Minimum Structure Separation	<p>10 feet minimum between accessory structures and any habitable structure.</p> <p>0 feet with code compliant firewall construction.</p>
Minimum Floor Area for Dwellings.	Not regulated.
Minimum Frontage.	Frontage must be adequate to meet the entrance geometry standards. (See Article 7, Sections 7.12 and 7.16.

## 5.20. DTB-2 Downtown Business Evansham

### A. Context

The DTB-2 Downtown Business Evansham Zoning District is a new zoning district intended to serve portions of the former B-2 DT Business Zoning District. The district specifically includes locations where small homes were located close to the public right-of-way and were also used as informal shops during the early history of Wytheville, when the community was still known as Evansham. Two small pockets of this historic urban development form still exist. The larger of the two being located around the intersection of East Main Street and 7th Street. The second neighborhood is located along South 4th Street near Washington Street.

No parcels will be assigned to this zoning district at the time of adoption of the Unified Development Ordinance, but it is anticipated that appropriate areas will be rezoned at a later date.

The primary purpose of the district is to establish an economically sustainable business climate that will enable the preservation of the historic fabric of Evansham neighborhood in Downtown Wytheville. Site development and architectural styles will be guided towards the patterns found historically in the center of settlements located along the Wilderness Road.

### B. Purpose

1. To support the economic, cultural, and general welfare of the Town through the preservation, promotion, and protection of Wytheville's Evansham District.
2. To protect and encourage the continuation of the traditional form of the built environment found in the Evansham area of Wytheville. The traditional form includes two story structures built close to or on the right-of-way line with the character of single-family residences, or traditional multi-family structures. The uses include a mix of commercial and residential uses on all floors.
3. To establish and maintain an attractive environment for the Evansham business community by preserving historic resources, while allowing appropriate additions and adaptive reuse.
4. To encourage a variety of mixed business, artisan industrial, and residential uses that provide a center for local entrepreneurship and cultural engagement.
5. To protect new and existing residential uses that provide opportunities for citizens that want to live and enjoy a walkable community with a variety of restaurants, boutique shops and social venues for a rich cultural lifestyle.

### C. Permitted Land Uses

See Table 6.1 Permitted Uses by Zoning District found in Article 6 for permitted land uses for the DTB-2 Downtown Business Evansham Zoning District.

## D. Zoning District Standards

Item	Zoning District Standards	
Minimum Lot Size for various uses.	Live-Work or Townhouse.	1,000 sq. ft.
	Single-family.	4,000 sq. ft.
	Duplex.	6,000 sq. ft.
	Triplex.	8,000 sq. ft.
	Four to eight-unit multi-plex.	10,000 sq. ft.
	Business uses	Not regulated
Public water and sewer are required for all uses in the DTB-2 Downtown Business Evansham District.		
Maximum Dwelling Unit Density.	45 bedrooms per acre.	
Maximum Building Height.	<p>35 Feet.</p> <p>Exception for Residential Structures: Up to 45 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Exception for Public or Semi-public Buildings: Up to 60 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Cupolas, church spires, belfries, monuments, water towers, chimneys, flues, flagpoles, non-commercial television, and radio antennae are exempt.</p>	
Minimum Primary Building Setbacks.	Front: 5 feet or the average of setbacks of structures in the same block, whichever is less.	
	Corner Lot Side Yard: 10 feet.	
	Interior Lot Side Yard: 0 feet with common firewall construction. 5 feet setback for single or duplex units. 15 feet minimum between end units of townhouse or condominium style multi-family and multi-tenant commercial structures.	
	Rear: 10 feet.	
Minimum Accessory Structure Setbacks. All accessory structures must be located in the rear yard.	Minimum setbacks for accessory structures adjacent to corner street side yards shall be the same as for the primary structure along the street side.	
	Height less than 8.5 feet: 3 feet from any party lot line.	
	Height between 8.5 and 12 feet: 5 minimum feet from any party lot line.	
Minimum Structure Separation.	<p>10 feet minimum between accessory structures and any habitable structure.</p> <p>15 feet minimum between any two habitable structures.</p>	
Minimum Floor Area for Dwellings.	Not regulated.	
Minimum Frontage.	Frontage must be adequate to meet the entrance geometry standards. (See Article 7, Sections 7.12 and 7.16.	

## 5.21. DTB-3 Downtown Business Transitional

### A. Context

The DTB-3 Downtown Business Transitional Zoning District is a new zoning district intended to serve portions of the former B-2 DT Business Zoning District.

No parcels will be assigned to this zoning district at the time of adoption of the Unified Development Ordinance, but it is anticipated that appropriate areas will be rezoned at a later date.

The primary purpose of the district is to establish an economically sustainable business climate that will enable the preservation of the historic fabric of Downtown Wytheville and in particular, to guide development within the entrance transition areas of Downtown Wytheville. These areas will be guided towards development that is consistent with the development patterns established historically, including building patterns that are compatible with the existing estate residential character and professional office environment of the street. Improvements to the front yards and along the right-of-way should provide a streetscape that preserves the character of the street.

### B. Purpose

1. To support the economic, cultural, and general welfare of the Town through the preservation, promotion, and protection of Wytheville's historic downtown.
2. To provide a visual transition between Historic Downtown Wytheville and the contemporary commercial uses found in adjoining business districts. The transition is achieved by preserving the residential character of the existing buildings and providing increased landscaping around contemporary style buildings to visually unify the district.
3. To establish and maintain an attractive environment for the downtown business community by preserving historic resources, while allowing appropriate additions and adaptive reuse.
4. To encourage a variety of mixed business, artisan industrial, and residential uses on all floors that provide a center for local entrepreneurship and cultural engagement.
5. To protect new and existing residential uses that provide opportunities for citizens that want to live and enjoy a walkable community with a variety of restaurants, boutique shops and social venues for a rich cultural lifestyle.

### C. Permitted Land Uses

See Table 6.1 Permitted Uses by Zoning District found in Article 6 for permitted land uses for the DTB-3 Downtown Business Transitional Zoning District.

## D. Zoning District Standards

Item	Zoning District Standards	
Minimum Lot Size for various uses.	Live-Work or Townhouse.	1,000 sq. ft.
	Single-family.	4,000 sq. ft.
	Duplex.	6,000 sq. ft.
	Triplex.	8,000 sq. ft.
	Four to eight-unit multi-plex.	10,000 sq. ft.
	Business uses	Not regulated
	Public water and sewer are required for all uses in the DTB-3 Downtown Business Transitional District.	
Maximum Dwelling Unit Density.	45 bedrooms per acre.	
Maximum Building Height.	<p>35 Feet.</p> <p>Exception for Residential Structures: Up to 45 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Exception for Public or Semi-public Buildings: Up to 60 feet with 1 foot of additional side yard setback for each foot above 35 feet of building height.</p> <p>Cupolas, church spires, belfries, monuments, water towers, chimneys, flues, flagpoles, non-commercial television, and radio antennae are exempt.</p>	
Minimum Primary Building Setbacks.	Front: 10 feet or the average of setbacks of structures in the same block, whichever is greater.	
	Corner Lot Side Yard: 10 feet.	
	Interior Lot Side Yard: 0 feet with common firewall construction. 5 feet setback for single or duplex units. 15 feet minimum between end units of townhouse or condominium style multi-family and multi-tenant commercial structures.	
	Rear: 15 feet.	
Minimum Accessory Structure Setbacks. All accessory structures must be located in the rear yard.	Minimum setbacks for accessory structures adjacent to corner street side yards shall be the same as for the primary structure along the street side.	
	Height less than 8.5 feet: 3 feet from any party lot line.	
	Height between 8.5 and 12 feet: 5 minimum feet from any party lot line.	
Minimum Structure Separation.	10 feet minimum between accessory structures and any habitable structure.	
	15 feet minimum between any two habitable structures.	
Minimum Floor Area for Dwellings.	Not regulated.	
Minimum Frontage.	Frontage must be adequate to meet the entrance geometry standards. (See Article 7, Sections 7.12 and 7.16.	

## **5.22. M-1 Industrial**

### **A. Context**

The M-1 Industrial Zoning District is a continuation of the existing M-1 Industrial Zoning District. It is anticipated that some areas of the district will be rezoned at a future date to the RA, Residential Artisan Zoning District. The areas that will be prioritized for rezoning are those that are currently characterized by a sometimes awkward mix of single-family residential uses and small scale industrial facilities.

### **B. Purpose**

1. To provide for a range of industrial and business uses places that will sustain the economic vitality of greater Wytheville by promoting light commercial and industrial establishments.
2. To prohibit certain heavy industry and activities that create objectionable odors and noise, or that emit fumes and other byproducts that contaminate the living environment including the air and streams.
3. To protect new and existing residential uses in adjoining zoning districts through effective screening and buffer yard development.

### **C. Permitted Land Uses**

See Table 6.1 Permitted Uses by Zoning District found in Article 6 for permitted land uses for the M-1 Industrial Zoning District.



## D. Zoning District Standards

Item	Zoning District Standards
Minimum Lot Size.	Lot size not regulated.
	Public water and sewer are required for all uses in the M-1 Industrial District.
Maximum Dwelling Unit Density.	Residential dwellings are not permitted in this zoning district except for caretaker residences.
Maximum Building Height.	60 Feet. Cupolas, church spires, belfries, monuments, water towers, chimneys, flues, flagpoles, non-commercial television, and radio antennae are exempt.
Minimum Primary Building Setbacks.	Front: 10 feet.
	Corner Lot Side Yard: 10 feet.
	Interior Lot Side Yard: 0 feet with common firewall construction. 8 feet setback or 15 feet minimum between habitable structures.
	Rear: 10 feet.
Minimum Accessory Structure Setbacks. All accessory structures must be located in the rear yard.	Minimum setbacks for accessory structures adjacent to corner street side yards shall be the same as for the primary structure along the street side.
	3 feet from any party lot line
Minimum Floor Area for Dwellings.	Dwellings are not permitted except for caretaker residences. Floor area for this type of dwelling is not regulated.
Minimum Frontage.	Frontage must be adequate to meet the entrance geometry standards. (See Article 7, Sections 7.12 and 7.16.

## 5.23. M-2 Industrial

### A. Context

The M-2 Industrial Zoning District is a continuation of the existing M-2 Industrial Zoning District. It is anticipated that additional areas will be rezoned as M-2 Industrial at a future date. The areas that will be prioritized for rezoning are those that have excellent access for shipping needs, and that are not likely to create adverse impacts to adjoining residential properties.

### B. Purpose

1. To provide places for essential heavy commercial and industrial operations, in locations with minimal risk of adverse impacts on adjoining land uses. These uses are not compatible with residential, institutional and neighborhood commercial service uses.
2. To encourage continued use of the land for heavy commercial and industrial purposes that are necessary for community economic vitality.
3. To prohibit residential, and other uses, which would interfere with the development, continuation, or expansion of commercial and industrial uses in the district.
4. To assure that industries that may create objectionable odors, noise, or emit fumes and other byproducts that contaminate the environment, are subject to review through the Special Use Exception Permit Process and may only be approved if it is demonstrated that potential negative environmental impacts have been fully mitigated.

### C. Permitted Land Uses

See Table 6.1 Permitted Uses by Zoning District found in Article 6 for permitted land uses for the M-2 Industrial Zoning District.

## D. Zoning District Standards

Item	Zoning District Standards
Minimum Lot Size.	Lot size not regulated.
	Public water and sewer are required for all uses in the M-2 Industrial District.
Maximum Dwelling Unit Density.	Residential dwellings are not permitted in this zoning district except for caretaker residences.
Maximum Building Height.	60 Feet. Cupolas, church spires, belfries, monuments, water towers, chimneys, flues, flagpoles, non-commercial television, and radio antennae are exempt.
Minimum Primary Building Setbacks.	Front: 10 feet.
	Corner Lot Side Yard: 10 feet.
	Interior Lot Side Yard: 0 feet with common firewall construction. 8 feet setback or 15 feet minimum between habitable structures.
	Rear: 10 feet.
Minimum Accessory Structure Setbacks. All accessory structures must be located in the rear yard.	Minimum setbacks for accessory structures adjacent to corner street side yards shall be the same as for the primary structure along the street side.
	3 feet from any party lot line
Minimum Floor Area for Dwellings.	Dwellings are not permitted except for caretaker residences. Floor area for this type of dwelling is not regulated.
Minimum Frontage.	Frontage must be adequate to meet the entrance geometry standards. (See Article 7, Sections 7.12 and 7.16.

## 5.24. Entrance Corridor Overlay District

### A. Purpose

1. The purpose of the Entrance Corridor Overlay District is to protect and enhance the aesthetic qualities of the Town's entrance corridors.
2. The district promotes economic development and tourism.

### B. Applicability

1. Entrance corridor overlay districts are hereby established upon the lots and parcels of land contiguous to the streets enumerated below, from the edge of the pavement or back of curb to the depth of 200 feet. The portion of the development that falls within any portion of the 200-foot mark shall comply with these requirements.
2. The entrance corridor overlay district is hereby established upon and along the following streets or highways, which are deemed by the Town Council to be significant routes of tourist access or to designated historic districts, buildings, or structures within the Town. The following streets and highways are designated as "Entrance Corridor Streets":
  - a. Peppers Ferry Road from the Interstate 77 interchange to 11th Street intersection.
  - b. West Lee Highway (Route 11 West), from 230 West Lee Highway (located midblock between Monroe and North Streets) to the corporate limit line.
  - c. Route 21 South from 14th Street to the corporate limit line
3. The entrance corridor overlay districts are hereby established over the existing zoning district classifications of the land contiguous to the streets enumerated above. The regulations set forth within this article shall apply to all such land in addition to the regulations of the underlying zoning district and in addition to other applicable Unified Development Ordinance provisions (e.g., applicable standards governing parking, landscaping, signs, etc.). In the event of a conflict between the regulations set forth within this article and those set forth within the regulations of the underlying zoning district classification, or elsewhere within this Unified Development Ordinance, the more restrictive regulation shall govern.

### C. Zoning District Standards

1. Landscape Buffer: Landscape buffer areas shall be provided for all land uses on all properties along the route. The buffer shall be a minimum of twenty (20) feet in width measured from, and parallel to, the curb line or if there is no curb, the edge of permanent pavement. There shall be no development in the buffer yard area, except for signs and entrances as permitted in the Buffer Yard Regulations and permitted herein.
2. Screening of Utilitarian Areas: Utilitarian areas, such as dumpster pads, transformers, storage areas, etc., exposed to view from the designated Entrance Corridor Streets shall be screened from view with an opaque fence or vegetation.
3. Sign Requirements: Signs shall conform to the requirements of Article 7, Section 7.15. See Table 7.17: Signs in the Entrance Corridor Overlay District and, in the MA Medical Arts District for Entrance Corridor Signage Regulations.
4. Underground Utilities: Underground utilities shall be required for all new development.

5. Lighting: Lighting shall consist of decorative lights and poles (no wood poles and “cobra-heads”) with “cut-off” heads that direct the light toward the ground to avoid light pollution.

**D. Review for Conformance with the Specific Requirements**

1. Review of development for conformance with the requirements herein shall be administered by the Director of Planning or his designee.
2. Standards for Considering Conformance: The Director of Planning, in conducting an administrative review, and the BZA on review of an appeal, shall consider the entrance corridor requirements enumerated herein.

**E. Permitted Uses**

Permitted Uses within the Entrance Corridor Overlay District are regulated by the standards for the underlying zoning district. (See Table 6.1).

## 5.25. Small-Lot Small-Home Overlay District

### A. Purpose

1. To provide opportunities for quality, affordable single-family home ownership.
2. To encourage neighborhood infill.
3. To provide construction standards that encourage the development of small homes in a compatible manner with existing neighborhoods.

### B. Zoning District Standards

1. Small-Lot Small-Home Overlay Zoning Districts can be placed over any of the following zoning districts: A-1, R-3, R-4, RA, RB-1, and RB-2. Additionally, the Small-Lot/Small-Home Overlay can be placed over portions of the B-1, B-2, and M-1 zoning districts where at least 10% of the land area is currently in a single-family residential land use.
2. Provisions of the Small-Lot/Small-Home Overlay Zone District shall only apply to lots and/or dwellings created for the purpose of single-family residential development. No manufactured homes or on-frame modular homes are permitted in the Small-Lot/Small-Home Overlay Zone when using provisions of this Overlay Zone.
3. Lots and dwellings created for the purpose of single-family residential development may utilize the provisions of the underlying zoning district in addition to all other generally applicable zoning provisions of this ordinance (e.g., generally applicable standards governing parking, landscaping, signage, etc.), however, at such time that a lot or dwelling is created utilizing any provision of the Small-Lot/Small-Home Overlay Zone (e.g., reduced lot area, reduced setbacks, reduced floor area, reduced frontage, etc.), then all remaining provisions and restrictions of the Small-Lot/Small-Home Overlay Zone shall be enforced.
4. Subject to the provisions of this section, the Small-Lot/Small-Home Overlay Zone has been established upon certain properties within the Town, and designated in the Town of Wytheville GIS system in the following general areas:
  - a. West Jefferson Street, Railroad Avenue and South 8th Street.
  - b. West Jefferson Street, South 14th Street, South 18th Street and West Washington Street.
  - c. West Jefferson Street, South 12th Street, South 10th Street and West Union Street.

### C. Permitted Uses

Permitted Uses within the Small-Lot Small-Home Overlay District are regulated by the standards for the underlying zoning district. (See Table 6.1). However, only single-family cottage style homes are permitted in the overlay district when the conditions for site plan review and approval are invoked by the applicant, developer, or property owner.

### D. Zoning District Standards

1. Lot Area Regulations: For each lot containing or intended to contain a single-family dwelling, the minimum lot area shall be four thousand (4,000) square feet.

2. Floor Area: Each single-family dwelling shall have a minimum floor area of five hundred (500) square feet, as measured by outside building dimensions for each floor level, excluding private garages, porches, carports, and terraces.
3. Ground Area: Each residence shall occupy a minimum ground area of not less than three hundred fifty (350) square feet, as measured by outside building dimensions, excluding private garages, porches, carports, and terraces.
4. Front Yard Setback: No building shall be erected, reconstructed, or altered nearer than fifteen (10) feet to the right-of-way line on the street which it faces.
5. Side Yard Setback: The minimum side yard shall be five (5) feet and the total width of the two required side yards shall be ten (10) feet.
6. Rear Yard Setback: Each dwelling shall have a rear yard with a minimum depth of twenty (20) feet.
7. Water & Sewer & Utilities: Each dwelling must be connected to public water and sewer. All electric, phone, internet, etc. service lines shall be installed underground.
8. Front Porch: Each dwelling must have a covered front porch with a minimum area of sixty (60) square feet and no dimension less than six (6) foot wide.

## 5.26. FO – Floodplain Overlay District

### A. Purpose

1. The purpose of the Floodplain Overlay (FO) District is to provide mandatory floodplain restrictions for Federal Emergency Management Agency (FEMA) compliance pursuant to [Appendix E: NFIP Regulations Section 59.22\(a\)\(2\)](#). The purpose of these floodplain provisions is to prevent the following:
  - a. The loss of life, health, or property.
  - b. The creation of health and safety hazards.
  - c. The disruption of commerce and governmental services.
  - d. The extraordinary and unnecessary expenditure of public funds for flood protection and relief.
  - e. The impairment of the tax base.
2. These provisions are designed to accomplish the above purposes by:
  - a. Regulating uses, activities, and development which, acting alone or in combination with other existing or future uses, activities, and development, will cause unacceptable increases in flood heights, velocities, and frequencies.
  - b. Restricting or prohibiting certain uses, activities, and development from locating within areas subject to flooding.
  - c. Requiring all those uses, activities, and developments that do occur in flood-prone areas to be protected and/or flood-proofed against flooding and flood damage.
  - d. Protecting individuals from buying lands and structures which are unsuited for intended purposes because of flood hazards.

### B. Permitted Uses

Permitted Uses within the Floodplain Overlay District are regulated by the standards for the underlying zoning district. (See Table 6.1) However, uses listed as permitted, conditional, or by special use exception permit are only permitted if such development is in full compliance with the standards of the Floodplain Overlay District.

### C. Applicability and Administration

1. Jurisdiction: These provisions shall apply to all lands within the jurisdiction of the Town of Wytheville and identified as special flood hazard areas (SFHAs), shown on the flood insurance rate map (FIRM), or included in the flood insurance study (FIS) provided to the Town of Wytheville by FEMA.
2. Abrogation and Greater Restriction: These provisions shall supersede any regulations currently in effect in floodplain areas. Where conflict exists between these provisions and those of any underlying zoning district, the more restrictive provisions shall apply.
3. In the event any provision concerning a floodplain area is declared inapplicable as a result of any legislative or administrative actions or judicial discretion, the basic underlying zoning district provisions shall remain applicable.



#### **D. Creation of Floodplain Overlay**

1. The floodplain areas described above shall be an overlay to the existing underlying zoning districts as shown on the official zoning map, and as such, the provisions for the floodplain areas shall serve as a supplement to the underlying zoning district provisions.
2. The boundaries of the floodplain areas are established as shown on the FIRM which is declared to be part of this ordinance, and which shall be kept on file in the office of the floodplain administrator.
3. Floodplain boundaries can be viewed by using the online web GIS Zoning Map at <https://www.webgis.net/va/Wytheville/>.

#### **E. Floodplain Boundary Changes and Interpretation**

1. In the event of jurisdictional boundary changes, the Town Floodplain Ordinance in effect on the date of annexation shall remain in effect and shall be enforced by the municipality for all annexed areas until the municipality adopts and enforces an ordinance which meets the requirements for participation in the National Flood Insurance Program. The Town of Wytheville as a municipality with an existing floodplain ordinance, shall pass a resolution acknowledging and accepting responsibility for enforcing floodplain ordinance standards prior to annexation of any area containing identified flood hazards. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, the Town staff shall prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
2. In accordance with the [Code of Federal Regulations, Title 44 Subpart \(B\) Section 59.22\(a\)\(9\)\(v\)](#) all NFIP participating communities must notify the Federal Insurance Administration (FIA) and optionally the State Coordinating Office in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area.
3. In order that the FIRM accurately represent the community's boundaries, a copy of a map of the community suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed, or relinquished floodplain management regulatory authority must be included with the notification.
4. The delineation of any of the floodplain areas may be revised by the Town of Wytheville where natural or human-caused changes have occurred and/or where more detailed studies have been conducted or undertaken by USACE or other qualified agency, or an individual documents the need for such change. However, prior to any such change, approval must be obtained from FEMA. A completed LOMR is a record of this approval.
5. Initial interpretations of the boundaries of the floodplain areas shall be made by the floodplain administrator. Should a dispute arise concerning the boundaries of any of the floodplain areas, the BZA shall make the necessary determination. The person questioning or contesting the location of the floodplain area boundary shall be given an opportunity to present his case to the BZA and to submit technical evidence. Procedures for such appeals shall be as outlined in Section 3.6 of this ordinance.

## **F. Submitting Model Backed Technical Data**

A community's base flood elevations may increase or decrease resulting from physical changes affecting flooding conditions. As soon as practicable, but not later than six (6) months after the date such information becomes available, a community shall notify FEMA of the changes by submitting technical or scientific data. Such a submission is necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements will be based upon current data.

## **G. Letters of Map Revision (LOMR)**

1. When development in the floodplain will cause or causes a change in the base flood elevation, the applicant, including state agencies, must notify FEMA by applying for a CLOMR and then a LOMR. Example cases may include, but not be limited to:
  - a. Any development within the floodway that causes a rise in the base flood elevations.
  - b. Any development occurring in Zones A1-30 and AE without a designated floodway, which will cause a rise of more than one foot in the base flood elevation.
  - c. Alteration or relocation of a stream (including, but not limited to, installing culverts and bridges) [44 Code of Federal Regulations §65.3 and §65.6\(a\)\(12\)](#).

## **H. Compliance and Liability**

1. No land shall hereafter be developed, and no structure shall be located, relocated, constructed, enlarged, or structurally altered except in full compliance with the terms and provisions of this section and any other applicable ordinances and regulations which apply to uses within the jurisdiction of this section.
2. The degree of flood protection sought by the provisions of this section is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study but does not imply total flood protection. Larger floods may occur on rare occasions. Flood heights may be increased by human-caused or natural causes, such as ice jams and bridge openings restricted by debris. This section does not imply that areas outside floodplain areas, or that land uses permitted within such areas, will be free from flooding or flood damage.
3. This ordinance shall not create liability on the part of the Town of Wytheville or any officer or employee thereof for any flood damages that result from reliance on this ordinance, or any administrative decision lawfully made thereunder.

## **I. Designation of the Floodplain Administrator**

The Zoning Administrator shall serve as floodplain administrator for the Town of Wytheville unless the Town Manager designates otherwise.

## **J. Duties and Responsibilities of the Floodplain Administrator**

1. The duties and responsibilities of the floodplain administrator shall include but are not limited to:
2. Review applications for permits to determine whether proposed activities will be located in the special flood hazard area (SFHA).

3. Interpret floodplain boundaries and provide available base flood elevation and flood hazard information.
4. Review applications to determine whether proposed activities will be reasonably safe from flooding and require new construction and substantial improvements to meet the requirements of these regulations.
5. Review applications to determine whether all necessary permits have been obtained from the federal, state or local agencies from which prior or concurrent approval is required; in particular, permits from state agencies for any construction, reconstruction, repair, or alteration of a dam, reservoir, or waterway obstruction (including bridges, culverts, structures), any alteration of a watercourse, or any change of the course, current, or cross section of a stream or body of water, including any change to the one-percent-annual-chance flood or base flood zone floodplain of free-flowing non-tidal waters of the state.
6. Verify that applicants proposing an alteration of a watercourse have notified adjacent communities, the Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), and other appropriate agencies (Virginia Department of Environmental Quality (VADEQ), United States Army Corps of Engineers (USACE) and have submitted copies of such notifications to FEMA.
7. Approve applications and issue permits to develop in flood hazard areas if the provisions of these regulations have been met or disapprove applications if the provisions of these regulations have not been met.
8. Inspect or cause to be inspected, buildings, structures, and other development for which permits have been issued to determine compliance with these regulations or to determine if non-compliance has occurred or violations have been committed.
9. Review elevation certificates and require incomplete or deficient certificates to be corrected.
10. Submit to FEMA, or require applicants to submit to FEMA, data, and information necessary to maintain the FIRM, including hydrologic and hydraulic engineering analyses prepared by or for the Town of Wytheville, within six (6) months after such data and information becomes available if the analyses indicate changes in base flood elevations.
11. Maintain and permanently keep records that are necessary for the administration of these regulations, including:
  - a. Flood insurance studies, flood insurance rate maps (including historic studies and maps and current effective studies and maps) and letters of map change (LOMC); and
  - b. Documentation supporting issuance and denial of permits, elevation certificates, documentation of the elevation (in relation to the datum on the FIRM) to which structures have been flood-proofed, inspection records, other required design certifications, variances, and records of enforcement actions taken to correct violations of these regulations.
12. Enforce the provisions of these regulations, investigate violations, issue notices of violations or stop work orders and require permit holders to take corrective action.
13. Advise the board of zoning appeals (BZA) regarding the intent of these regulations and, for each application for a variance, prepare a staff report and recommendation.
14. Administer the requirements related to proposed work on existing buildings:

- a. Make determinations in consultation with the Building Official as to whether buildings and structures that are located in flood hazard areas and that are damaged by any cause have been substantially damaged.
  - b. Make reasonable efforts to notify owners of substantially damaged structures of the need to obtain a permit to repair, rehabilitate, or reconstruct. Prohibit the non-compliant repair of substantially damaged buildings except for temporary emergency protective measures necessary to secure a property or stabilize a building or structure to prevent additional damage.
15. Undertake other actions which may include but are not limited to: issuing press releases, public service announcements, and other public information materials related to permit requests and repair of damaged structures; coordinating with other federal, state, and local agencies to assist with substantial damage determinations; providing owners of damaged structures information related to the proper repair of damaged structures in special flood hazard areas; and assisting property owners with documentation necessary to file claims for increased cost of compliance coverage under the National Flood Insurance Program (NFIP) flood insurance policies.
  16. Notify FEMA when the corporate boundaries of the Town of Wytheville have been modified and:
    - a. Provide a map that clearly delineates the new corporate boundaries or the new area for which the authority to regulate pursuant to these regulations has either been assumed or relinquished through annexation; and
    - b. If the FIRM for any annexed area includes special flood hazard areas that have flood zones that have regulatory requirements that are not set forth in these regulations, prepare amendments to these regulations to adopt the FIRM and appropriate requirements, and submit the amendments to the governing body for adoption; such adoption shall take place at the same time as or prior to the date of annexation and a copy of the amended regulations shall be provided to Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management) and FEMA.
  17. Upon the request of FEMA, complete and submit a report concerning participation in the NFIP which may request information regarding the number of buildings in the SFHA, number of permits issued for development in the SFHA, and number of variances issued for development in the SFHA.
  18. It is the duty of the floodplain administrator to take into account flood, mudslide, and flood-related erosion hazards, to the extent that they are known, in all official actions relating to land management and use throughout the entire jurisdictional area of the community, whether or not those hazards have been specifically delineated geographically (e.g., via mapping or surveying).

**K. Use and Interpretation of FIRMS**

1. The floodplain administrator shall make interpretations, where needed, as to the exact location of SFHAs, floodplain boundaries, and floodway boundaries. The following shall apply to the use and interpretation of FIRMS and data:
2. Where field surveyed topography indicates that adjacent ground elevations:

- a. Are below the base flood elevation in riverine SFHAs, even in areas not delineated as a special flood hazard area on a FIRM, the area shall be considered as SFHA and subject to the requirements of these regulations.
  - b. Are above the base flood elevation and the area is labelled as a SFHA on the FIRM, the area shall be regulated as SFHA unless the applicant obtains a letter of map change that removes the area from the SFHA.
3. In FEMA-identified SFHAs where base flood elevation and floodway data have not been identified and in areas where FEMA has not identified SFHAs, any other flood hazard data available from a federal, state, or other source shall be reviewed and reasonably used.
  4. Base flood elevations and designated floodway boundaries on the FIRM and in the FIS shall take precedence over base flood elevations and floodway boundaries by any other sources if such sources show reduced floodway widths and/or lower base flood elevations.
  5. Other sources of data shall be reasonably used if such sources show increased base flood elevations and/or larger floodway areas than are shown on the FIRM and in the FIS.
  6. If a FEMA approves a preliminary FIRM and/or a preliminary FIS:
    - a. Upon the issuance of a letter of final determination by FEMA, the preliminary flood hazard data shall be used and shall replace the flood hazard data previously provided from FEMA for the purposes of administering these regulations.
    - b. Prior to the issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data shall be deemed the best available data pursuant to subsection "c" below and used where no base flood elevations and/or floodway areas are provided on the effective FIRM.
    - c. Prior to issuance of a letter of final determination by FEMA, the use of preliminary flood hazard data is permitted where the preliminary base flood elevations or floodway areas exceed the base flood elevations and/or designated floodway widths in existing flood hazard data provided by FEMA. Such preliminary data may be subject to change and/or appeal to FEMA.

#### **L. Delineation of Areas**

1. The various special flood hazard areas shall include the SFHAs. The basis for the delineation of these areas shall be the FIS and the FIRM for the Town of Wytheville prepared by FEMA, dated September 28, 2007, as amended, and any subsequent revisions or amendments thereto.
2. The Town of Wytheville may identify and regulate local flood hazard and ponding areas that are not delineated on the FIRM. These areas may be noted on a "Local Flood Hazard Map" using the best available topographic data and locally derived information such as flood of record, historic high-water marks, or approximate study methodologies.
3. The boundaries of the SFHAs are established as shown on the FIRM which is declared to be a part of this ordinance, and which shall be kept on file at the Town of Wytheville offices. These areas are more specifically defined as follows:
  - a. The floodway is part of an AE Zone and is delineated, for purposes of this section, using the criteria that a certain area within the floodplain must be capable of carrying the waters of the one percent annual chance flood without increasing the water surface elevation of that flood more than one foot at any point. These floodways are

specifically defined in Table 5 of the above referenced FIS and shown on the accompanying FIRM.

- b. The following provisions shall apply within the floodway of an AE zone:
  - 1.) Within any floodway area, no encroachments, including fill, new construction, substantial improvements, or other development shall be permitted unless it has been demonstrated through hydrologic and hydraulic analysis performed in accordance with standard engineering practice that the proposed encroachment will not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Hydrologic and hydraulic analyses shall be undertaken only by professional engineers or others of demonstrated qualifications, who shall certify that the technical methods used correctly reflect currently accepted technical concepts. Studies, analyses, computations, and other required information shall be submitted in sufficient detail to allow a thorough review by the floodplain administrator.
    - a.) Development activities which increase the water surface elevation of the base flood may be allowed, provided that the applicant first applies—with the Town of Wytheville's endorsement—for a conditional letter of map revision (CLOMR) and receives the approval of the FEMA.
    - b.) Once approved by FEMA, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of this section.
  - 2.) The placement of manufactured homes (mobile homes) is prohibited, except in an existing manufactured home park or subdivision. A replacement manufactured home may be placed on a lot in an existing manufactured home park or subdivision provided the anchoring, elevation, and encroachment standards are met.
- c. The AE or AH Zones that are designated as AE or AH Zones on the FIRM accompanying the FIS shall be the areas for which one percent annual chance flood elevations have been provided and the floodway has not been delineated. The following provisions shall apply within an AE or AH zone where FEMA has provided base flood elevations:
  - 1.) Until a regulatory floodway is designated, no new construction, substantial improvements, or other development (including fill) shall be permitted within the SFHA, designated as Zones AE or AH on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the Town of Wytheville.
  - 2.) Development activities in Zones AE or AH on the Town of Wytheville's FIRM which increase the water surface elevation of the base flood by more than one foot may be allowed, provided that the applicant first applies—with the Town of Wytheville's endorsement—for a CLOMR and receives the approval of FEMA.
- d. The A Zone, or approximated floodplain, on the FIRM accompanying the FIS, shall be those floodplain areas for which no detailed flood profiles or elevations are provided, but the one percent annual chance floodplain boundary has been



approximated, and all other floodplain areas where the drainage area is greater than one hundred (100) acres. For these areas, the following provisions shall apply:

- 1.) The base flood elevations and floodway information from federal, state, and other acceptable sources shall be used, when available. Where the specific one percent annual chance flood elevation cannot be determined for this area using other sources of data, such as the USACE Floodplain Information Reports, U.S. Geological Survey Flood-Prone Quadrangles, and similar sources, then the applicant for the proposed use, development and/or activity shall determine this base flood elevation. For development proposed in the approximate floodplain the applicant must use technical methods that correctly reflect currently accepted practices, such as point on boundary, high water marks, or detailed methodologies hydrologic and hydraulic analyses. Studies, analyses, computations, and other information shall be submitted in sufficient detail to allow a thorough review by the floodplain administrator.
- 2.) The floodplain administrator reserves the right to require a hydrologic and hydraulic analysis for any development. When such base flood elevation data is utilized, the lowest floor shall be elevated to or above the base flood level plus twelve (12) inches for non-residential structures and twenty-four (24) inches for residential structures.
- 3.) During the permitting process, the floodplain administrator shall obtain:
  - a.) The elevation of the lowest floor (in relation to mean sea level), including the basement, of all new and substantially improved structures; and,
  - b.) If the structure has been flood-proofed in accordance with the requirements of this section, the elevation (in relation to mean sea level) to which the structure has been flood-proofed.
- 4.) Base flood elevation data shall be obtained from other sources or developed using detailed methodologies comparable to those contained in a FIS for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty (50) lots or five (5) acres, whichever is the lesser.
- e. The AO Zone shall be those areas of shallow flooding identified as AO on the FIRM accompanying the FIS. For these areas, the following provisions shall apply:
  - 1.) All new construction and substantial improvements of residential structures shall have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated no less than two (2) feet above the highest adjacent grade.
  - 2.) All new construction and substantial improvements of non-residential structures shall:
    - a.) Have the lowest floor, including basement, elevated to or above the flood depth specified on the FIRM, above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM. If no flood depth number is specified, the lowest floor, including basement, shall be elevated at least two (2) feet above the highest adjacent grade; or,

- b.) Together with attendant utility and sanitary facilities be completely flood-proofed to the specified flood level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - 3.) Adequate drainage paths around structures on slopes shall be provided to guide floodwaters around and away from proposed structures.
4. The mapped floodplain includes all of the above regions and also the regions designated as having a 0.2 percent annual chance of flooding on any flood map or flood insurance study. In this area, no new emergency service, medical service, or governmental records storage shall be allowed except through the variance process.

#### **M. Floodplain Area Provisions, Generally**

1. All uses, activities, and development occurring within any floodplain area, including placement of manufactured homes, shall be undertaken only upon the issuance of a permit. Such development shall be undertaken only in strict compliance with the provisions of this section and with all other applicable codes and ordinances such as the [Virginia Uniform Statewide Building Code \(VA USBC\)](#) and the subdivision and zoning standards of Town of Wytheville Unified Development Ordinance. Prior to the issuance of any such permit, the floodplain administrator shall require all applications to include compliance with all applicable state and federal laws and shall review all sites to assure they are reasonably safe from flooding. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways or any watercourse, drainage ditch, or any other drainage facility or system.
2. All applications for development in the floodplain district and all building permits issued for the floodplain shall incorporate the following information:
  - a. For structures to be elevated, the elevation of the lowest floor (including basement).
  - b. For structures to be flood-proofed (non-residential only), the elevation to which the structure will be flood-proofed.
  - c. The elevation of the base flood at the site.
  - d. Topographic information showing existing and proposed ground elevations.
3. For all new subdivisions which adjoin or include floodplain areas identified in the FIS, the base flood elevation shall be shown on the final record plat.
4. The following provisions shall apply to all permits:
  - a. New construction and substantial improvements shall be built according to the provisions of this section, other applicable provisions of this ordinance, and the VA USBC, and anchored to prevent flotation, collapse, or lateral movement of the structure.
  - b. Manufactured homes shall be anchored to prevent flotation, collapse, or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This standard shall be in addition to and consistent with applicable state anchoring requirements for resisting wind forces.
  - c. New construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.



- d. New construction or substantial improvements shall be constructed by methods and practices that minimize flood damage.
- e. Electrical, heating, ventilation, plumbing, air conditioning equipment and other service facilities, including duct work, shall be designed, and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- f. New and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwater into the system.
- g. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
- h. On-site waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding.
- i. Prior to any proposed alteration or relocation of any channels or of any watercourse, stream, or other water feature, within this jurisdiction a permit shall be obtained from the USACE, the VADEQ, and the Virginia Marine Resources Commission (a joint permit application is available from any of these organizations). Furthermore, in riverine areas, notification of the proposal shall be given by the applicant to all affected adjacent jurisdictions, the Virginia Department of Conservation and Recreation (Division of Dam Safety and Floodplain Management), other required agencies, and FEMA.
- j. The flood carrying capacity within an altered or relocated portion of any watercourse shall be maintained.

## **N. Floodway Development Regulations**

- 1. In the floodway no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate authorities as required above.
- 2. The placement of any manufactured home, except in an existing manufactured home park within the floodway is specifically prohibited.
- 3. In the floodway, the following uses, types, and activities are permitted provided that (1) they are in compliance with the provisions of the underlying zoning district, (2) are not prohibited by any other ordinance and (3) no specific land use requires any type of structure, fill, or storage of materials and equipment:
  - a. Agricultural.
  - b. Public parks and recreational areas.
  - c. Outdoor sports and recreation.
  - d. Golf courses.
  - e. Accessory residential uses such as yard areas, gardens, play areas, and loading areas.
  - f. Accessory industrial and commercial uses such as, but not limited to, yard areas, parking and loading areas, and airport landing strips.

## O. Elevation and Construction Standards

1. In all identified flood hazard areas where base flood elevations have been provided in the FIS or generated by a certified professional in accordance with Section 5.26.H, the following provisions shall apply:
2. Residential construction. New construction or substantial improvement of any residential structure (including manufactured homes) in Zones AE, AH and A with detailed base flood elevations shall have the lowest floor, including basement, elevated to or above the base flood level plus twenty-four (24) inches. Equipment or mechanical items for all residential buildings constructed, substantially improved, and/or reconstructed due to substantial damage shall be elevated to or above the base flood level plus twelve (12) inches.
3. Non-residential construction.
  - a. New construction or substantial improvement of any commercial, industrial, or non-residential building (or manufactured home) shall have the lowest floor, including basement, elevated to or above the base flood level plus twelve (12) inches.
  - b. Non-residential buildings located in all AE, and AH zones may be flood-proofed in lieu of being elevated provided that all areas of the building components below the elevation corresponding to the BFE plus two (2) feet are watertight with walls substantially impermeable to the passage of water, and use structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification, including the specific elevation (in relation to mean sea level) to which such structures are flood-proofed, shall be maintained by the floodplain administrator.
4. Space below the lowest floor. In zones A, AE, AH, and AO, fully enclosed areas, of new construction or substantially improved structures, which are below the regulatory flood protection elevation shall:
  - a. Not be designed or used for human habitation, but shall be used solely for parking of vehicles, building access, or limited storage of maintenance equipment used in connection with the premises. Access to the enclosed area shall be the minimum necessary to allow for parking of vehicles (garage door) or limited storage of maintenance equipment (standard exterior door), or entry to the living area (stairway or elevator).
  - b. Be constructed entirely of flood resistant materials below the regulatory flood protection elevation.
  - c. Include measures to automatically equalize hydrostatic flood forces on walls by allowing for the entry and exit of floodwaters. To meet this requirement, the openings must either be certified by a professional engineer or architect or meet the following minimum design criteria:
    - 1.) Provide a minimum of two (2) openings on different sides of each enclosed area subject to flooding.
    - 2.) The total net area of all openings must be at least one square inch for each square foot of enclosed area subject to flooding.
    - 3.) If a building has more than one enclosed area, each area must have openings to allow floodwaters to automatically enter and exit.

- 4.) The bottom of all required openings shall be no higher than one foot above the adjacent grade.
  - 5.) Openings may be equipped with screens, louvers, or other opening coverings or devices, provided they permit the automatic flow of floodwater in both directions.
  - 6.) Foundation enclosures made of flexible skirting are not considered enclosures for regulatory purposes, and, therefore, do not require openings. Masonry or wood underpinning, regardless of structural status, is considered an enclosure and requires openings as outlined above.
5. Accessory structures. Accessory structures in the SFHA shall comply with the elevation requirements and other requirements of Section 5.26.O.3 or, if not elevated or dry flood-proofed, shall:
- a. Not be used for human habitation.
  - b. Be limited to no more than six hundred (600) square feet in total floor area.
  - c. Be useable only for parking of vehicles or limited storage.
  - d. Be constructed with flood damage-resistant materials below the base flood elevation.
  - e. Be constructed and placed to offer the minimum resistance to the flow of floodwater.
  - f. Be anchored to prevent flotation.
  - g. Have electrical service and mechanical equipment elevated to or above the base flood elevation.
  - h. Shall be provided with flood openings which shall meet the following criteria:
    - 1.) There shall be a minimum of two (2) flood openings on different sides of each enclosed area; if a building has more than one enclosure below the lowest floor, each such enclosure shall have flood openings on exterior walls.
    - 2.) The total net area of all flood openings shall be at least one square inch for each square foot of enclosed area (non-engineered flood openings), or the flood openings shall be engineered flood openings that are designed and certified by a licensed professional engineer to automatically allow entry and exit of floodwaters; the certification requirement may be satisfied by an individual certification, or an evaluation report prepared and sealed by a licensed engineer.
    - 3.) The bottom of each flood opening shall be one foot or less above the higher of the interior floor or grade, or the exterior grade, immediately below the opening.
    - 4.) Any louvers, screens or other covers for the flood openings shall allow the automatic flow of floodwaters into and out of the enclosed area.
6. Standards for manufactured homes and recreational vehicles.
- a. All manufactured homes placed, or substantially improved, on individual lots or parcels, must meet all the requirements for new construction, including the elevation and anchoring requirements in Section 5.26.M and Section 5.26.O.
  - b. All recreational vehicles located in a FEMA designated floodplain shall either:
    - 1.) Be on site for fewer than one hundred eighty (180) consecutive days, be fully licensed and inspected, and ready for highway use; or

- 2.) Meet the minimum requirements for placement and the elevation and anchoring requirements for manufactured homes as contained in the VA USBC; or
  - 3.) Be fully licensed and highway ready. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
7. Standards for subdivision proposals.
- a. All subdivision proposals shall be consistent with the need to minimize flood damage.
  - b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.
  - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood hazards.
  - d. When the FIS does not provide detailed base flood elevations, base flood elevation data shall be obtained from other sources or developed using detailed methodologies, hydraulic and hydrologic analysis, comparable to those contained in a flood insurance study for subdivision proposals and other proposed development proposals (including manufactured home parks and subdivisions) that exceed fifty (5) lots or five (5) acres, whichever is the lesser.

**P. Existing Structures in Floodplain Areas**

1. Any structure or use of a structure or premises must be brought into conformity with these provisions when it is changed, repaired, or improved unless one of the following exceptions is established before the change:
  - a. The floodplain administrator has determined that:
    - 1.) Change is not a substantial repair or substantial improvement; and
    - 2.) No new square footage is being built in the floodplain that is not compliant; and
    - 3.) No new square footage is being built in the floodway; and
    - 4.) The change complies with this ordinance and the VA USBC.
  - b. The changes are required to comply with a citation for a health and safety violation.
  - c. The structure is a historic structure, and the change requires would impair the historic nature of the structure.

**Q. Variances**

1. Variances shall be issued only upon a showing of good and sufficient cause, and after the BZA has determined that failure to grant the variance would result in exceptional hardship to the applicant.
2. While the granting of variances generally is limited to a lot size less than one-half (1/2) acre, deviations from that limitation may occur. However, as the lot size increases beyond one-half (1/2) acre, the technical justification required for issuing a variance increases. Variances may be issued by the BZA for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the provisions of this section.

3. Variances may be issued for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that the criteria of this section are met, and the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threats to public safety.
4. In passing upon applications for variances, the BZA shall satisfy all relevant factors and procedures set forth in this Unified Development Ordinance and consider the following additional factors:
  - a. The danger to life and property due to increased flood heights or velocities caused by encroachments. No variance shall be granted for any proposed use, development, or activity within any floodway district that will cause any increase in the one percent chance flood elevation.
  - b. The danger that materials may be swept on to other lands or downstream to the injury of others.
  - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
  - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owners.
  - e. The importance of the services provided by the proposed facility to the Town.
  - f. The requirements of the facility for a waterfront location.
  - g. The availability of alternative locations not subject to flooding for the proposed use.
  - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - i. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the Town.
  - j. The safety of access by ordinary and emergency vehicles to the property in time of flood.
  - k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
  - l. The historic nature of a structure. Variances for repair or rehabilitation of historic structures may be granted upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.
  - m. No variance shall be granted for an accessory structure exceeding six hundred (600) square feet.
  - n. Such other factors which are relevant to the purposes of this ordinance.
5. The BZA may refer any application and accompanying documentation pertaining to any request for a variance to any engineer or other qualified person or agency for technical assistance in evaluating the proposed project in relation to flood heights and velocities, and the adequacy of the plans for protection and other related matters. Variances shall only be issued after the BZA has determined that the granting of such will not result in:

- a. Unacceptable or prohibited increases in flood heights.
  - b. Additional threats to public safety.
  - c. Extraordinary public expense.
  - d. Creation of nuisances.
  - e. Fraud or victimization of the public.
  - f. Conflict with local laws or ordinances.
6. Variances shall only be issued after the BZA has determined that the variance will be the minimum to provide relief.
  7. The BZA shall notify the applicant for a variance, in writing, that the issuance of a variance to construct a structure below the one percent flood elevation (a) increases the risks to life and property, and (b) will result in increased premium rates for flood insurance. A record of the above notification as well as all variance actions, including justification for their issuance, shall be maintained and any variances which are issued shall be noted in the annual report submitted to the FIA.

## 5.27. PUD – Planned Unit Development Overlay District

### A. Purpose

The planned unit development overlay district seeks to achieve the following goals:

1. To encourage environmentally sensitive design.
2. To provide a mechanism for innovative site planning and building forms that are not otherwise possible within standard zoning districts.
3. To encourage developments of equal or higher quality than otherwise required by the strict application of zoning district regulations that would otherwise govern.
4. To promote a variety of housing types, or, within a development containing only a single housing type, to promote the inclusion of houses of various sizes.
5. To encourage the clustering of dwellings for more efficient use of land, efficient use of utility infrastructure, and preservation of open space.
6. To encourage development that functions in a cohesive and unified manner.
7. To ensure that a development will be harmonious with the existing uses and character of adjacent property.
8. To encourage preservation of cultural features, scenic assets, and natural landscape features.
9. To encourage coordination of architectural styles internally within the development and in relation to adjacent properties.
10. To encourage connectivity through public transit, pedestrian, and bicycle infrastructure.

### B. General PUD Standards

1. Necessary public uses, such as minor public utilities, parks, schools, and similar uses, are permitted in all PUDs.
2. If the purpose of the PUD is to convey individual lots for separate ownership, a subdivision application shall be required at the time of the rezone application.
3. A PUD may be comprised of one (1) or more lots.
4. The lots or parcels proposed for a PUD, and all acreage(s) contained therein, shall either be contiguous, or shall be within close proximity to one another and integrated by means of pedestrian walkways or trails, bicycle paths, and/or streets internal to the development.
5. Public sewer service is required for areas that are to be developed for housing, commercial, artisan, and similar uses.

### C. PUD Types, Size, and Configuration

A PUD may be of one of the following types:

1. Rural Village: A PUD of 20 or more acres that is designed to reduce development of agricultural land while providing needed housing stock by implementing higher density residential development that follows the form of a farm compound while preserving economically viable parcels for farm production or open space uses. Rural village PUDs are permitted only on sites of 20 or more acres that are located in either the A-1



Agricultural or R-1 Residential Zoning Districts. Significant preservation of land for agricultural production, nature preservation, visual open space, woodland, or similar natural uses is required.

2. Residential: A PUD of 1 ½ or more acres that is used only for residential uses and other compatible accessory uses, such as home occupations.
3. Commercial: A PUD of 10 or more acres made up primarily of commercial and/or industrial uses, but which may include residential uses on up to 20% of the developed area. This type of PUD is designed to be compatible with any residential uses that may adjoin the proposed PUD.
4. Mixed-Use: A PUD of 15 or more acres that includes both residential and commercial uses that are compatible with the residential component of the PUD and adjacent residential neighborhoods. Industrial uses are not permitted in a mixed-use PUD except for those uses approved for the RA Artisan Residential Zoning District.

#### **D. Required Open Space**

1. When used within this section, the term "open space" shall mean land designated on an approved development plan for a PUD as being reserved for the use, benefit, and enjoyment of all residents of the PUD. Such open space may consist of common areas owned and maintained by a developer, non-profit corporation, or property owners' association, and/or any parkland, hiking trails, drainage area, or similar areas dedicated to the public and accepted by the Town.
2. The following amount of open space shall be required within a PUD:
  - a. For rural village PUDs, at least sixty (60) percent of the gross area of land in the PUD. For the purposes of rural village PUDs, the term "open space" shall also include land preserved for agricultural purposes.
  - b. For residential PUDs, at least twenty (20) percent of the gross area of land in the PUD.
  - c. For a mixed use PUDs, at least fifteen (15) percent of the gross area of all land in the PUD.
  - d. For commercial PUDs, at least 2,000 square feet of active pedestrian plaza space for every 30,000 square feet of building footprint.
3. Open space must be useable for recreational purposes, or provide visual, aesthetic, or environmental amenities. The following improvements may be counted as part of required open space:
  - a. Recreational facilities such as playgrounds, ball courts, swimming pools, picnic areas and shelters, parks, walking paths and hiking trails, landscaped terraces, open-air plazas, and similar amenities.
  - b. Required stormwater detention basins may only be used to meet up to fifty (50) percent of the required open space requirement if they are accessible for recreational purposes and designed to safely accommodate such recreational use as determined by the Zoning Administrator.
  - c. Land within a floodway or floodway fringe may be used to satisfy the open space requirement for a PUD; however, such land may not count for more than fifty (50) percent of the required open space.



- d. The following areas shall be excluded from areas counted as open space: buildable lots, buildings and structures, streets, parking areas, and other improvements, other than those of a recreational nature.
4. Open space shall be provided within each phase of a PUD, in sufficient amounts to serve the expected uses and/or residential population of that phase.
5. All property owners within a PUD shall have access to the open space by means of a public street, private street, or walkway located within an easement reserving those access rights.

## **E. Common Areas & Ownership of Land**

1. All property within a PUD shall remain under single entity ownership of a developer, or group of developers, unless and until provision is made which insures the establishment and ongoing maintenance and operation of all open space, recreational facilities, and other common areas within the development. The developer or developers of the PUD shall not lease or sell any property within the PUD unless or until documentation is submitted, reviewed, and approved, which demonstrates that such satisfactory provisions have been made.
2. Where a property owners' association is established to own and maintain common areas within a PUD (including all required open space remaining in private ownership) the following requirements shall apply:
  - a. The property owners' association shall be established and constituted in accordance with the [Virginia Property Owners' Association Act](#), prior to the final approval, recordation and lease or sale of any lot within the PUD.
  - b. The membership of the property owners' association, and the obligations of such association with respect to the common areas, shall be set forth within a declaration, suitable for recording in the land records of Wythe County, meeting the requirements of the [Virginia Property Owners' Association Act](#). The declaration shall detail how the association shall be organized, governed, and administered; specific provisions for the establishment, maintenance and operational responsibilities of common areas and the improvements established therein; and the method of assessing individual property owners for their share of costs associated with the common areas.
3. All common areas and required open space within a PUD shall be preserved for their intended purpose as expressed in the approved development plan. All deeds conveying any interest(s) in property located within the PUD shall contain covenants and restrictions sufficient to ensure that such areas are so preserved. Deed covenants and restrictions shall run with the land and be for the benefit of present as well as future property owners and shall contain a prohibition against partition.
4. If the developer or developer of a PUD elects to vacate or significantly modify the subdivision plat after any parcel has been sold to an end user, approval of the plat vacation or re-plat is subject to all requirements of Code of Virginia [§ 15.2-2272](#).

## **F. Setbacks and Dimensional Standards**

1. The dimensional standards, such as restrictions of the height, area, location and arrangement of buildings and structures within a PUD district shall reflect the form of adjoining uses in the following ways.

- a. Setbacks:
  - 1.) Setbacks along public or private streets adjacent to the PUD shall be a minimum of 25 feet as measured from the right-of-way line.
  - 2.) Mixed-use and commercial PUDs shall meet the screening and buffer yard landscape requirements as required by Article 7, Section 7.6. when located adjacent to lower intensity development.
  - 3.) Setbacks along adjoining parcels shall conform to the minimum setbacks for the type of use proposed within the PUD when adjacent to the existing use or permitted uses on the adjoining parcel. For example, if multi-family residential is proposed adjacent to an R-3 use or zoning district, the minimum setbacks shall follow the regulations for the R-3 Zoning District. See Subsection G. below for further information regarding setbacks and building height regulations where a PUD adjoins other parcels.
  - 4.) There are no minimum setbacks between structures streets and adjoining parcels internal to the PUD plan area, however, said structures shall conform to all building separation requirements included in applicable fire and building codes.
- b. Proposed dimensions and site layout parameters as shown on the approved development plan for the PUD.
- c. Proposed dimensions and site layout parameters as described within any approved proffers.
- d. Any other specific requirements or limitations set forth within this section.

**G. Compatibility with Community Context**

- 1. Any building located within seventy-five (75) feet of a low-density residential zoning district, which includes A-1, R-1, and R-2, shall conform to the height regulations of the adjoining residential district.
- 2. Non-residential uses shall not be located within seventy-five (75) feet of adjoining residential uses or adjoining parcels zoned for residential use.
- 3. For areas within seventy-five (75) feet of the perimeter of a PUD building height, scale, and setbacks of buildings within a PUD shall complement existing development on adjacent property, as follows:
  - a. Proposed uses shall be similar to existing adjacent uses.
  - b. Buildings within the PUD shall be similar in size to adjacent buildings.
- 4. Where a PUD is established on property that shares street frontage with improved property across any street or similar right-of-way, development within the PUD facing such existing improvements shall be harmonious as to building height, mass, lot coverage, and setbacks for the area within seventy-five (75) feet of said right-of-way. The Zoning Administrator is authorized to determine that building height, mass, lot coverage and setbacks of the proposed development within the 75-foot wide perimeter of the PUD are substantially similar to and compatible with the adjoining land uses.

## **H. Landscaping**

1. In all PUD districts landscaping shall be provided using materials consistent with those required by Article 7, Section 7.6.
2. In addition to the requirements of paragraphs 1. and 2., above, landscaping shall be utilized within a PUD:
  - a. To provide visual separations or buffers between uses and areas different in intensity or character from one another, and between the PUD and adjacent low-density residential districts.
  - b. To protect and enhance the scenic, recreational, or natural features of a site. Priority shall be given to preservation of existing trees having a caliper of eight (8) or more inches and in-place natural buffers.
  - c. As a means of harmonizing the street frontage along the perimeter of a PUD with the street frontage of adjacent properties.
  - d. To minimize the impact of noise, heat, light, and glare emanating from a building, use or structure upon adjacent buildings, uses or structures.

## **I. Sensitive Areas**

1. The following areas shall be left natural and undisturbed, except for street crossings, hiking trails, utilities, and erosion control devices:
  - a. Land within a floodway.
  - b. Wetlands.
  - c. Woodland areas on steep slopes.

## **J. Parking**

1. Off-street parking for each use within a PUD shall be provided in accordance with the standards set forth within Article 7, Section 7.12. Parking and Access Standards, unless otherwise approved by Town Council.

## **K. Phased development**

1. PUDs may be developed in phases, provided all the following requirements are met:
  - a. All phases must be shown, and numbered in the expected order of development, on the approved development plan.
  - b. The open space within each recorded phase may constitute fifteen (15) percent of the gross land area within that phase, or all required open space may be provided in the first phase.
  - c. All project data required in Subsection N for the project as a whole shall be given for each individual phase of development.
  - d. Phasing shall be consistent with the traffic circulation, drainage and utilities plans for the overall PUD.

## **L. Recommended Pre-Application Meeting**

1. Prior to the formal submission of an application seeking approval of a proposed PUD, it is recommended that the developer or their representative meet with the Zoning Administrator, Public Utilities Director, and Building Official or their staff representatives concerning the proposal, to discuss preliminary proposals for their development concept and if possible, a sketch plan that specifies:
  - a. The general location and amount of land proposed for residential, office, commercial, industrial, open space/recreation and vehicular and pedestrian access and circulation. This information should be presented in a format that illustrates how the proposal meets the objectives of Subsection A, Purpose.
  - b. The numerical range of dwelling units in terms of quantity, and the gross floor area and acreage of each use or land area shown on the sketch plan.
  - c. A narrative explaining the development plan and if applicable, any proposed deviations or modifications from generally required provisions.
  - d. Any preliminary proffers.
2. After a pre-application meeting, the Zoning Administrator and other relevant Town staff will provide written comments to guide further development of site plans and land use plan for engineering plan development.

## **M. Application**

1. A developer may submit an application seeking a rezoning approval for a PUD at any time. However, it is recommended that formal applications be submitted after responding to any comments generated in the pre-application meeting process.
2. The rezoning application shall consist of the following materials:
  - a. Completion of the Town Rezoning Application form using the Town's online permitting portal.
  - b. A development plan prepared in accordance with Subsection N, below. The development plan shall include a site plan that lists the type and location of all proposed land uses.
  - c. A written statement of any proffers proposed in connection with the PUD.
  - d. A preliminary concept for land disturbance and construction phasing which should include approximate area of disturbance and anticipated sequence.
3. The completed application shall be processed in accordance with the procedures applicable to rezonings.

## **N. Development Plan – Requirements – Contents**

Each of the following is a required component of a complete development plan submitted in connection with an application for approval of a planned unit development:

1. A survey plat describing and depicting the entire land area to be included within the PUD site, including identification of present ownership, existing zoning district classification(s) of the parcel(s) to be included within the PUD.

2. A narrative statement of how the objectives, as described within Subsection A Purpose, are met by the proposed PUD.
3. A conceptual development plan, supporting maps, and written or photographic data and analysis which show:
  - a. Location and size of existing water and sanitary and storm sewer facilities and easements.
  - b. Layout for proposed water and sanitary sewer facilities and storm drainage facilities.
  - c. Location of other proposed utilities.
  - d. Location of existing and proposed ingress and egress from the development.
  - e. Location and size of existing and proposed streets.
  - f. Location of existing and proposed pedestrian and bicycle improvements, including connections to nearby schools.
  - g. An inventory, by tax map parcel number and street address, of all parcels adjacent to the PUD, indicating the existing zoning district classification of each.
  - h. A site inventory of the significant natural, environmental and cultural features of a site, including at a minimum: historic landmarks contained on any state or federal register; vegetation; existing trees of eight-inch caliper or greater; wetlands, topography, shown at intervals of five (5) feet or less, critical slopes, and other, similar characteristics or features, and a plan for preserving, protecting, utilizing and/or incorporating such features into the design and function of the proposed PUD.
4. A proposed land use plan. Such plan will identify the following:
  - a. Proposed land uses and their general locations, including without limitation, building and setbacks.
  - b. Proposed densities of proposed residential development.
  - c. Location and acreage of required open space.
  - d. Square footage for non-residential uses.
  - e. Maximum height of buildings and structures in area of PUD.
5. A conceptual landscape plan which focuses on the general location and type of landscaping to be used within the project as well as the special buffering treatment proposed between project land uses and adjacent zoning districts.
6. Phasing plan if needed. Each phase shall individually meet the requirements of this section.
7. A statement from the Town Public Utilities and Engineering Services Department verifying whether water and sewer infrastructure capacity does or does not exist for the proposed land use(s).
8. A statement from the fire marshal verifying whether adequate fire flow service does or does not exist for the proposed land use(s).
9. Additional information as deemed necessary by the Zoning Administrator in order to facilitate a thorough review of the potential impacts of the proposed PUD that is the subject of the application. If any application fails to demonstrate within their application

materials that a proposed PUD meets the minimum requirements specified herein, the application shall be rejected as incomplete.

## **O. Approval**

1. Approval of the rezoning application establishes the maximum density/intensity, height and other dimensional requirements, the general location of each use and locations for streets and utilities shown on the development plan. Together with any approved proffers, the approved development plan shall establish the zoning requirements applicable to the PUD. Approval of a PUD does not relieve the applicant from its obligation to comply with all local, state, and federal laws and regulations. Any change in use, increase in density/intensity, any substantial decrease in the amount of open space, substantial change in the location of permitted uses or streets, and any other substantial change from what is shown on the approved development plan shall be deemed a substantial deviation requiring an amendment of the PUD approval. Factors to be considered in determining whether a change is substantial include but are not limited to the extent of the locational change and the expected impact on properties adjacent to the PUD.
2. Following approval of a PUD plan, preliminary and final subdivision and site plan approvals shall be required. All such plans shall conform to the approved PUD plan. No building or structure shall be erected, no building permit(s) issued, and no final subdivision plat(s) recorded, unless all of the following conditions have been met:
  - a. A final site plan has been approved.
  - b. Any required dedications, reservations or required improvements have been made in accordance with the final site plan and PUD phasing schedule.
  - c. Sufficient financial guarantees that required improvements will be completed have been received by the Town.
3. Where phased development has been approved, applications for subdivision and site plan approvals may, at the developer's option, be submitted for each individual phase.
4. The approval of a PUD constitutes approval of both the land uses as shown in the final PUD proposal and any subdivision.
5. Permitted uses shall be listed in the letter of approval for the PUD.

## **P. Amendment**

1. Following approval of a development plan for a planned unit development, the owner of the development may amend the development plan only as follows:
  - a. The owner of a PUD may submit a written request for a proposed minor change to the approved development plan to the Zoning Administrator. The request shall be supported by graphic, statistical and other information necessary in order for the director to evaluate the request. The director may approve the request upon a determination that it involves only a minor deviation from the layout or design contemplated within the approved development plan. For the purpose of this section the terms "minor change" and "minor deviation" mean and refer to changes of location and design of buildings, structures, streets, parking, recreational facilities, open space, landscaping, utilities, or similar details which do not materially alter the character or concept of the approved development plan. Should the Zoning Administrator determine that the requested change constitutes something more than

a minor change or deviation from the approved development plan, then the owner may seek an amendment pursuant to paragraph b, below.

- b. The owner of a planned unit development may apply to Town Council for permission to amend the approved development plan, following the same procedure as for the original approval.

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## Article 6. Land Uses and Land Use Table

### 6.1. Land Uses

#### A. Purpose

This article provides information related to the various permitted land uses throughout the Town of Wytheville. This article identifies specific types of land uses and where they are allowed.

#### B. Land Use Table

The table beginning on the following page is used to list specific uses of land and identify by zoning district whether a use is permitted. There are several categories of uses, Permitted Use, Conditional Use, Special Use Permit, and Prohibited Uses, in the land use table. The uses are defined as follows:

#### C. Key to Use Types

1. Permitted Use (P): Uses that are permitted by-right within the respective zoning district. Permitted Uses are subject to all other applicable standards of this ordinance and may require a permit.
2. Conditional Use (C): Uses that are permitted by-right within the respective zoning district, only if certain additional standards are met. The additional standards are listed in Article 8 by use type. Conditional Uses are subject to all other applicable standards of this ordinance.
3. Special Use Permit (SUP): Uses that are permitted within the respective zoning district only after review and approval of a Special Use Permit, in accordance with the provisions of this ordinance.
4. Prohibited Uses (blank): Uses that are not permitted within the respective zoning district.
5. Definitions of each land use type can be found in Article 9 Definitions.

#### D. How to Use the Land Use Table

1. The abbreviations listed on the top of the table (x axis) represent zone districts:
2. Land uses are listed on the Y axis (down the first column). Uses are grouped together based on the land use categories. For example, residential uses are listed together, and commercial uses are listed together.
3. The Zone District for a parcel can be determined by using the online web GIS Zoning Map at <https://www.webgis.net/va/Wytheville/>. You can search by owner name, address, or tax map number. Individuals can also call the Planning & Zoning Office at (276) 223-3361 to determine a zone district. With the proper zone district determined, reference the zone district listed in the table to determine if the use is permitted, conditionally permitted, requires a special use permit, or is not permitted.
4. The Land Use Table is the official determination as to whether or not a use is permitted by Zone District Type. Land uses are defined in Article 9. Definitions. The Zoning Administrator is enabled to make determinations regarding permitted uses, including the ability to determine that a use is substantially similar to another use already included in the land use table.



**Table 6.1: Permitted Uses by Zoning District**

Key: ■ Permitted Use, □ Conditional Use, \* Allowed by Special Use Exception Permit Only

Land Use	A-1	R-1	R-2	R-3	R-4	RA	SLSH	RB-1	RB-2	RH	RMH	MA	B-1	B-2	B-2 DT	BMX	BTS	DTB-1	DTB-2	DTB-3	M-1	M-2
<b>Accessory Uses</b>																						
Accessory Structures & Uses	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Home Occupations	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Shipping Container Storage	■	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□
Semi-Trailer Storage	■	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□
Outdoor Heating Units	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Temporary Use	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
<b>Age Restricted Uses</b>																						
Craft Brewery or Distillery	■	□	□	□	□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■	■	■
Special Interest Club	■	□	□	□	□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■	■	■
Production Brewery/Distillery	■	□	□	□	□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■	■	■
Adult Uses	■	□	□	□	□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■	■	■
<b>Agricultural</b>																						
Cultivation	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Beekeeping	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Chicken Keeping	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Nontraditional Pets	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Livestock and Poultry	■	□	□	□	□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■	■	■
Urban Livestock	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Greenhouses, Commercial	■	□	□	□	□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■	■	■
Agritourism Venues	■	□	□	□	□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■	■	■
Kennels, Private	■	□	□	□	□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■	■	■
Kennels, Commercial	■	□	□	□	□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■	■	■
<b>Civic &amp; Institutional</b>																						
Assembly Halls & Lodges	■	□	□	□	□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■	■	■
Public Parks & Outdoor Recreation	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Outdoor Recreation, Intense	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Theaters	■	□	□	□	□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■	■	■
Places of Worship	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Cemeteries	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Schools, Private Primary & Secondary	■	□	□	□	□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■	■	■
Public & Semi-Public Facilities, Including Public Schools	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Public Maintenance Shop/Yard	■	□	□	□	□	□	□	□	□	□	□	□	■	■	■	■	■	■	■	■	■	■
<b>Conservation</b>																						
Land Conservation	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■

**Table 6.1: Permitted Uses by Zoning District**

Key: ■ Permitted Use, □ Conditional Use, \* Allowed by Special Use Exception Permit Only

Land Use	A-1	R-1	R-2	R-3	R-4	RA	SLSH	RB-1	RB-2	RH	RMH	MA	B-1	B-2	B-2 DT	BMX	BTS	DTB-1	DTB-2	DTB-3	M-1	M-2	
<b>Industrial</b>																							
Artisan Food Production	□					□		□	□					□	□	□	□	□	□	□	□	□	□
Artisan Industrial	□					■		□	□						■	■	■	■	■	■	■	■	■
Artisan Industrial, Intense						□			□						□			□	□	□	■	■	■
Industrial Uses, Light						□																■	■
Industrial Uses, Moderate																						■	■
Industrial Uses, Heavy																							*
Towing & Recovery																						*	*
Salvage & Recycling Yard																							*
<b>Lodging</b>																							
Bed and Breakfast Inn	□					□		□	□		□		■	■	■	■	■	■	■	■	■	■	■
Homestay	□				□	□		□	□				□	□	□	□	□	□	□	□	□	□	□
Campgrounds & RV Parks	*																						
Hotels & Motels													■	■	■	■	■	■	■	■	■	■	■
<b>Residential</b>																							
State Authorized Group Home	■	■	■	■	■	■	■	■	■	■		■			■	■	■	■	■	■	■	■	■
Single-Family Dwelling	■	■	■	■	■	■	■	■	■	■					■	■	■	■	■	■	■	■	■
Temporary Family Health Care Structure	■	■	■	■	■	■	■	■	■	■	■		■	■	■	■	■	■	■	■	■	■	■
Accessory Dwelling Units	□	□	□	□	□	□		□	□	□										□	□		
Duplex or Two-Family Homes	■		■	■	■	■		■	■					■	■	■	■	■	■	■	■	■	■
Multiplex Housing – Up to 4			■	■	■	■		■	■					■	■	■	■	■	■	■	■	■	■
Multiplex Housing – 5 to 12 Units				■	■	■		■	■					■	■	■	■	■	■	■	■	■	■
Townhouse or Condominium			□	□	■	■		■	■					■	■	■	■	■	■	■	■	■	■
Cottage Style Neighborhoods				□	□	□	■	□	□												□		
Multi-Family – 45 Bedrooms/Acre				■	■	■		■	■					■	■	■	■	■	■	■	■	■	■
Multi-Family – 70 Bedrooms/Acre					■	■		■	■							■	■	■	■	■	■	■	■
Live-Work Dwelling						□		□	□					□	■	■	■	■	■	■	■	■	■
Artisan Residence						■		■	■					■	■	■	■	■	■	■	■	■	■
Mixed Use Lifestyle Center																■	■	■	■	■	■	■	■
Rural Village PUD Residential	*	*																					
Caretaker Residence	■										■	■	■	■			■	■	■	■	■	■	■
Group Lodging Facilities	*				*									*			*						
Manufactured Home Park											■												
On-Frame Modular Homes	■		□	□		□			□		■												
Manufactured Homes	■		*	*		□			□		■												

**Table 6.1: Permitted Uses by Zoning District**

Key: ■ Permitted Use, □ Conditional Use, \* Allowed by Special Use Exception Permit Only

Land Use	A-1	R-1	R-2	R-3	R-4	RA	SLSH	RB-1	RB-2	RH	RMH	MA	B-1	B-2	B-2 DT	BMX	BTS	DTB-1	DTB-2	DTB-3	M-1	M-2
<b>Professional, Medical &amp; Veterinary</b>																						
Clinics & Medical Offices	*							□	□			■	■	■	■	■	■	■	■	■		
Assisted Living & Physical Rehab	*				■	*		*	*			■	■	■	*	■	■	*	*	*		
Hospital												■		■		■	■					■
Medical Laboratory												■										■
Retail Uses, Medical												■	■	■	■	■	■	■	■	■	■	■
Veterinary Clinic												□		□			□					■
Professional Office						□		□	□				■	■	■	■	■	■	■	■	■	■
On-Site Property Management					■	■		■	■		■	■	■	■	■	■	■	■	■	■	■	■
<b>Retail</b>																						
Retail Uses, Neighborhood						□		□	□				■	■	■	■	■	■	■	■	■	■
Retail Uses, Moderate													■	■	■	■	■	■	■	■	■	■
Retail Uses, Large													■	■		■	■					■
Open Air Sales on Public Sidewalk															□			□	□	□		
Self-Service Storage Facility						□								■		■	■					■
Mobile Food Facilities													□	□	□	□	□	□	□	□	□	□
Retail Petroleum Products														■		■	■					■
Automobile Service or Repair														■		■	■					■
<b>Services</b>																						
Banks & Financial Services						□		□	□				■	■	■	■	■	■	■	■	■	■
Payday Loans & Pawn Shops														■		■	■					
Family Day Homes	*	*	*	*	*	□	*	□	□	*		□	□	□	□	□	□			□	□	□
Child Day Care & Private Preschools						□		□	□			□	□	□	□	□	□			□	□	□
Laundry Services														■	■	■	■					■
Hair & Skin Care						□		□	□				■	■	■	■	■	■	■	■	■	■
Funeral Homes									□					■	■							■
<b>Utilities &amp; Transportation</b>																						
Public Utility, Minor (Includes Property Owner Scale Solar)	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Public Utility, Moderate (Includes Small Power Grid Scale Solar and Small Wind Energy Systems)	■											■	■	■		■	■					■
Public Utility, Major (Includes Large Power Grid Scale Solar)	*												*	*		*	*				*	*
Small-cell Telecommunications Site	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□	□
Telecommunications Towers over 50'	*											*	*	*		*	*				*	*

## 6.2. Excluded Uses

### A. Purpose

1. To indicate uses that are specifically prohibited within the Town of Wytheville.
2. The Town of Wytheville is 14 square miles in area. The spatial area of the Town is not adequate to accommodate the required separation distances which are needed to mitigate the potential hazards of the excluded uses as shown below.

### B. List of Excluded Uses

1. The following uses are not allowed in any zoning district within the Town of Wytheville.
  - a. Abattoirs
  - b. Concentrated Animal Feeding Operation
  - c. Gas and Oil Extraction
  - d. Petroleum Processing
  - e. Livestock Market
  - f. Meat, Fish, or Poultry Processing
  - g. Slaughterhouses
  - h. Paper or Pulp Mills
  - i. Industrial Chemical Manufacturing or Processing
  - j. Nuclear Labs, Nuclear Power Plants and Other Radioactive Processes
  - k. Industrial Incinerators
2. Uses not specifically mentioned in the land use table are prohibited.

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## Article 7. Site Development Standards

### 7.1. Purpose

1. The standards of this article shall be used to design and construct physical improvements to land in the Town of Wytheville. Zoning site development standards are intended to guide orderly development and to protect the health, safety and welfare of the general public while ensuring that investments in both private and public property benefit the community at large.
2. The standards as shown shall apply to the new development of a complete site and/or to portions of a site which are newly developed or redeveloped. Unless otherwise stated in this article, existing sites under redevelopment shall be redeveloped in accordance with these standards when the site meets the change threshold as identified in Article 2, Subsection 2.12. All sites shall be developed in accordance with the zone district standards as shown in Article 5.
3. A minor or a major site plan submittal is required prior to development in accordance with Article 3.
4. Site development standards apply to development within all zoning districts. They differ from Conditional Use Standards, which only apply to specific uses in similar locations as shown on the land use table.
5. In addition to the site development standards contained in the article, other site improvements may be required for new subdivisions and certain re-platting activities. Please refer to Article 4, Subdivision Standards for improvements relevant to new and altered subdivision plats for the following:
  - a. New Access and New Streets and Modifications to Existing Access and Existing Streets: (See also Article 4 Subsection 4.13.O. and Subsections 7.12, and 7.16 of this Article.)
  - b. Erosion and Sediment Control and Stormwater Management: (See also Article 4 Section 4.13.P.)
  - c. Drainage: (See also Article 4 Section 4.13.Q.)
  - d. Offsite Improvements: (See also Section 7.11 below, and Article 4 Section 4.5.B.)
  - e. Public Water and Public Sewer Connection Required: (See also Article 4 Section 4.13.R.)
  - f. Private Utilities: (See also Article 4 Section 4.13.U.)
  - g. Addresses, Street Names and Signage: (See also Article 4, Section 4.13.X.)

### 7.2. Address Identification

#### A. Addressing Standards for Buildings

1. See Article 4 Subsection 4.13.X for information regarding procedures for obtaining street address designations.

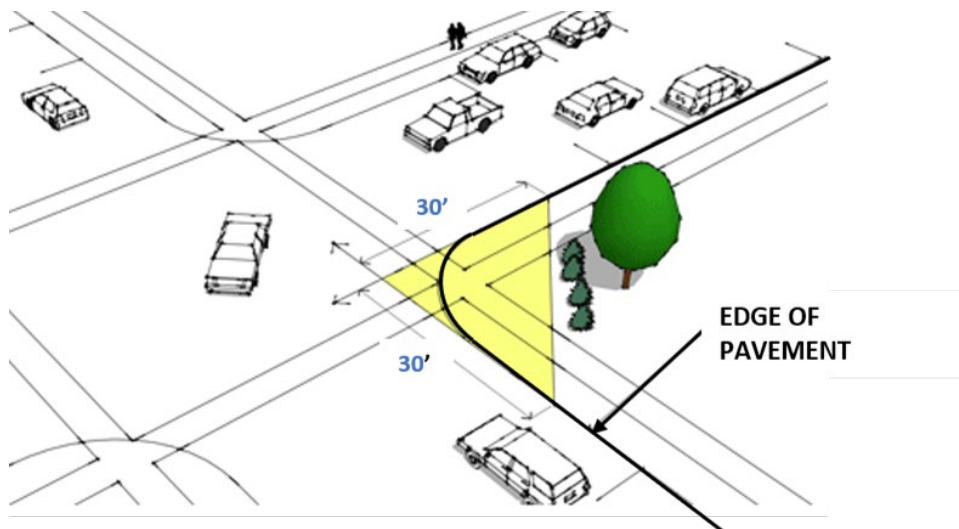
2. Address numbers of existing buildings shall be maintained in accordance with the applicable building code or when required by ordinance.
3. All buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 1/2 inch (12.7 mm). Where required by the Fire Code Official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole, or other approved sign or means shall be used to identify the structure.

### 7.3. Clear Sight Triangle

#### A. Clear Sight Triangle Requirements

1. A clear sight area shall be maintained for all streets and alleys, whether public or private. Except in the B-2 DT or any DTB district, no building, structure, or improvement, including landscape, shall be erected, placed, planted, or maintained so as to interfere with a clear sight area located between the heights of 2 feet and 10 feet above the crown of a street, alley, driveway, access drive or similar traveled way.
2. For the purposes of this ordinance, the clear sight triangle formed by the face of curb or pavement edge of the street and the similar edge of an intersecting street, alley, or driveway surface; and a line connecting points 30 feet from the intersection of said lines. (See figure 7.1 below.)

**Figure 7.1: Clear Sight Triangles**



The Zoning Administrator may require a larger clear sight area, as provided by [Virginia Department of Transportation Road Design Manual Appendix F](#), when necessary to provide for the safe movement of pedestrians and vehicles.

## **7.4. Dumpster Pads, Trash Enclosures and Solid Waste Screening**

### **A. Solid Waste Collection and Disposal**

1. All land uses shall provide for the storage of solid waste as per the provisions of [Chapter 12 of the Town Code](#). Please refer to the Town Code for requirements regarding storage and removal of solid waste.

### **B. Storage, Screening, and Disposal Standards for Solid Waste**

1. All solid waste containers placed for private trash collection shall be covered with a tight-fitting lid and shall be screened from view. The owners of duplex, triple or multi-family dwellings shall mark each container to identify the unit or units to which it is assigned.
2. All uses are required to provide adequate facilities to safely store and screen solid waste awaiting disposal.
3. Solid waste shall be collected for disposal at least once per week. More frequent collections shall be provided at facilities with significant food production and locations where the households or businesses served generate more trash than can be accommodated in the available containers for one week.
4. Commercial and multi-family uses with four (4) or more dwelling units shall also provide either a trash enclosure or dumpster enclosure as described below, to screen the waste storage area from view from public streets and adjoining parcels.

### **C. Trash Enclosure Standards**

1. Multi-Family Uses: Trash enclosures are required for all multi-family uses with four (4) to seven (7) units unless a dumpster enclosure has been provided.
2. Small Commercial Uses: Trash enclosures may be sufficient for small commercial uses that generate less solid waste than will fill two (2) 32 gallon trash containers per week. Commercial uses that generate more solid waste shall have access to a dumpster located in an approved dumpster enclosure.
3. Trash enclosures shall be screened from view from the public right-of-way with a screen fence or dense compact evergreen shrubs.

### **D. Dumpster Enclosure Standards**

1. Multi-Family Uses: Multi-family uses with eight (8) or more units shall have access to a dumpster located in an approved dumpster enclosure. The number of dumpsters provided shall be sufficient for five pounds of trash per day per resident as adjusted for pickup frequency.
2. Commercial and Industrial Uses: Commercial and industrial uses that fill more than two 32 gallon trash containers with solid waste per week shall have access to a dumpster located in an approved dumpster enclosure. Individual dumpster enclosures can be used to serve multiple businesses as a shared service.
3. Placement: Garbage trucks must be able to enter, service a dumpster, back up, and depart without having to make unnecessary maneuvers. This may require construction of the pad at an angle of 60 degrees or less from the drive aisle to facilitate access. The path for these trucks should not be obstructed by parked

vehicles, medians, curbs, buildings, or other obstructions. Service trucks must be able to lift dumpsters to empty them without obstruction from overhead wires or tree limbs. The vehicle approach and container must be at the same grade in order to be serviceable. Dumpsters may not be placed on public streets, alleys, or sidewalks. For sites with multiple pads, garbage trucks should be able to access all pads along a one-way route with no more than one turnaround movement required. Placement should account for the type of dumpster to be used (front or rear loading).

4. Dumpster Pad: Dumpsters must be placed on a concrete pad large enough to support the container and approach wheels of the collection truck. Dumpster pads shall be constructed of 8" thick 3,500 or higher PSI concrete. The required pad length may vary depending on whether the dumpster is serviced by a front or rear loading garbage truck. Example: The pad must be at least 18 feet long by 10 feet wide to accommodate one container using a front-loading garbage truck. The configuration provides a 10-foot-wide pad, with 8 feet to accommodate the dumpster and 10 feet to support the garbage truck approach wheels.
5. Entrances and Gates: The enclosure entrance must be at least 12 feet wide to allow for adequate access for collection trucks. Enclosures with more than one container should add 10 feet of width per additional dumpster. For example, if your enclosure has two containers, the opening should be at least 22 feet wide. If the enclosure has doors, it must be constructed so that the doors remain open while the dumpsters are being serviced. There must be two fixed barrier guard posts placed behind each dumpster to protect screen fencing and/or screening shrubbery. Side posts are acceptable but not mandatory.
6. Design: The pad shall extend beyond the front of each dumpster so that the approaching wheels of a garbage truck will rest on the concrete, but in no case shall the length of a concrete pad be less than ten (10) feet beyond the front of the dumpster. The site shall be designed so that stormwater drains away from areas where dumpsters are located and does not run across the dumpster pad to minimize contamination of stormwater runoff.
7. Screening: Dumpsters shall be screened with dense evergreen shrubs, or a screen fence as required by Section 7.6: Fencing and Outdoor Wall Standards, Table 7.2: Fence Types, Zoning Districts Where Permitted, and Special Requirements by Fence Type.

## **7.5. Emergency Vehicle & Fire Apparatus Access Standards**

### **A. Purpose**

1. To assure that all new development within the Town of Wytheville is provided with adequate access for fire protection.

### **B. Development Standards**

1. Site access to building lots, subdivisions, new development, and re-development shall meet emergency vehicle and fire apparatus design standards.
2. Minimum design standards for streets shall be met as shown in this ordinance. Minimum pavement width and turn radius design standards for site access shall be



in accordance with the VDOT Access Management Design Standards and based on the type of development.

3. Unobstructed vertical clearances of at least 14' tall, and horizontal clearances of at least 20' wide shall be maintained.
4. Site access grades shall not exceed 10% and cross slope of any surface used for access shall not exceed 5%.
5. Locked gates shall have an emergency vehicle Knox box installed and shall meet all other requirements of the International Fire Code.
6. All lots under construction and finished structures shall have address markers placed at each entrance and visible from both directions of travel on the road. Multiple addresses mounted on a single post at end of driveway with additional markers where driveways divide is required.
7. Driveways in excess of 150' in length shall have adequate turn-around that meets fire apparatus requirements.
8. Driving surfaces and bridges must be weight rated to carry fire apparatus equipment.
9. No parking signs for fire lanes and limited width streets shall be installed. The following projects shall have two (2) fire apparatus access drives; buildings exceeding three stories or 30 feet in height, buildings with a gross sq feet exceeding 62,000 sq. feet, multi-family, or single-family subdivision and/or residential projects exceeding 30 dwelling units. Any new structure over 30' tall must also provide an aerial fire apparatus access drive that meets the International Fire Code.
10. Any exceptions to fire apparatus road requirements shall be based on the specific type of building fire suppression proposed. The Fire Chief may grant exceptions in accordance with the International Fire Code.

## **7.6. Fencing and Outdoor Wall Standards**

### **A. Purpose**

1. To protect the public health, safety, and welfare by guiding the placement of fences and outdoor walls. The factors shown below shall be used to design fences in the landscape.
2. To promote fence design that enhances the beauty and character of the Town of Wytheville and that are of a height and scale appropriate for their location.

### **B. General Standards**

1. Applicability: The provisions of this section apply to fences and freestanding masonry walls that function in a manner similar to a fence. Retaining walls, which are engineered to retain soil and separate grades are not subject to the requirements of this section. See Section 7.13 for retaining wall standards.
2. Location: Fences and walls shall be wholly contained within the owner's property. For the purpose of establishing fence locations, "wholly contained" shall mean at least one (1) foot within the property line. This requirement shall not apply to

Division or Boundary Fences, which may be located on adjoining property lines after following the procedures specified in the Code of Virginia [§ 55.1-2821-2826](#) and by presenting evidence that those procedures have been completed.

3. Zoning Review Required: A zoning review is performed for all fence permit applications. A building permit and fee are required for all fences described herein except for portable kennels not affixed to the ground or runs of thirty (30) feet or less of decorative open fencing that is less than four (4) feet tall.
4. No fence or wall shall be permitted within the Town right-of-way. Any fence or wall located within the Town right-of-way is subject to removal at the owner's expense. This provision does not prohibit temporary fences necessary for construction activity or special events along a public right-of-way with appropriate traffic management plans that are approved by the Town.
5. All fences and walls are subject to compliance with applicable provisions of the Uniform Statewide Building Code.
6. No fence shall obstruct views at any entrance onto public right-of-way or located in the sight triangle of any street or alley intersection including private streets and alleys.
7. When fences and walls are constructed on lots where no existing structures are present, "Front Yard" is deemed to be the minimum front yard setback required in the zoning district in which the fence or wall is being placed.
8. The "attractive side" of a fence must face outward along any street, including corner and double frontage lots, and when protecting a pool. It is recommended to face the "attractive side" out in all other instances.
9. When a fence is intended to provide multiple functions as defined by the fence types found in the table at the end of this section (7.6), the more restrictive regulations shall apply. If the regulations appear to be in conflict, the Zoning Administrator or his or her designee shall review the circumstances and render a final opinion on requirements for said fence.
10. Barbed wire, razor wire, or other sharply pointed materials may be used in industrially zoned districts provided said material is over seven (7) feet above the ground and any projections at the top shall be over the fence owner's property and shall not overhang onto abutting property.
11. Barbed wire may be used in agricultural fencing in the A-1 Zoning District and to repair or replace grandfathered agricultural fencing in other zoning districts.

### **C. Provisions for Fences in Residential Districts**

This section applies to fences located in the following residential zoning districts; R 1, R 2, R 2 FH, R 3, R 4, RA, RB 1, RB 2, RH, and RMH. Fence locations by height and degree of opacity within residential districts are as follows:

1. Front Yard
  - a. Fences and walls up to four (4) feet in height and up to 50% solid may be erected in the front yard of any lot.

- b. No fence or wall more than four (4) feet in height or more than 50% solid shall be erected in any front yard except as required to meet screening requirements in specific zoning district regulations.
2. Side Yards
- a. Fences and walls up to four (4) feet in height and up to 100% solid may be erected in the side or rear yards of any lot.
  - b. A fence or wall up to 100% solid, more than four (4) feet in height and up to eight (8) feet in height may be erected in the side yard provided that the fence is at least fifteen (15) feet behind the front yard setback line of the existing structure, and corner lot street side yard fences have a setback of at least five (5) feet from the public right-of-way in residential districts.
3. Rear Yard
- a. A fence or wall up to eight (8) feet in height and up to 100% solid may be erected in any rear yard.

**D. Provisions for Fences in Business and Industrial Districts**

This section applies to fences located in the following business and industrial zoning districts; MA, B 1, B 2, B 2 DT, BMX, BTS, DTB 1, DTB 2, DTB 3, M 1, and M 2.

1. Required Fencing, Screening, and Enclosures
- a. Production activities incidental to permitted uses, which are not conducted wholly within a completely enclosed building, shall be conducted within an area enclosed on all sides by a fence that meets the regulations for an “Access Control” fence as described in Table 7.2.
  - b. In cases where a land use or other activities could pose a hazard to individuals entering the site, the fence enclosure shall also meet the regulations for a “High Security Production Area” fence as described in Table 7.2. Potentially hazardous outdoor uses include, but are not limited to, manufacturing or assembly of products, servicing or repair of equipment, refinement or machining of materials, storage or staging of equipment, or transfer of raw materials and chemicals.
  - c. In cases where visibility of a land use or other activities would adversely affect the value or enjoyment of adjoining property, the required fence must also meet the regulations for a “Screen” fence as described in Table 7.2. Outdoor uses requiring screen fencing shall include, but not be limited to, storage of materials or products not intended for retail sale, storage of trucks or other service vehicles, salvage yards, recycling yards, junk yards, storage of inoperative vehicles, automobile graveyards, towing and wrecker service yards, and outdoor assembly or manufacturing of products. Screen fences required under this provision must be maintained in good repair continuously.
  - d. Utilities and other equipment, such as HVAC units, which require natural air circulation, an unobstructed view, or other technical consideration necessary for proper operation, should be sited to allow adequate space for safe operation while still meeting requirements for fencing and screening. The Zoning Administrator may grant an exception where evidence is provided that unobstructed access or view of the public utility or other equipment is

required for safe operation. This exception does not include storing of any materials.

2. Fence Location Guidelines

a. Front Yard:

- 1.) Fences and walls up to four (4) feet in height and up to 50% solid may be erected in the front yard of any lot.
- 2.) No fence or wall more than four (4) feet in height or more than 50% solid shall be erected in any front yard except as required to meet screening requirements in specific zoning district regulations.
- 3.) Certain open style safety fence types up to eight (8) feet tall, including agricultural, detention pond safety, public facility, and utility security fences, are permitted in front yards within business and industrial districts when deemed safety critical. In no case shall these fences encroach on sight triangles or block sight lines at any entrance.

b. Side Yards

- 1.) Fences and walls up to four (4) feet in height and up to 100% solid may be erected in the side or rear yards of any lot.
- 2.) A fence or wall up to eight (8) feet in height and 100% solid may be erected in the side yard provided that the fence is at least fifteen (15) feet behind the front yard setback line of the existing structure and corner lot street side yard fences have a setback of at least ten (10) feet from the public right-of-way in nonresidential districts.

c. Rear Yard

- 1.) A fence or wall up to eight (8) feet in height and up to 100% solid may be erected in any rear yard.

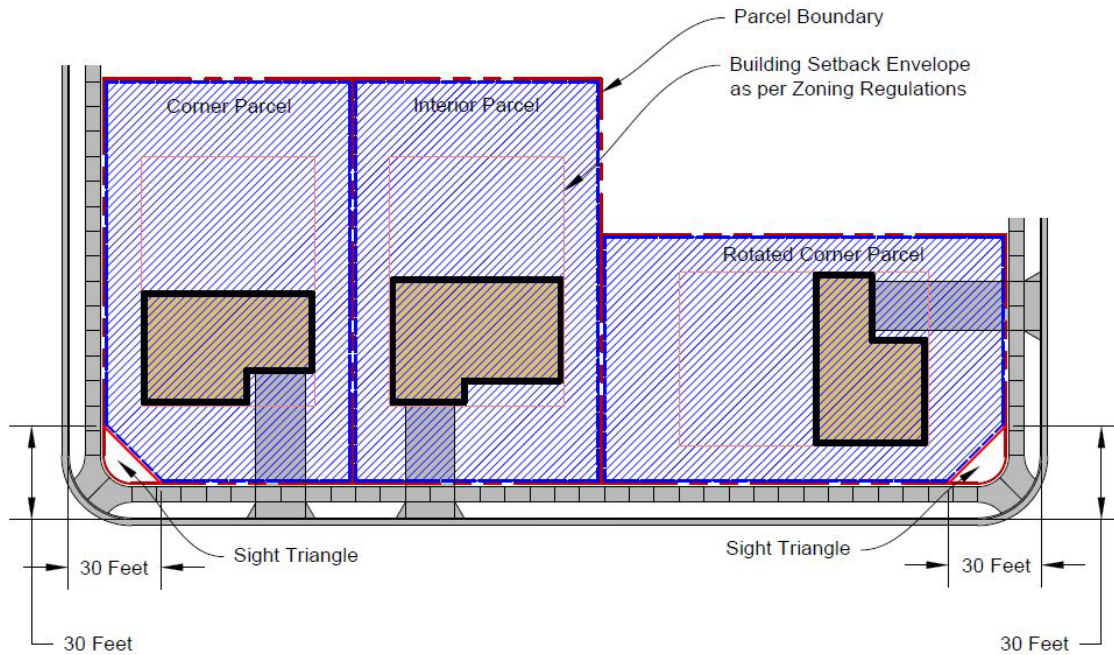
**E. Property Areas**

The Table 7.1 describes the five (5) areas used to regulate fence height and location on parcels within the Town of Wytheville. The five (5) diagrams that follow the table offer a graphic representation of each of the five areas.

**Table 7.1: Description of The Five (5) Regulatory Areas for Fencing of Parcels**

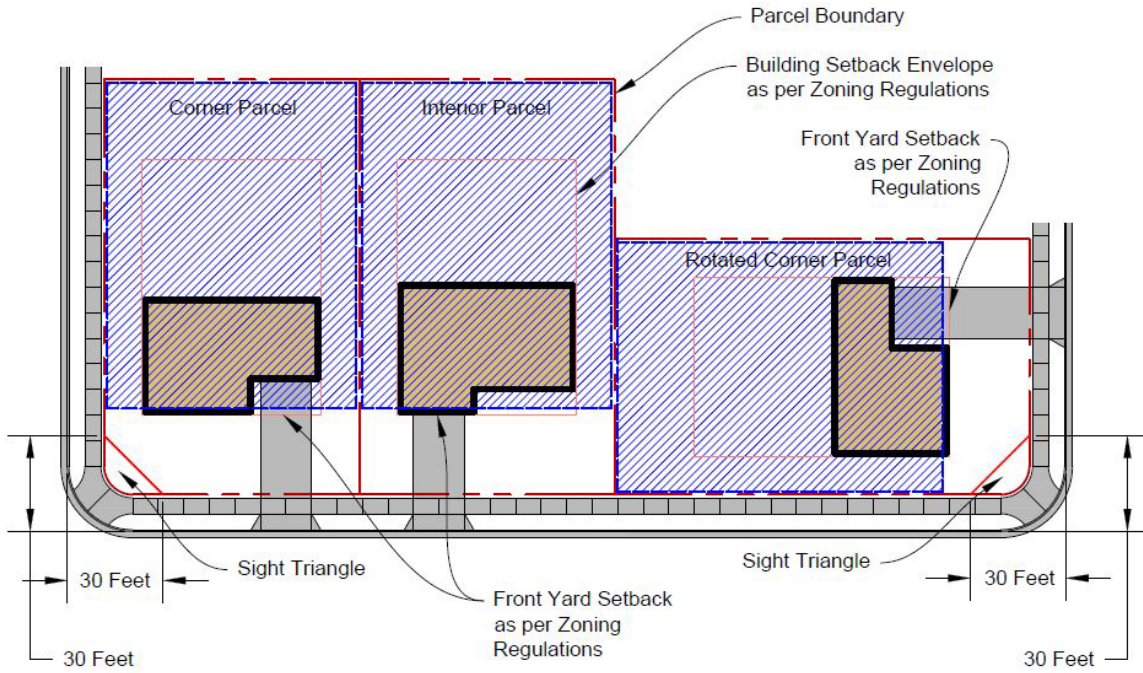
Area Label	Area Description
A	Entire parcel except in sight triangles.
B	Behind front yard setback line.
C	Fifteen (15) feet behind front yard setback line, with a street side setback from the public right-of-way on corner lot street side yards of five (5) feet in residential zones and ten (10) feet in other zones.
D	Only within building envelope (front, side, and rear yard setback lines).
E	Entire parcel and may encroach on right-of-way provided that installation is temporary, and that plans to safely accommodate pedestrian and vehicular traffic are approved by the Town of Wytheville Engineer, Public Works Director, and the Zoning Administrator.

**Figure 7.2: Fencing Area ‘A,’ Allowable Area for Fences up to Four (4) Feet Tall and At Least 50% Open.**

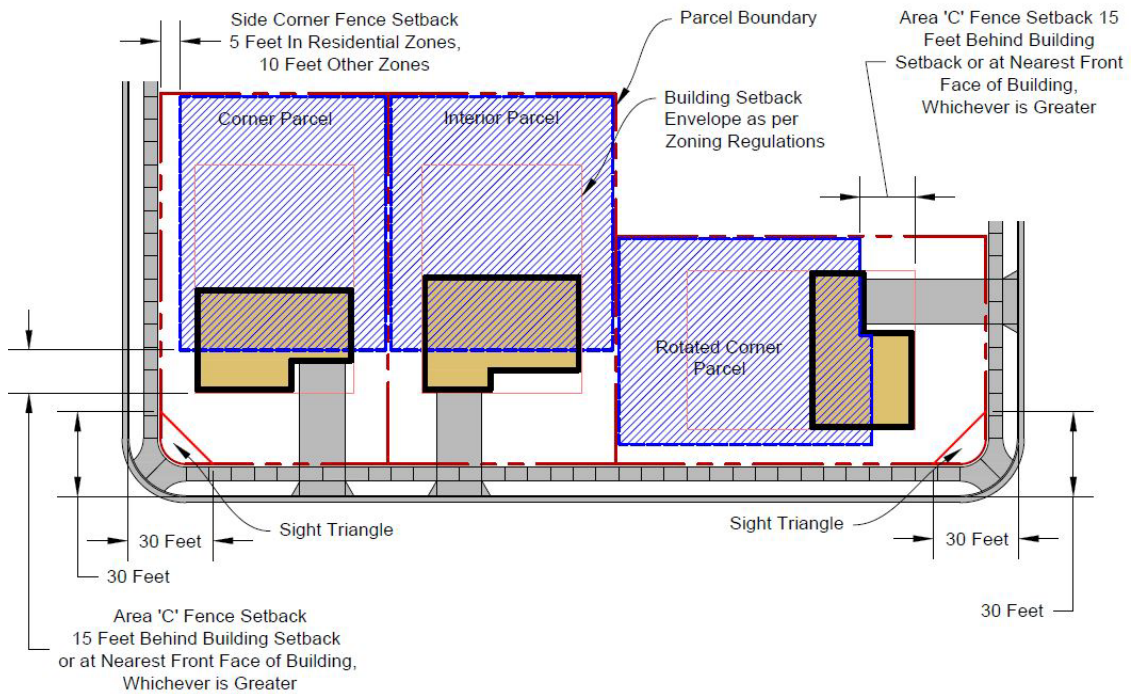




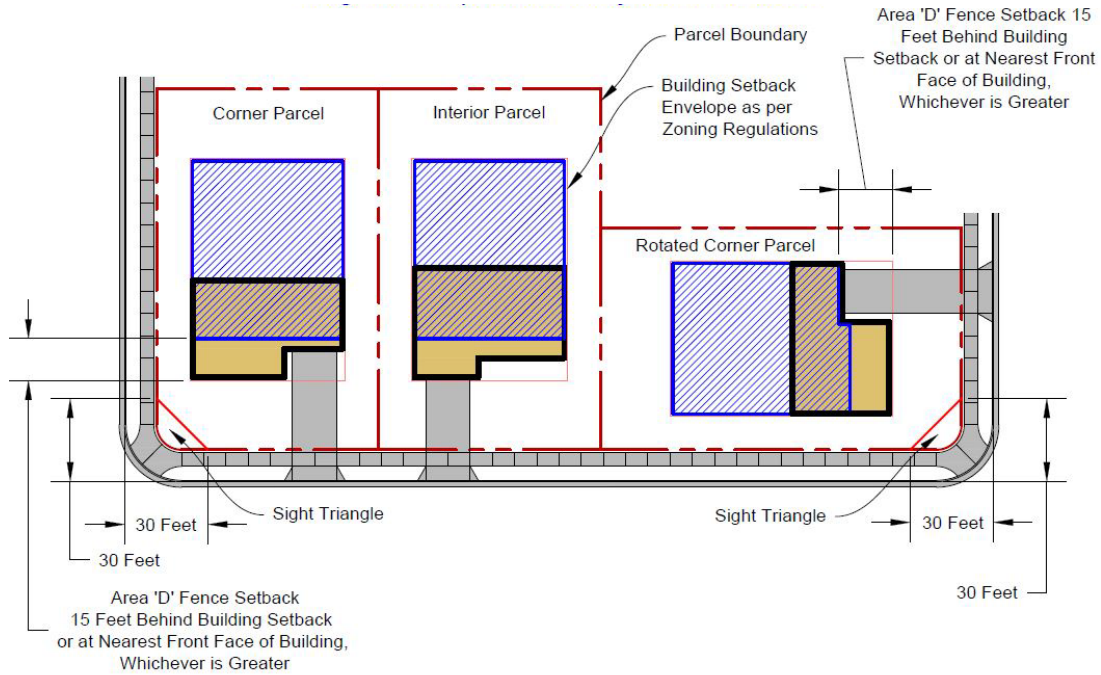
**Figure 7.3: Fencing Area 'B,' Allowable Area for Solid Fences up to Four (4) Feet Tall**



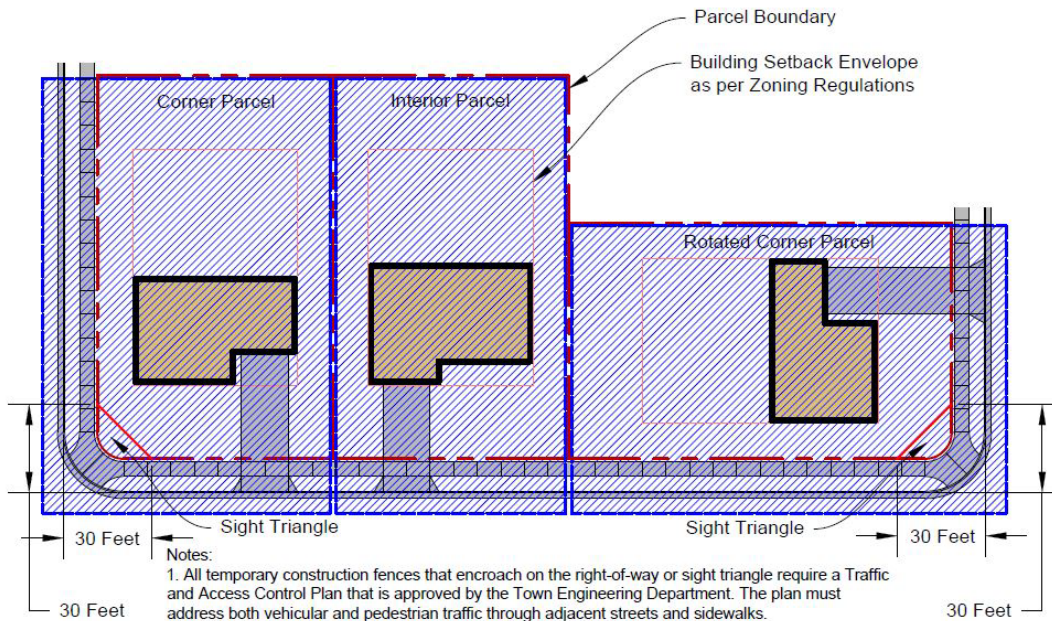
**Figure 7.4: Fencing Area 'C,' Allowable Area for Fences up to Eight (8) Feet Tall**



**Figure 7.5: Fencing Area 'D,' Allowable Area for Fences More than Eight (8) Feet Tall or with Potential Negative Impacts on Adjacent Parcels**



**Figure 7.6: Fencing Area 'E,' Allowable Area for Temporary Construction and Event Fences**



- Notes:
1. All temporary construction fences that encroach on the right-of-way or sight triangle require a Traffic and Access Control Plan that is approved by the Town Engineering Department. The plan must address both vehicular and pedestrian traffic through adjacent streets and sidewalks.
  2. Permits for temporary construction fences are valid for up to six (6) months. For construction projects that continue for more than six (6) months, renewals will require a reevaluation of the effectiveness of the Traffic and Access Control Plan.

**F. Fence Location and Permit Requirement Tables**

**Table 7.2: Fence Types, Zoning Districts Where Permitted, and Special Requirements by Fence Type**

Purpose of Fence	Districts Where Permitted	Special Requirements	Height	Opacity	Allowable Site Areas
Access Control	All	This general category of fences may be subject to requirements for other fence types, such as screening and material quality based on site conditions, zoning regulations, and intended uses.	Up to 8 feet	Open or Solid	C
Agricultural	A-1	Agricultural fencing should be open and allow visibility from offsite. Provisions for installation of agricultural fence in nonagricultural zones shall not constitute permission to maintain cattle or other livestock in nonagricultural zones.	Up to 8 feet	Open	A
	All zones when proposed agricultural use is permitted in that zone.				
Animal Control Kennels and Cages, Commercial	A-1, B-2, M-1, M-2	Fences shall be open to allow observation of the animals. Exceptions may be granted when required for the safety or wellbeing of the animals.	Up to 8 feet	Open	D
Animal Control Kennels and Cages, Private	5 or fewer dogs – All zones	Fences shall be open to allow observation of the animals. Exceptions may be granted when required for the safety or wellbeing of the animals.	Up to 8 feet	Open	≤3 dogs C
	6 or more dogs – A-1, B-2, M-1, M-2		Up to 8 feet	Open	≥4 dogs D
Architectural Buffer Yard Screen	All	All screen fences should be 80% or more solid.	Up to 8 feet	≥ 80% Solid	C
Character or Image	All	Ornamental and durable materials are required. Utilitarian fence materials such as chain link or other wire fence are not allowed.	≤ 4 feet	≤ 50% Solid	A
				> 50% Solid	B
			> 4 feet	Open or Solid	C



Table 7.2: Fence Types, Zoning Districts Where Permitted, and Special Requirements by Fence Type (Continued)

Purpose of Fence	Districts Where Permitted	Special Requirements	Height	Opacity	Allowable Site Areas
Construction	All	<p>These fences are temporary only.</p> <p>All temporary construction fences encroaching on the right-of-way or sight triangle require a Traffic and Access Control Plan to be approved by the Town of Wytheville Engineer, Public Works Director, and Zoning Administrator. The plan must provide safe passage for both vehicular and pedestrian traffic through adjacent streets and sidewalks. Temporary pedestrian facilities, traffic control devices and/or detours may be required.</p> <p>Permits for temporary construction fences are valid for up to six (6) months. For construction projects that continue for more than six (6) months, renewals will require a reevaluation of the effectiveness of the Traffic and Access Control Plan.</p>	Up to 8 feet	Open or Solid	E
Detention Pond Safety	All	<p>Safety fences are not typically required for stormwater detention ponds except when any one or more of the following conditions are present:</p> <p>Ponded depths greater than 3 feet are expected.</p> <p>Side slopes of 3:1 or steeper are present.</p> <p>The basin is situated near schools or playgrounds, pedestrian areas, or other areas where children are expected to frequent.</p> <p>It is recommended by the responsible design engineer or, if the Town will become responsible for maintenance of the facility, then by a representative of the Town of Wytheville.</p>	Up to 8 feet	Open	A
Dumpster Enclosure	B-1, B-2, B-2 DT, BMX, BTS, DTB-1, DTB-2, DTB-3, MA, M-1, M-2, R-3	See Section 7.4 for standards.	Up to 8 feet	≥ 80% Solid	C
Excessive Height Fences	B-1, B-2, B-2 DT, BMX, BTS, M-1, M-2	<p>Fences taller than 8 feet are treated as a building and must meet applicable building setback requirements. Excessive Height Fences are subject to the same building and site plan review requirements as buildings and other site structures.</p> <p>Ornamental materials shall be used when located along arterial and collector roadways.</p>	> 8 feet	Open or Solid	D

Table 7.2: Fence Types, Zoning Districts Where Permitted, and Special Requirements by Fence Type (Continued)

Purpose of Fence	Districts Where Permitted	Special Requirements	Height	Opacity	Allowable Site Areas
Guardrail Safety	All	Guardrail fences are required by code to be 42 inches tall. Must utilize vertical balustrades with no openings larger than four (4) inches wide to discourage climbing. Retaining walls and steep slopes over four (4) feet in height must be engineered by an appropriate licensed professional. A guardrail fence is required when a pedestrian area is located above the wall, the wall is near a school, playground, or other area where children are expected to frequent. A guardrail fence is required when recommended by the responsible design engineer, or if the Town will become responsible for maintenance of the facility, by a representative of the Town of Wytheville.	42 inches	Open	A
High Security Production Area	M-1, M-2	Permitted uses shall be conducted wholly within a completely enclosed building or within an area enclosed on all sides by a solid masonry wall, a solid board fence, or a slatted chain link fence of at least six (6) feet in height. Fence system shall include lockable gates. Gates for pedestrian access shall be self-closing and locking. Fence shall be designed to prevent climbing through the design or use of barbed wire that is above seven (7) feet in height and does not extend beyond the property line.	Up to 8 feet	Open or Solid (Unless screening is required for the use.)	D
HVAC Screen	All	All screen fences should be 80% or more solid.	≤ 4 feet	≥ 80% Solid	B
			> 4 feet	> 80% Solid	C
HVAC Security	All	When located between the building and the street, an HVAC Screen Fence is required.	Up to 8 feet	Open or Solid	C

Table 7.2: Fence Types, Zoning Districts Where Permitted, and Special Requirements by Fence Type (Continued)

Purpose of Fence	Districts Where Permitted	Special Requirements	Height	Opacity	Allowable Site Areas
Managed Care and Safety (Includes memory care, daycare, preschool, school, group home, and pool safety fences.)	All	These safety fences are subject to all applicable building and safety code requirements. Openings should not be greater than four (4) inches. Gates should be self-closing and self-latching/locking. The fence should not be climbable. Fence material shall be open to allow visibility to monitor the space and should not be obstructed by landscaping, except that solid fence materials may be used when necessary to protect the security of residents or neighbors.	Up to 8 feet	Open (Solid fence may be used when required for the safety of residents or neighbors.)	C
Outdoor Café	B-1, B-2, B-2 DT, DTB-1, DTB-2, DTB-3, M-1, PUD	Applies to onsite outdoor eating areas in commercial and industrial zones, and in Planned Unit Developments. Ornamental materials are required.	Up to 4 feet	Open or Solid	A
Outdoor Product Sales or Display	B-1, B-2, B-2 DT, DTB-1, DTB-2, DTB-3, M-1	Ornamental materials are required when located facing a public street.	Any Height	Open or Solid	D
Public Facility	All	Ornamental materials shall be used when located along arterial and collector roadways and in residential zones.	Up to 8 feet	Open Utilitarian Style	C
				Open Ornamental materials	A
Recreation Equipment	All	Recreation equipment fence shall incorporate appropriate padding and similar safety devices to protect participants in sporting activities and events.	Any Height	Open	D

Table 7.2: Fence Types, Zoning Districts Where Permitted, and Special Requirements by Fence Type (Continued)

Purpose of Fence	Districts Where Permitted	Special Requirements	Height	Opacity	Allowable Site Areas
Screening	All	<p>All screen fences should be 80% or more solid. Screen fences must effectively block the view of the area to be screened from the street and/or other adjacent off-site areas. For fence types that look different on one side than the other side, the more attractive side should face the street. Such screen fence shall be constructed of opaque materials such as treated wood, vinyl, brick, masonry, or other similar material and shall be constructed to provide an attractive and durable barrier. Slatted chain link fence may be used only in business and industrial zones where no existing residential use is present on adjacent parcels, no residentially zoned areas are adjacent, and no arterial street frontage is present. Screen fencing must be located to provide the best possible screening of the area intended to be screened. On sloping sites, this may require a location away from the property line, such as at the top of a graded slope created to form a building pad. Where a screen fence is required by this ordinance, the minimum height is six (6) feet.</p>	Up to 8 feet	≥ 80% Solid	C
Sidewalk Café	B-2 DT DTB-1, DTB-2, DTB-3	<p>A renewable one (1) year permit is required. Applies only to outdoor eating areas located on public sidewalks in traditional downtown urban settings. Free flow of pedestrian traffic along the sidewalk must be maintained. Typically, that requires a minimum of six (6) feet with eight (8) feet or more preferred. Fence must be self-supporting and fully removeable without damage to sidewalk materials. All materials must be ornamental, high quality, and durable. Moveable planters with small shrubs may be used in lieu of traditional fencing to define eating areas. These regulations may be used for sidewalk eating areas located in privately-owned shopping venues.</p>	≤ 4 feet	Open	E

Table 7.2: Fence Types, Zoning Districts Where Permitted, and Special Requirements by Fence Type (Continued)

Purpose of Fence	Districts Where Permitted	Special Requirements	Height	Opacity	Allowable Site Areas
Storage Area	RA, B-1, B-2, B-2 DT, DTB-1, DTB-2, DTB-3 M-1, M-2	Storage screen fences are required when outdoor storage is present. Entrances to individual enclosed self-service storage units shall be enclosed within a fence. Ornamental materials shall be used when located along arterial and collector roadways. Where possible, building perimeters may serve as all or part of the storage area fencing.	Up to 8 feet	Open or Solid	C
Utility Security	All	Ornamental materials screen fence is required for residential zones, and along collector streets and arterial streets. Where utilitarian style fencing such as chain link is used, a front yard setback, equal to or greater than the front yard building setback, and landscape screen shall be provided.	Up to 8 feet	Solid Utilitarian Style	C
				Solid Ornamental Materials	A

## **7.7. Fire Hydrants and Fire Protection**

### **A. Purpose**

1. To provide fire protection standards for new development and redevelopment.

### **B. Development Standards**

1. Any developer of a commercial, industrial, or multi-family site or a major subdivision shall be responsible for installing adequate fire protection.
2. These standards are required of any developer who pursues new greenfield development, redevelopment of an existing site to a new use that requires additional fire protection, extends a new main waterline, constructs a new public or private street for a subdivision, or creates three or more new residential lots.
3. The developer shall be responsible for providing fire hydrants and fire protection for all proposed lots or sites under their control.
4. Developers of subdivisions or multi-family, commercial or industrial sites shall consult with the Town prior to project development to ensure that fire flow water quantity and pressure is sufficient for water related fire suppression needs of the proposed subdivision, to include all known future development or phases, to be served by the system.
5. New development and/or new major subdivisions are required to upgrade main water supply lines to the size required for fire flows and shall install new hydrants to meet fire protection standards for the type of proposed development. Installation of said water supply lines shall meet the requirements of the Town of Wytheville water and sewer standards. The Public Utilities and Engineering Services Department will provide information on applicable standards.
6. Fire hydrants shall be located at every intersection and every 1000' in linear distance thereafter, and at the end of water main lines for flushing as required by the Public Utilities and Engineering Services Department. Hydrant placement in relationship to the street and hydrant/valve types shall meet the requirements of the Town of Wytheville water and sewer standards. The Public Utilities and Engineering Services Department will provide information on applicable standards.
7. The developer is responsible for the costs of required fire protection. In such areas where public water is not reasonably available or adequate, the Fire Chief may require such alternate provisions as deemed reasonably necessary to provide adequate fire protection and development. Proposed development may be denied if adequate fire protection is not available due to limited public water supply, or the inability of fire apparatus vehicles to access the site.

## **7.8. Karst, Wetlands, Waterways, Floodplains & Unconsolidated Fill**

### **A. Purpose**

1. Development in karst areas, in wetlands, in floodplains and on unconsolidated fill can create hazards for future owners and users of property. The purpose of this section is to highlight the importance of design when known variables indicate the likelihood of these conditions on a site which is planned for development.

2. To assure that development within the Town of Wytheville is executed in a manner that protects property owners and the public from known geological hazards.
3. To protect critical surface waters and aquifers from pollution hazards.

#### **B. Development Standards**

1. The Town is committed to the stewardship of water resources and encourages site design and subdivision planning to minimize impact to this valuable resource. Planning and development that minimizes the hazards associated with development within close proximity to waterways, floodplains, wetlands, and karst terrain shall be used. New developments shall be designed to mitigate future hazards such as sinkhole subsidence, flooding, and groundwater contamination.
2. Any major subdivision, multi-family, commercial and/or industrial development which is located within 100 feet of a known waterbody, karst geologic system (sinkholes, caves, sinking creeks), wetland and/or FEMA designated floodplain, and/or located on areas of unconsolidated fill, may be required to provide geotechnical, hydraulic/hydrologic studies that show how the development can be safely built. Voluntary performance standards that show how the development can be responsibly located on or near these environmentally sensitive and potentially hazardous areas must be submitted by the developer, at the time of site plan review, to indicate how the development can work within these natural and human-caused constraints.
3. Floodplain development must follow the floodplain overlay standards of this ordinance. Design techniques such as setbacks, designation of natural areas and other measures that reduce impact to these resources are highly encouraged. Development plans shall ensure the integrity of natural water resources.

### **7.9. Landscaping and Buffer Yard Requirements**

#### **A. Purpose**

1. To provide for landscaping, adequate buffers between uses, and to promote safe driving conditions along streets and roadways. Guiding principles for landscaping include the following:
  - a. To encourage landscaping that will screen and mitigate views of utilitarian areas, secondary building facades and parking areas.
  - b. To encourage landscaping that enframes or highlights significant architectural features of buildings, such as entrances and architectural features.
  - c. To preserve line of site and improve safety for motorists, pedestrians, and cyclists using streets, roadways, sidewalks, and trails.

#### **B. General Site Landscaping and Maintenance**

1. All areas of a site that are not used for structures, accessory buildings, parking areas or other permanent improvements shall be landscaped with trees, shrubs, ground covers, mulch, or other long term top dressing to prevent erosion and to create an attractive environment. Trees that exceed the minimum number required for parking area landscaping are not subject to the minimum size standards found in Subsection "D." below and may be of any type, size, or standard chosen by the



site developer. The Town encourages the responsible use of landscaping, which is beyond these minimum requirements, to promote beauty, natural habitat, and environment protection.

2. Landscape features required by this section shall be maintained for the life of the use on the property on which they are required. If plant materials are removed due to disease, death, storm damage, property maintenance, or for other reasons, replacement plant materials shall be installed to serve the intended landscape functions of this ordinance. Failure to replace landscaping as required will result in a notice of violation.
3. Refer to Town Code, Chapter 13, Article IV "Trees" for additional information regarding trees to be planted within the Town right-of-way to avoid nuisance trees.

### **C. Parking Area Perimeter and Interior Landscape Requirements**

1. Applicability: All new or redeveloped commercial, industrial, and multiple-family parking areas which exceed twelve (12) spaces, or 5,000 square feet of parking and driveway area shall be subject to the requirements of this section.
2. Parking Area Perimeters Adjacent to a Right-of-Way: A landscaped strip of at least eight (8) feet in width shall be provided on the portion of the site, which is located adjacent to either a public or private right-of-way. The landscaped strip shall be planted with deciduous or evergreen trees at the equivalent of one tree for every thirty feet (30') of street frontage as a minimum.
  - a. Trees may be grouped to enframe important sightlines or viewsheds, or to facilitate the location of utilities and driveway entrances.
  - b. Trees shall meet the standard of Subsection "D." below.
  - c. In addition to the required trees, the landscape strip shall be landscaped with shrubs, ground covers, mulch, or other long term top dressing to prevent erosion and to create an attractive environment. Plant materials used in the landscape strip shall be located to preserve lines of sight for motorists and pedestrians using driveway entrances, streets, and sidewalks in the area.
3. Parking Area Perimeters Adjacent to Other Parcels: A landscaped strip of not less than eight (8) feet in width shall be provided along each adjoining parcel. Such landscaped strip shall be planted with at least one (1) deciduous tree for every thirty (30) lineal feet of strip. Trees shall meet the standard of Subsection "D." below. Where two parking lots are adjacent and developed concurrently, the strip may be eight (8) feet wide total or four (4) feet wide from the property line for each lot.
  - a. The landscape strip between parking areas on adjacent parcels may be waived if a shared parking agreement is established and access is maintained between the two parcels.
  - b. Placement of trees and shrubs shall not obstruct sight triangles at driveway entrances and street corners. Required sight triangles are established in Section 7.3.
  - c. Alternative landscaping proposals may be presented for unusual situations. The Zoning Administrator is enabled to grant substitutions when required. All deciduous trees shall conform to the standard of this article. At the owner's or developer's option, twenty-five (25) percent of the deciduous tree requirement

may be replaced with evergreen trees. All trees shall be maintained in accordance with the provisions of this article.

4. **Parking Area Interior Landscaping Requirements:** At least one planting island with minimum nominal dimensions of nine (9) feet by eighteen (18) feet shall be provided for every twelve (12) parking or loading spaces proposed. Where the calculation of the planting island requirements results in a fraction of an island, the number of islands required shall be rounded to the next lowest number of islands unless the number is zero (0), in which case the number shall become one (1). Each island with a square footage of 350 square feet or more shall be planted with at least one (1) healthy, deciduous tree meeting the requirements of Subsection "D." below.
  - a. **Site Flexibility:** The owner shall have the option of providing lineal planting islands perpendicular to the parking spaces with a minimum width of five (5) feet in lieu of the nine (9) foot by eighteen (18) foot planting islands, when needed to preserve the integrity of the site. In the lineal islands, there shall be planted at least one (1) deciduous tree for every thirty (30) feet or fraction thereof. The applicant may aggregate some or all the landscaping islands to preserve existing trees located within such a parking area or area to become parking.
  - b. Twenty-five (25) percent of the required trees in the planting islands may be substituted with an evergreen tree of at least six (6) feet in height. All trees shall comply with the provisions of Subsection "D" below.
  - c. Shrubs and ground cover shall be installed in each planting island to provide full coverage of the area and shall be placed to complement the tree landscaping.
  - d. Landscaping material shall be located within the planting islands in a manner to protect the plants from automobile bumpers and allow for the mature size of the species.

#### **D. Parking Area Tree Standards and Maintenance Requirements**

Each tree shall be a minimum of two and one-half (2-½) inches in caliper measured six (6) inches from the ground. All trees shall be maintained and guaranteed by the installer for a period of one year and shall be appropriately watered, pruned, and protected during the one-year period. All trees shall also be protected from traffic and vehicle bumper overhangs by curbing, stop blocks, or other acceptable means. Trees and landscape strips shall be maintained by mowing, weeding, mulching, trimming, pruning, etc., for the life of the property.

#### **E. Buffer Yards and Screening**

1. **Purpose:** The purpose of buffer yards and screening is to improve viewsheds and to reduce conflict between abutting and potentially incompatible uses. Buffer yards are intended to ease the transition between zone districts and are necessary to promote the general health, safety, and welfare of the community.
2. **Buffer Yards and Screening Required**
  - a. Where significant differences in elevation exist between uses that may require screening, the Zoning Administrator may require that the location of buffer yards be shifted to maximize the effectiveness of screening.

- b. Protection of Less Intense Uses: A buffer yard and/or screening as indicated in Table 7.3, shall be required with any new development or the redevelopment, to include change in uses, of any property when the said property under development or change is located in a zone district that abuts a different zoning district of lower intensity use. For example, if a new manufacturing facility or retail facility is proposed to be built adjacent to a residential zoning district, a buffer yard will be required to be installed by the developer.
  - c. Protection of Existing Residential Uses in Commercial Zones: A buffer yard and/or screening as indicated in Table 7.3, shall be required with the new development of any, commercial or industrial use of property when an existing residential use is present on an adjoining lot within a zoning district of similar or higher intensity use. The buffer yard in this case shall only be required on the portion of the property adjacent to the adjoining residential use. For example, if a new manufacturing facility or retail facility is proposed to be built adjacent to an existing dwelling located in the same zoning district or similar high intensity zoning district, a buffer yard will be required, but only along the common boundary with the property where the dwelling is located.
    - 1.) Existing Commercial, or Industrial Use: This requirement shall not be construed to mean that construction of a new residential use on an adjoining lot would trigger a requirement for an established business or industrial use to retrofit their site with a buffer yard, unless qualifying new development occurs at said existing business or industrial use as indicated in Subsection “e.” below.
  - d. When a public right-of-way separates the development of property of higher intensity, the following criteria shall apply, regardless of whether the zoning line is on one side or the other or the center of the public right-of-way:
    - 1.) If the right-of-way for an alley, street or highway is less than fifty (50) feet in width, a buffer yard with screening shall be provided for that portion of the higher intensity use abutting the right-of-way, alley, street, or highway.
    - 2.) If the right-of-way for an alley, street or highway is fifty (50) feet or more in width, no buffer yard or screening shall be required for the portion of the higher intensity use abutting the right-of-way, alley, street, or highway.
  - e. When a site plan is submitted in relation to a proposed expansion, redevelopment, or a change in land use, buffer yard and screening requirements may only be applied to those portions of the property that abut properties of lesser intensity that are directly affected by the proposed improvements or change in land use, as determined by the Zoning Administrator.
3. Zoning District Intensities
- a. For the purposes of this article zone districts shall be ranked by level of intensity. Category 1 shall be the least intensive, and Category 7 shall be the most intensive. When a site within a zoning district of greater intensity is developed or redeveloped adjacent to a zoning district of lesser intensity, a buffer yard and screening shall be provided. Table 7.3 lists the zoning districts by intensity and indicates the type of buffer yard that shall be required between the various zoning districts.

**Table 7.3: Zoning District Intensities and Buffer Yard Requirements**

Higher Intensity District (Where buffer is to be located.)	Lower Intensity Zoning District to be Screened by Buffer Yard						
	Category 1 R-1, RH	Category 2 R-2, R-3	Category 3 R-2 FH, R-4, RB-1, RB-2	Category 4 A-1	Category 5 MA, RA	Category 6 RMH, B-1, B-2, B-2 DT, BMX, BTS, DTB-1, 2, or 3	Category 7 M-1, M-2
Category 2 R-2, R-3	Basic	None	None	None	None	None	None
Category 3 R-2 FH, R-4, RB-1, RB-2	Basic	Basic	None	None	None	None	None
Category 4 A-1	Basic	Basic	None	None	None	None	None
Category 5 MA, RA	Full	Basic	None	None	None	None	None
Category 6 RMH, B 1, B 2, B 2 DT, BMX, BTS, DTB 1, 2, or 3	Full plus architectural screen	Full plus architectural screen	Full	Basic	Basic	None	None
Category 7 M-1, M-2	Full plus architectural screen	Full plus architectural screen	Full	Full	Basic	Basic	None

**4. Buffer Yard Specifications**

- a. Basic Buffer Yard: Basic buffer yards are intended for locations where minor incompatibilities may exist between uses. Basic buffer yards shall have the following characteristics:
  - 1.) A basic buffer yard shall be a minimum of twelve (12) feet wide and shall be continuous except as provided in Subsection “5.” General Standards for Buffer Yards below.
  - 2.) The buffer yard shall contain vegetative screening that shall consist of at least one row of buffer yard trees spaced at 20’-0” on center maximum. Trees within the row may be staggered up to 5 feet within the buffer yard to provide variety.
- b. Full Buffer Yard: A full buffer yard is intended to screen high intensity land uses from surrounding lower intensity land uses when excessive noise or visual pollution is of moderate or lower concern.

- 1.) A full buffer yard shall be a minimum of 20'-0" wide and shall be continuous except as provided in Subsection "5." *General Standards for Buffer Yards* below.
  - 2.) The buffer yard shall contain vegetative screening that shall consist of at least two rows of specified trees spaced at least 5 feet apart. Trees in each row shall be spaced at 20'-0" on center maximum, staggered from the opposite row such that the effect is a staggered row of trees spaced a maximum of ten (10) feet apart.
- c. Full Buffer Yard Plus Architectural Screen: When the use to be separated by the buffer yard is so intense as to render the use of the vegetative screen ineffective, the architectural screen will provide additional visual and acoustic separation.
- 1.) A full buffer yard with architectural screen shall be a minimum of 20'-0" wide and shall be continuous except as provided in Subsection "5." *General Standards for Buffer Yards* below.
  - 2.) The buffer yard shall contain vegetative screening that shall consist of at least two rows of specified trees spaced at least 5 feet apart. Trees in each row shall be spaced at 20'-0" on center maximum and be offset from the opposite row such that the effect is a staggered row of trees spaced a maximum of ten (10) feet apart when measured along the property line.
  - 3.) A full buffer yard plus architectural screen shall include an architectural screen fence of at least six (6) feet in height. Such architectural screen shall be an opaque fence of treated wood, vinyl, brick, or other decorative masonry and shall be constructed to provide an attractive and durable barrier. See Section 7.6 for general fencing and screening regulations.
  - 4.) Effective Placement for Screening: The architectural screen fence shall be placed within the buffer yard to maximize screening. Whenever the buffer yard is located on a sloping area, the architectural screen fence shall be located on the higher elevation side of the buffer yard. Whenever the buffer yard is located on a mostly level ground, the architectural screen fence shall be centered in the buffer yard with the two rows of trees placed on opposite sides of the architectural screen. Tree spacing shall meet the requirements of the full buffer yard as specified in Subsection "b." above.
5. General Standards for Buffer Yards and Screening
- a. Tree and Shrub Selection: The trees shall be selected from the list of trees approved in Tables 7.4 and 7.5 and shall consist of at least sixty percent (60%) evergreen, no more than twenty percent (20%) semi-evergreen and no more than twenty percent (20%) deciduous.
    - 1.) Trees shall be a minimum of five (5) feet tall at the time of planting and shall be healthy nursery stock.
    - 2.) The planting of these percentages of trees shall be evenly spaced.
    - 3.) Tree and shrub species shall be of the types and sizes that will provide the required screening when considering site conditions such as topography and structure height.

- 4.) If substitutions from the approved tree and shrub lists are requested by the applicant, the Zoning Administrator shall make a determination regarding the request.
  - 5.) Late fall and early spring are generally the best times for planting to ensure healthy tree growth. Planting at other seasons is allowed but attention to irrigation and maintenance is important to assure survival of the required landscape materials. At the request of the developer, a surety in accordance with Article 3, Subsection 3.11, may be provided, to delay planting until suitable weather for planting is present.
- b. Establishment of Screen: Buffer yards shall contain vegetative and/or architectural screening. The standard for vegetative screening is a planting installation that will within three years' time create a visual screen that will block view of the ground plane of the site from the public right-of-way.
  - c. Slope: The maximum slope of any buffer yard shall be 2H:1V. Additional width shall be added to any portion of any buffer yard which exceeds this slope to achieve a final slope of that does not exceed 2H:1V.
  - d. Location: The buffer yard shall be located entirely within the higher intensity zoning district and/or the land abutting the zoning district line, or adjacent right-of-way if such right-of-way separates the lot from the zoning district line. Exception: The buffer yard may be placed in the lower intensity zoning district or partially within both zoning districts if both sides of the zoning district line and entire buffer yard width are under common ownership. When the buffer yard is placed wholly or partially on the land of lower intensity, a permanent easement shall be provided over any portion of the buffer yard not within the higher intensity zoning district.
  - e. Entrances Allowed: Driveways and pedestrian entrances serving the site, from a street or other right-of-way, may cross the buffer yard.
  - f. Maintenance: Buffer yards shall be maintained in a natural condition free of structures, loading or storage areas, parking, roads, or driveways except as provided for entrances in Subsection "e." above.
  - g. Modifications: Buffer yards required by this section shall be applied equally to all similarly situated properties. A requested modification to the buffer requirements shall be submitted in writing and provide justification for the request. An approved modification to these standards may be granted in writing by the Zoning Administrator if the Zoning Administrator finds any of the following circumstances exist on the proposed building site, or surrounding properties:
    - 1.) Natural land characteristics such as topography or existing vegetation on the proposed building site would achieve the same intent of this section.
    - 2.) Innovative architectural design or landscaping is employed on the building site to achieve an equivalent buffering and screening effect.
    - 3.) The required screening would be ineffective due to the proposed topography of the site, the topography of adjacent and surrounding sites, and/or the location of the improvements on the site.
    - 4.) Site conditions exist that would not permit the placement of screens, or in the case of vegetative screens would hinder their survival. If such

conditions exist, the Zoning Administrator may require alternative screens be provided.

- h. Other Jurisdictions: When property lines abut an adjacent jurisdiction, the Zoning Administrator shall determine the specific screening and buffering requirements along that property line after consideration of the zoning designation and/or land use of the adjacent property. Requirements shall not exceed those that would be required for similarly situated/zoned property within the Town.
- i. Line of sight. When buffer yards abut a public right-of-way, the size and type of buffer yard shall accommodate safe line of sight distances around the required screening.
- j. Surety: Buffer yards and screening shall be continuous and in place at the time of occupancy. If screening is not complete due to the season or other considerations, a bond for the full value of the screening shall be obtained and kept in effect until the screening is complete.

**F. Deviations from the Required Parking Landscape Plans**

- 1. Minor deviations from the provisions of this section may be permitted by the Zoning Administrator if the proposed landscaping provides island and strip planting area equal to or greater than that required herein. Any new development or redevelopment of a site, which meets the threshold set forth in Article 2, Section 2.12, Subsection G, shall incorporate the applicable landscaping improvements identified in the original plan and shall incorporate the requirements of this section in the new or revised plan.
- 2. Redevelopment shall be defined as any construction work which removes and replaces the paving and curb and gutter for an area greater than 5,000 square feet. It shall not be construed to mean patching, asphalt overlay, sealing, or marking the pavement for parking stalls.



### G. Recommended Plant Materials for Buffer Yards and Landscaping

The plant materials listed in the Table 7.4 are approved for buffer yard plantings and landscaping, when required. The Zoning Administrator may approve other varieties of plant materials if evidence is provided that the alternative plant materials will be more effective at providing the required screening.

**Table 7.4: Recommended Trees and Shrubs for Buffer Yard Plantings**

Common Name	Species	Other Information
<b>Evergreen Species (greater than or equal to 60%)</b>		
Douglas Fir	<i>Pseudotsuga menziesii</i>	Prefers acidic or neutral soil that is well-drained, though it can also be found in its native habitat of rocky mountain slopes. It is sensitive to drought.
Eastern Red Cedar	<i>Juniperus virginiana</i>	A tree species with a number of different cultivars/varieties. In its native form, it is well suited for those poor, rocky sites with thin and/or dry soils. Eastern red cedar prefers a relatively higher pH and is a suitable choice around limestone outcroppings.
White Pine	<i>Pinus strobus</i>	To be located where maintenance is possible with suitable equipment and 25 feet away from structures, fences, etc. i.e., similar to WCC's location. White Pine is not recommended as a screening plant for narrow planting strips adjacent to parking lots due to die-back of lower branches as trees mature.
Concolor Fir	<i>Abies concolor</i>	Tolerates nearly any type of well-drained soil, including loam, sand, or acidic soil. However, clay may present a problem.
Norway Spruce	<i>Picea abies</i>	Grows in acidic, loamy, moist, sandy, well-drained and clay soils. It has some drought tolerance. Various fungal diseases are becoming more prevalent with Norway Spruce. Use of this tree should be limited. Bagworm is a common pest that can significantly damage these trees.
Blue Spruce	<i>Picea pungens</i>	Blue Spruce offers an interesting color accent and creates a dense foliage screen with a slower growth rate than Norway Spruce. The Blue Spruce adapts well to many soils—growing in acidic, loamy, moist, rich, sandy, well-drained and clay soils. It requires normal moisture with moderate tolerance to flooding and drought. Use of this tree should be limited. Bagworm is a common pest that can significantly damage or kill these trees.
Deodar Cedar	<i>Cedrus deodara</i>	Less cold tolerant, only recommended for warmer microclimates. Grows in acidic, loamy, moist, sandy, well-drained and clay soils. It prefers moist soil but has good drought tolerance. Some references list this as a hardiness zone 6 while others recommend only down to zone 7.
Atlas Cedar	<i>Cedrus atlantica</i> 'Glauca'	A bold, pyramidal form with sparkling silvery blue foliage. A spectacular specimen for large landscape areas. Drought tolerant, when established.

Table 7.4: Recommended Trees and Shrubs for Buffer Yard Plantings (Continued)

Common Name	Species	Other Information
False Cypress	Chamaecyparis pisifera	Extremely adaptable, but prefers moist, loamy, well-drained, lime-free soils.
Leyland Cypress	x Cupressocyparis leylandii	Noted for rapid growth & slender shape, however, over time Leyland Cypress can become quite broad so it is important to provide adequate space. It grows well in a wide variety of soil and climate conditions and makes an excellent wind break. Susceptible to wind damage and dieback when mature. Mass plantings of this variety should be avoided but it can be intermixed with other species.
English Yew	Taxus baccata	This is a columnar form of yew that can become a large tree up to 60 feet tall if allowed to grow unrestrained. Most parts of the plant are poisonous, with toxins that can be absorbed through inhalation and through the skin. The fruit tends to attract flies.
Hicks Yew	Taxus x media 'Hicksii'	This is a smaller columnar form yew that forms a large shrub or small tree up to 20 feet tall. An excellent evergreen shrub for tall hedges and privacy screens. Most parts of the plant are poisonous. The fruit tends to attract flies.
Northern White Cedar	Thuja occidentalis	As a native tree can reach up to 60 feet. Often called American Arborvitae. Adaptable to most soil types and is somewhat shade tolerant. Grows well in wetter to average soil moisture conditions.
Eastern Arborvitae	Thuja occidentalis 'Techny'	Has dense foliage. Medium to tall hedges or screens.
Eastern Arborvitae	Thuja occidentalis 'Nigra'	Good for tall hedges. Not recommended for dry locations.
Eastern Arborvitae	Thuja occidentalis 'Emerald-Green' or 'Smaragd'	Smaller form with dense foliage. Slower growing but will provide a dense hedge with closer plantings. Emerald Green Arborvitae is approved for use below powerlines but is vulnerable to damage by foraging deer. Bagworm is a common pest that can significantly damage these trees.
Giant Arborvitae	Thuja plicata x 'Green Giant'	A large fast growing and disease resistant evergreen screen. Moderate drought tolerance. Bagworm is a common pest that can significantly damage these trees.
Rocky Mountain Juniper	Juniperus scopulorum 'Wichita Blue'	Prefers good drainage. Beautiful blue foliage. Mature height up to 15 feet.
American Holly	Ilex opaca	Pyramidal evergreen that bears dark green, non-glossy, spine-tipped leaves. Moist, well-drained, acidic soils. Prefers sandy, sandy loam, medium loam. Not good in clay.

Table 7.4: Recommended Trees and Shrubs for Buffer Yard Plantings (Continued)

Common Name	Species	Other Information
Smooth Cypress (Arizona)	Hesperocyparis arizonica, AKA Cupressus arizonica var. 'glabra'	Arizona cypress is drought-tolerant, fast-growing, and relatively short-lived (30-50 years). Arizona cypress is relatively trouble-free and moderately deer resistant, making it a good choice for screening when compared to other fast-growing evergreen choices. It can be used as a specimen tree or for windbreaks.
Nellie R Stevens Holly	Ilex	Vigorous growing with a broad pyramidal tree-like form, dense branching, and lustrous, dark green, leathery foliage. An excellent hedge, screen, or specimen. This is one of the best broadleaf evergreen options for colder climates.
Foster #2 Holly	Ilex x attenuata	Not very cold or wind tolerant. These require some type of shelter from cold and wind. Recommended to be planted where not in western exposure.
<b>Semi-Evergreen Species (no more than 20% when used in a buffer yard for screening purposes)</b>		
Pin Oak	Quercus palustris	Pin Oak is native and fast growing. It has a graceful slender appearance. Tolerates wet feet and requires acidic soils but is adaptable to drier conditions.
Dawn Redwood	Metasequoia glyptostroboides	Deciduous conifer; ideal for wet planting conditions.
Bald Cypress	Taxodium distichum	Deciduous conifer; ideal for wet or dry planting conditions.
European Beech	Fagus sylvatica	Dense foliage is retained on branches during part or all of the winter. The cultivar 'Purpurea' has purple foliage.
American Beech	Fagus grandifolia	Dense foliage is retained on branches during part or all of the winter.
<b>Deciduous Species (no more than 20% when used in a buffer yard for screening purposes)</b>		
Flowering Dogwood	Cornus florida	Select disease resistant varieties. 'Appalachian Joy', 'Appalachian Blush', 'Appalachian Snow', and 'Appalachian Mist' are very resistant to powdery mildew.
Kousa Dogwood	Cornus kousa	Some varieties have an interesting branch structure visible in winter. It is an attractive Flowering Dogwood. Kousa has red crabapple-like berries and starts flowering at about the time Flowering Dogwood ceases flowering.
Pagoda Dogwood	Cornus alternifolia	Should be planted near the edges of the buffer yards to appreciate its pagoda-like form.
Redbud	Cercis canadensis	A suitable candidate for rocky outcrop buffer yards, especially when paired with Eastern Red Cedar. See Eastern Red Cedar above.
Downey Serviceberry	Amelanchier arborea	Grows well in acidic, moist, and well-drained soils.

Table 7.4: Recommended Trees and Shrubs for Buffer Yard Plantings (Continued)

Common Name	Species	Other Information
Shadblow Serviceberry	Amelanchier canadensis	It is a shrubby tree that can be left alone to grow into a suckering shrub or pruned to a multi or single-stemmed tree.
Flowering Crabapple	Malus species	Beautiful flowering tree but susceptible to leaf damage by insects and disease.
Carolina Silverbell	Halesia caroliniana or Halesia tetraptera	Carolina silverbell or silverbell tree, is a small, deciduous, understory tree native to the Piedmont and southern Appalachian Mountains.
<b>Shrubs (less than 10%)</b>		
Osmanthus	<b>Osmanthus heterophyllus</b>	Osmanthus is a dense, upright, bushy evergreen shrub that typically grows to 8-10' tall and as wide in cultivation. It is vulnerable to damage in the coldest winters. It should be sited in a protected location with winter mulch. It is best grown in rich, consistently moist, well-drained garden soils in full sun to part shade. Best with part afternoon shade in hot summer climates. Tolerates heavy clay soil. Drought tolerant once established. Clip off growing tips to maintain compact size and to encourage bushiness.
Viburnum	Viburnum rhytidophyllum 'Leatherleaf'	Easily grown in average, medium, well-drained soil in full sun to part shade. Foliage may die back (sometimes to the ground) in sub-zero winter temperatures. Viburnum rhytidophyllum, commonly called Leatherleaf Viburnum, is an evergreen shrub, which can reach a height of 6-10'.
Carolina Cherry Laurel	Prunus laurocerasus 'Schipkaensis'	Cherry laurel is an evergreen shrub or small tree. With its erect habit and glossy green leaves this plant grows up to 20' tall and can spread to 10 feet wide. Good mix for foreground planting with taller trees in background.

**H. Recommended Trees & Tree-Like Shrubs for Street Tree & Landscape Plantings**

1. The trees and treelike shrubs shown in Table 7.5 are approved for required landscaping. However, trees for use as street trees, parking lot island and parking lot perimeter locations should be selected from trees that are recommended as street trees using the following criteria:
  - a. Trees designated as “Y” have been approved for use as street trees or in required parking lot planter islands near other parking lot infrastructure.
  - b. Trees designated as “P,” having potential as street trees, should only be used when maintenance is to be provided by the owner or applicant.
  - c. Trees recommended for large planting areas may only be used as street trees with planting areas at least 20 feet wide in the narrowest dimension.
  - d. Trees designated as “N” may be used in general landscaping but are not approved for parking lot islands or street tree use.
2. The Zoning Administrator may approve other varieties of trees if evidence is provided that the alternative trees will be better suited for the site aesthetics and that the variety of trees is suited to local climate and site conditions.
3. Key to Table 7.5 Street Tree Column: Y = Appropriate form for a street tree, P = Has potential as a street tree, but may require specialized pruning or has special soil requirements, N = Not well suited for use in a street tree environment, L = Large planting area required.

**Table 7.5: Recommended Trees and Tree-Like Shrubs for Street Tree and Landscape Plantings**

Common Name	Botanical Name	Street Tree	Comments
<b>LOW HEIGHT ZONE- UNDER UTILITY LINES (Trees that do not exceed 20 feet in mature height, or that may need infrequent crown height reduction.)</b>			
Striped or Snakebark Maple	<i>Acer pensylvanicum</i>	P	Large shrub or small tree to 15-25' tall. Prefers full to partial shade. Not suitable for dry and/or exposed south facing sites
Amur Maple	<i>Acer tartaricum ginnala</i>	P	Typically grows as a small, upright spreading tree with a dense, rounded crown or as a large multi-stemmed shrub. It matures over time to 15-20' tall.
Allegheny Serviceberry	<i>Amelanchier laevis</i>	P	Multi-stem but can be trimmed for single stem; not prone to disease and pests.
Downy Serviceberry	<i>Amelanchier arborea</i>	P	Deciduous, early-flowering, large shrub or small tree which typically grows 15-25' tall. Flowers give way to small edible berries which mature to a dark purple in early summer. Avoid planting in traffic sight lines due to shrubby growth habit.
Shadblow Serviceberry	<i>Amelanchier canadensis</i>	P	Deciduous, early-flowering, large shrub or small tree which typically grows 15-30' tall. Narrow habit, early fall color yellow to gold.

Table 7.5: Recommended Trees and Tree-Like Shrubs for Street Tree and Landscape Plantings (Continued)

Common Name	Botanical Name	Street Tree	Comments
Chinese Fringe Tree	<i>Chionanthus retusus</i>	Y	This plant is noted for its profuse spring bloom of fragrant white flowers. It is most often seen in cultivation as a large, multi-stemmed, deciduous shrub growing to 10-20' tall. Sensitive to Emerald Ash Borer
White Fringe Tree	<i>Chionanthus virginicus</i>	Y	Shrub or small tree with a spreading, rounded habit that typically grows 12-20' tall. Spring flowers feature airy clusters (4-6" long) of creamy white petals. Sensitive to Emerald Ash Borer
Pagoda Dogwood	<i>Cornus alternifolia</i>	Y	Small deciduous tree or large multi-stemmed shrub typically growing 15-25' tall with distinctive layered horizontal branching. Avoid planting in traffic sight lines due to shrubby growth habit.
Cornelian Cherry Dogwood	<i>Cornus mas</i> 'Spring Glow'	Y	A slow-growing, small tree or large shrub that prefers sun or partial shade. Avoid planting in traffic sight lines due to shrubby growth habit. Several other varieties of <i>Cornus mas</i> may be suitable if "Spring Glow" is unavailable.
Wahoo or Strawberry Tree	<i>Euonymus atropurpureus</i>	N	Deciduous native shrub or small tree which is most often grown for its attractive red berries and fall color. The native variety should be planted rather than the invasive <i>Euonymus elata</i> , which is non-native.
Franklin Tree	<i>Franklinia alatamaha</i>	N	Usually a single-trunk tree with a rounded crown or as a multi-stemmed shrub. As a single trunk tree, it can grow to 20' tall.
Little Gem Magnolia	<i>Magnolia grandiflora</i> 'Little Gem'	N	Broadleaf evergreen tree noted for attractive dark green leaves and large fragrant flowers. 'Little Gem' is a much smaller and slower growing cultivar that typically grows as a compact upright multi-stemmed shrub or small tree to 20' tall. Should only be planted in sheltered locations due to lack of cold hardiness.
Saucer Magnolia	<i>Magnolia soulangiana</i>	P	Broad shrub or small tree that typically rises to 20-25' tall with a rounded crown. Spring flower displays are a spectacle. 'Jane' cultivar flowers later often avoiding damage of late frosts. Avoid planting in traffic sight lines due to shrubby growth habit.
Star Magnolia	<i>Magnolia stellata</i>	P	Small deciduous tree that typically grows 15-20' tall with a spreading, rounded crown. Noted for its compact size and early spring bloom of showy white flowers. Avoid planting in traffic sight lines due to shrubby growth habit.
Flowering Crabapple	<i>Malus hybrids.</i>	Y	Deciduous shrubs or trees that grow up to 26'. They can be very showy for a brief period in spring. Some cultivars have ornamental fruit. Use caution to select a variety best suited to our area.
Purple Leaf Plum	<i>Prunus cerasifera</i>	Y	Purple-leaf plum trees can add interest dark red to purple foliage and abundant white to pink spring blossoms. Use caution to select a variety best suited to our area.
Hoptree or Wafer-Ash	<i>Ptelea trifoliata</i>	N	Dense, rounded, deciduous shrub or small tree which occurs in open woods, glades, ravines, thickets, and prairies. Typically grows to 10-20' tall. Unpleasant leaf and pollen fragrance.

Table 7.5: Recommended Trees and Tree-Like Shrubs for Street Tree and Landscape Plantings (Continued)

Common Name	Botanical Name	Street Tree	Comments
Nannyberry	<i>Viburnum lentago</i>	N	Large, upright, multi-stemmed, suckering, deciduous shrub which typically grows to 10-18' tall with a spread of 6-12', but may also be grown as a small, single trunk tree.
<b>(Large shrubs that can be pruned into tree form for use under overhead utility lines.)</b>			
Possum Haw Holly	<i>Ilex decidua</i>	N	Upright shrub or small tree with a spreading, rounded crown which typically grows 7-15' tall Very high potential for small tree.
Mountain Laurel	<i>Kalmia latifolia</i>	N	Mountain Laurel is a gnarled, multi-stemmed, broadleaf evergreen shrub or small tree. Old growth specimens could be tree form, prefers moist well drained acidic soil and shade
Crepe Myrtle	<i>Lagerstroemia indica</i>	N	Small tree or large shrub with showy summer flowers and slow growth habit. Plant only cold hardy cultivars such as 'Natchez,' 'Lipan,' and 'Tonto.'
Hobblebush	<i>Viburnum lantanoides</i>	N	A 6-12 ft., open, straggling shrub, often with pendulous outer branches. Flat-topped clusters of white flowers have a lacy effect. Does not lend itself to tree form.
Doublefile Viburnum	<i>Viburnum plicatum tomentosum</i>	N	Dense, upright, multi-stemmed, deciduous shrub that typically matures to 8-15' tall. Showy spring flowers and layered branches mimic Dogwood. Difficult to make tree form.
Blackhaw Viburnum	<i>Viburnum prunifolium</i>	N	Usually grown as a large, upright, multi-stemmed, deciduous shrub with an irregular crown, but it also may be grown as a small, single trunk tree. As a shrub, it typically grows 12-15' tall with a spread of 6-12', but as a tree may reach a height of 30'. It is shade tolerant and flowers in the spring.
Siebold Viburnum	<i>Viburnum sieboldii</i>	N	Upright, rounded, multi-stemmed, deciduous shrub or small tree that typically grows to 15-20' tall and to 10-15' wide.
Chaste Tree	<i>Vitex agnus-castus</i>	N	Vase-shaped, deciduous shrub to 10-15' tall, or trained as a single trunk tree to 20' tall. In cold winter areas in USDA Zones 5-6, it is more often grown as a 3-5' tall herbaceous perennial. Marginal hardiness, best in full sun, attracts butterflies, aromatic leaves.
<b>MEDIUM HEIGHT ZONE- NEAR UTILITY LINES</b> <b>(Trees that exceed 20 feet in mature height; if used under easement will require more frequent pruning if planted in good growing location.)</b>			
Trident Maple	<i>Acer buergeranum</i>	Y	Deciduous tree that typically grows slowly to 20-30'. Variable but attractive fall color.
Hedge Maple	<i>Acer campestre</i>	P	Small, low-branched, dense, rounded, deciduous tree or large multi-stemmed shrub that typically grows in cultivation to 25-35' tall. Well suited for hedgerows.
Japanese Maple	<i>Acer palmatum</i>	N	Deciduous shrub or small tree that typically grows to 10-25' tall. It has a very graceful foliage pattern. Not well suited to street settings. Vulnerable to lawn weed control chemicals.
American hornbeam	<i>Carpinus caroliniana</i>	Y	Slow-growing, deciduous, small to medium-sized understory tree with an attractive globular form. Typically grows 20-35' tall.



Table 7.5: Recommended Trees and Tree-Like Shrubs for Street Tree and Landscape Plantings (Continued)

Common Name	Botanical Name	Street Tree	Comments
Eastern Redbud	<i>Cercis canadensis</i>	Y	Deciduous, native, often multi-trunked understory tree with a rounded crown that typically matures to 20-30' tall with a slightly larger spread. Beautiful early pink flower display. Can be short-lived.
White Redbud	<i>Cercis canadensis</i> 'Texas White'	Y	Small accent tree covered with elegant white flowers in early spring, followed by thick, glossy dark-green leaves. Typically grows to 20' with similar spread.
Dogwood	<i>Cornus florida</i>	N	Small deciduous tree that typically grows 15-30' tall with a low-branching, broadly pyramidal but flat-topped habit. It may be the most beautiful of the native American flowering trees. Caution should be used to select disease resistant cultivars.
Kousa Dogwood	<i>Cornus kousa</i>	Y	Small, deciduous flowering tree or multi-stemmed shrub that typically grows 15-30' tall. Flowers later than native dogwood when tree is in full foliage.
Stellar Dogwood	<i>Cornus x rutgerinensis</i>	P	The Hybrid Flowering Dogwood is a cross between the Flowering Dogwood, <i>Cornus Florida</i> , and Kousa Dogwood, <i>Cornus kousa</i> .
Thornless Cockspur Hawthorne	<i>Crataegus crus-galli</i> var. <i>inermis</i>	Y	Deciduous tree or shrub noted for being very dense and providing robust shade, but unlike <i>C. crusfalli</i> which has 4-inch thorns, the 'inermis' variety is thornless. The tree grows to a medium-large size of around 20 to 30 feet.
Washington Hawthorne	<i>Crataegus phaenopyrum</i>	N	Noted for its attractive flowers and foliage, bright red fruits and fall color. It is a small, low-branching, deciduous tree that typically grows 25-30' tall with a rounded crown.
Carolina Silverbell	<i>Halesia diptera</i>	N	Small deciduous tree or large shrub that is native to floodplains, stream banks, wet woods, and swampy areas. It grows with a rounded form to 20-30' tall.
Galaxy Magnolia	<i>Magnolia x</i> 'Galaxy'	P	'Galaxy' blooms late enough in spring (2-3 weeks after early blooming magnolias) that its flowers are unlikely to suffer any significant frost damage. It typically matures over time to 20-30' tall.
Merrill Magnolia	<i>Magnolia x loebneri</i> 'Merrill'	N	Deciduous hybrid magnolia ( <i>M. kobus</i> × <i>M. stellata</i> ). It is a small tree typically growing to 20-30' tall with a rounded crown. It is more often grown in a multi-trunked form than as a single trunk tree.
Eastern Hophornbeam	<i>Ostrya virginiana</i>	N	Small to medium-sized, understory tree with a rounded crown. Typically grows 25-40' tall with a slightly smaller spread. Not known for strong fall color.
Sourwood	<i>Oxydendron arboreum</i>	P	In cultivation, it typically grows 20-25' tall with a straight, slender trunk and narrow oblong crown. Leaves produce consistently excellent fall color, typically turning crimson red.
Persian Parrotia	<i>Parrotia persica</i>	P	Small to medium sized, single trunk, deciduous tree eventually growing 20-40' tall or a large, multi-stemmed shrub growing to 15' tall. Leaves emerge reddish-purple in spring, mature to a lustrous, medium to dark green in summer and change to variable shades of yellow, orange, and red in fall.

Table 7.5: Recommended Trees and Tree-Like Shrubs for Street Tree and Landscape Plantings (Continued)

Common Name	Botanical Name	Street Tree	Comments
Chinese Pistache	<i>Pistacia chinensis</i>	Y	Small deciduous tree that typically grows to 30-35' tall with an oval rounded crown. Fall color is variable but often appears in quality shades of yellow, orange and red.
Flowering Apricot	<i>Prunus mume</i>	P	Primarily grown for its mid to late winter bloom of pink flowers. Typically grows to 15-20' tall with a rounded form.
Okame Cherry	<i>Prunus x 'Okame'</i>	Y	Small deciduous tree with an upright, rounded crown. It grows 15 to 25 ft. tall and 15 to 20 ft. wide. Blooms earlier than other cherries. its mildly fragrant, rosy-pink flowers may be harmed by a late freeze.
Yoshino Cherry	<i>Prunus x yedoensis</i>	Y	Graceful ornamental flowering cherry tree that typically grows 30-40' tall with a spreading, broad-rounded, open crown. Best known for spring cherry blossoms in Washington DC.
Flameleaf Sumac	<i>Rhus copallina</i>	N	Deciduous shrub or small tree, which occurs in dryish soils on hillsides, open woods, glades, fields and along the margins of roadsides. Typically grows to 10' tall.
Japanese Stewartia	<i>Stewartia pseudocamellia</i>	P	Small, slow-growing, pyramidal, deciduous tree. Typically mature over time to 20-40' tall with a slightly narrower canopy width. Camellia-like white flowers appear in early summer.
Japanese Snowbell	<i>Styrax japonicus 'Pink Chimes'</i>	N	Broadleaf deciduous small tree or, more likely, a shrub, light pink flowers.
Fragrant Snowbell	<i>Styrax obassia</i>	N	Small, slender, upright tree with ascending branches and rounded crown or a large shrub. Typically grows 20-30' tall. Smooth gray bark exfoliates on the trunks of older trees revealing an attractive orange inner layer and resulting winter interest.
Japanese Tree Lilac	<i>Syringa reticulata</i>	N	Small tree or large shrub. In tree form, it grows to 30' tall and 20' wide with an oval-rounded crown. Fragrance of flowers may be unpleasant.
<b>Tall trees that can be used near (but not under) utility lines due to their more upright or narrow crowns.</b>			
Red Maple	<i>Acer rubrum</i>	Y	Medium-sized, deciduous tree native to Eastern North America. It typically grows 40-60' tall with a rounded oval crown. Prized for its bright red fall color. Vulnerable to lawn weed control chemicals.
River Birch	<i>Betula nigra</i>	Y	Vigorous, fast-growing, medium-sized, native deciduous tree which occurs on floodplains, swampy bottomlands and along streams. Foliage pattern is airy and exfoliating bark provides four-season interest.
European Hornbeam	<i>Carpinus betulus 'Columnaris'</i>	Y	Medium-sized, deciduous tree that grows 40-60' tall with a pyramidal to oval-rounded crown. 'Columnaris Nana' is a dwarf, slow growing to 8 feet, conical to columnar tree with dense foliage that turns golden yellow in fall.
Columnar European Hornbeam	<i>Carpinus betulus 'Fastigiata'</i>	Y	Displays a dense narrow, fastigiate form in youth, but gradually acquires a tear drop or oval-vase shape with age, typically maturing to 40' tall and 30' wide.
Blue Atlas Cedar	<i>Cedrus atlantica (Glauca Group)</i>	P	Evergreen conifer with bluish foliage. Mature specimens can reach 40-60' (less frequently to 120') tall. Best used as a specimen tree for architectural interest.

Table 7.5: Recommended Trees and Tree-Like Shrubs for Street Tree and Landscape Plantings (Continued)

Common Name	Botanical Name	Street Tree	Comments
American Yellowwood	<i>Cladrastis kentukea</i>	P	Medium-sized, deciduous tree that typically grows 30-50' tall with upright branching and a broad, rounded crown. It is noted for its fragrant white spring flowers, autumn seed pods and yellow fall color.
Ginkgo	<i>Ginkgo biloba</i>	Y	Large, deciduous tree that matures to 100' tall. Bright yellow fall foliage. Dramatic branch structure patterns. Plant male specimens only.
Southern Magnolia	<i>Magnolia grandiflora</i>	Y	Broadleaf evergreen tree that is noted for its attractive dark green leaves and its large, extremely fragrant flowers. It typically grows to 60-80' tall with a pyramidal to rounded crown. Frost hardiness is marginal in our area and this tree should only be used in sheltered areas.
Sweet Bay Magnolia	<i>Magnolia virginiana</i>	P	Typically grows as either a 15-20' tall tree with a spreading, rounded crown or as a shorter, suckering, open, multi-stemmed shrub. Features cup-shaped, sweetly fragrant (lemony), 9-12 petaled, creamy white, waxy flowers. More frost hardy than <i>Magnolia grandiflora</i> .
English Oak	<i>Quercus robur</i> 'Fastigiata'	Y	Narrow-upright, columnar form of English oak featuring dense, upright branching that rises at a sharp and narrow angle from the trunk. It typically matures to 50-60' tall and to 10- 20' wide.
Japanese Zelkova	<i>Zelkova serrata</i>	Y	Medium to large deciduous tree, typically growing to 50-80' tall with a spreading, upward-branching, vase-shaped crown.
<b>Tall or large trees that can be used in large areas located away from utility lines due to their broad crowns. These trees should be planted at least 10 feet from any paved area and at least 20 feet from any building foundations or retaining walls.</b>			
Fruitless Sweetgum	<i>Liquidambar styraciflua</i> 'Rotundiloba'	L	Does not produce or rarely produces the spiny, "gumball" fruits. It grows slower and has a more open pyramidal shape than the species. Excellent fall color.
Tulip Tree or Tulip Poplar	<i>Liriodendron tulipifera</i>	L	Large, stately, deciduous tree of eastern North America that typically grows 60-90'.
Fraser Magnolia	<i>Magnolia fraseri</i>	N	Native deciduous magnolia. Large, simple, tropical-looking leaves have earlobe-shaped bases. Large creamy-white flowers appear from late April to early May,
Black Gum or Black Tupelo	<i>Nyssa sylvatica</i>	L	A stately tree with a straight trunk and rounded crown (more pyramidal when young) that typically grows 30-50' tall, but occasionally to 90'. Fruits mature to a dark blue and are attractive to birds and wildlife. Spectacular scarlet fall color.
American Sycamore	<i>Platanus occidentalis</i>	L	The American sycamore is a wide-canopied, deciduous tree, usually 75-100 ft. tall, with a massive trunk and open crown of huge, crooked branches. The bark of large, old trunks sloughs off in scales or plates leaving a smooth, whitish inner bark.
Shumard Oak or Swamp Red Oak	<i>Quercus shumardii</i>	L	Shumard's oak is a pyramidal tree, growing 50-90 ft. and becoming more open at maturity.

## 7.10. Lighting

### A. Purpose

1. The intent of this section is to regulate the use of outdoor artificial lighting by balancing the health, safety, and welfare of the public with the detrimental effects that light can have on the nighttime environment. To do so, this section provides standards for various forms of lighting that will:
  - a. Minimize light pollution and glare.
  - b. Maintain safe nighttime environment in areas that necessitate outdoor lighting.
  - c. Conserve energy.
  - d. Preserve the restful quality of nighttime by eliminating intrusive artificial light and lighting that unnecessarily contributes to “sky glow,” which has a negative impact on the rural character of the County.
  - e. Reduce light trespass from light sources onto adjacent properties, including rights-of-way, especially those used for residential purposes.

### B. Exemptions

1. The following are exempt from the lighting requirements set forth in this section:
  - a. Lighting which is provided, required, or regulated by local, state, or federal law.
  - b. Temporary lighting for construction activities, agricultural uses, emergency activities, fairs, civic activities, and other similar uses.
  - c. Vehicular lighting.
  - d. Holiday lighting.

### C. Prohibited Lighting

1. The following are prohibited:
  - a. Flashing, revolving, intermittent, or high intensity beams used for exterior lighting.
  - b. Laser source lights or any similar high intensity light for outdoor advertising or entertainment, when projected above the horizontal.
  - c. Searchlight for advertising purposes.
  - d. Any lighting that is determined by the Zoning Administrator to create a safety or personal security hazard.

### D. General Lighting Standards for New Streets

1. When new public or private streets as defined herein, are to be constructed as part of a new subdivision or similar development, streetlights shall be provided. When streetlights are provided along private streets, maintenance and operation of those lights is the sole responsibility of the developer, property owners’ association, or similar entity. Streetlights installed along new streets intended for dedication to the

Town maintained street network, the installation shall meet Town standards and be subject to the same inspection and acceptance procedures as found in Section 7.16, Subsection G. Lights shall be provided at the following locations as a minimum standard.

- a. Street intersections.
  - b. Curve locations.
  - c. Mid-block where the distance between intersections is 400 linear feet or more.
2. In the Wytheville Historic District and in neighborhoods where decorative streetlight poles have been installed, new streetlight poles shall match the existing pole and fixture design. If no decorative streetlight poles have been installed in the adjoining neighborhood, the proposed pole style shall be submitted to the Zoning Administrator for review and approval as part of the site plan review.
  3. The installation, maintenance and operating expenses of outdoor and roadway lighting shall be provided by and at the sole expense of the developer.
  4. Street light pole design, intervals, placement, and type shall match the existing design standards of poles in the vicinity of the development where possible.
  5. Luminaires shall be "Dark Sky Approved" or shielded to prevent light pollution. Roadway lighting affiliated with any new proposed public street shall have an approved design and be inspected and accepted into the Town maintenance inventory with final approval by the Town.
  6. Any roadway lighting that seeks to deviate from the existing character of the neighborhood or nearby community shall be submitted for review and is subject to approval by the Town prior to installation.

#### **E. General Lighting Standards for Site Development**

1. The Zoning Administrator may approve deviations from these standards if evidence is provided to show that those deviations are warranted to protect public health, safety, and/or welfare.
2. The most effective reduction in glare from artificial light sources can be achieved by hiding the light source from the normal line of sight for individuals. The use of cutoff fixtures and indirect lighting techniques will afford individuals better nighttime visibility with lower lumen levels than higher lumen output fixtures with a visible light source. Lighting designers should strive to reduce planned light levels by avoiding high glare fixtures.
3. The following standards shall be considered for multi-family uses with five or more units, mixed-use, commercial, or industrial development:
  - a. A lighting plan is required as part of the site plan approval process.
  - b. Adequate lighting shall be provided for surface parking lots used by the public at night that exceed twenty (20) parking spaces.
  - c. In no case shall any lighting impair the vision of motorists.
  - d. Light sources shall not cast excessive light upon adjacent property or upon a public right-of-way. The maintained horizontal illuminance at grade at adjoining streets shall not exceed 0.5-foot candles, and the maintained

horizontal at grade illuminance at adjoining residential properties shall not exceed 0.1-foot candles. Any lighting fixture shall be of such design as to minimize the amount of ambient lighting perceptible from adjacent properties, including, but not limited to, the use of cut-off fixtures or shields.

- e. Fixtures shall be mounted in such a manner that the cone of light is not directed at any adjacent property line that causes light to trespass on the adjacent property.
- f. All exterior light fixtures shall include a cover, shield, directional lens, or other means to prevent light from shining into the night sky.
- g. Lighting poles cannot exceed twenty-five (25) feet in height, as measured from the ground to the base of the fixture.
- h. Only white or off-white (light yellow tones) may be used.
- i. Only LED, fluorescent, metal halide, mercury vapor, or color corrected high-pressure sodium light may be used.
- j. Canopy lighting shall be recessed and flush mounted. That portion of the canopy façade not included in the sign area shall not be illuminated.

**F. Lighting Level Standards for Site Development**

Exterior lighting shall be designed at or below the following average maintained horizontal illuminance levels for the various uses. Uniformity shall not exceed the ratio listed in Table 7.6.

**Table 7.6: Illuminance Levels for Various Uses**

Use or Application	Average Fc	Uniformity
<b>Business and Industrial Uses</b>		
Auto Dealerships	20	N/A
Commercial Building Exteriors	20	N/A
Loading Docks	20	10:1
Malls, Buildings	10	N/A
Parking Areas, Commercial	5	15:1
Parking Areas, Residential	2	15:1
Parks & Gardens	0.2	N/A
Protective Entrances, Storage Areas	5	10:1
<b>Multi-Family Residential Uses with Five or More Units</b>		
Residential Security and Yard Lighting	0.5	N/A
<b>Sporting and Recreational Facilities</b>		
Archery, Badminton, Baseball, Softball, Pools, Tennis Courts, Horseshoe Pitching Shuffleboard	10	3:1
Football, Soccer	30	4:1
Golf, Driving Range, Miniature Golf	10	3:1
Playgrounds	5	10:1
Tournament Softball	20	3:1
Tournament Tennis Courts	30	4:1
<b>Other Uses:</b>		
As determined by the Zoning Administrator based on like use and compatibility with surrounding area.		



## **G. Lighting Control Requirements for Site Development**

1. Automatic Switching Requirements
  - a. Controls shall be provided that automatically extinguish all outdoor lighting when sufficient daylight is available using a control device or system such as a photoelectric switch, astronomic time switch or equivalent functions from a programmable lighting controller, building automation system or lighting energy management system, all with battery or similar backup power or device.
2. Exceptions to Lighting Control Requirements
  - a. Automatic lighting controls are not required for the following:
    - 1.) Lighting under canopies.
    - 2.) Lighting for parking garages, parking garage entrances, and similar conditions.

## **H. Automatic Lighting Reduction Requirements for Site Development**

1. The owner or operator of a facility shall establish curfew time(s) after which outdoor lighting shall be reduced or turned off depending on site needs.
2. Exceptions: Lighting reductions are not required for any of the following:
  - a. With the exception of landscape lighting, lighting for residential properties including multiple residential properties not having common areas.
  - b. Code required lighting for steps, stairs, walkways, and building entrances.
  - c. When in the opinion of the Zoning Administrator, lighting levels must be maintained.
  - d. Motion activated lighting.
  - e. Lighting governed by special use permit in which times of operation are specifically identified.
  - f. Businesses that operate on a 24-hour basis.

## **7.11. Proffered Offsite Improvements**

### **A. Purpose**

To provide guidelines for the proffer of offsite improvements which are needed for a proposed development and which provide a public benefit.

### **B. Standards for Proffered Offsite Improvements**

1. Any developer may voluntarily offer to fund off-site improvements associated with or needed by a proposed development. This offer may be considered by the Town when it can be shown to the satisfaction of the Town Manager and Town Attorney, that the off-site improvements can be safely installed, meet the Town specifications and standards for development and the requirements of the Code of Virginia.
2. As part of a rezone application, a developer may proffer offsite improvements in writing and if the rezone is approved the developer shall be responsible for



installing the offsite improvements related to the needs of the development. The locality may, at its own discretion, enter into an agreement with a developer for offsite improvements subject to the requirements of Code of Virginia [§15.2-2242](#) and [§15.2-2243](#).

3. Any such agreement shall be in place prior to site development and the consideration of the final site plan and/or final subdivision plat.
4. Any developer who chooses to install offsite improvements shall execute a performance agreement with the Town that outlines how future payments or future agreements with future developers will be arranged when it is anticipated that the location of the offsite improvements is located in such areas where it is expected that there will be future developers who seek to use the installed improvements. In this instance such agreements shall show how future developers may or may not be required to reimburse the original developer for connection to these improvements.

## **7.12. Parking and Site Access Standards**

### **A. Purpose**

1. To guide the development of parking facilities for single-family, multi-family commercial, and industrial uses.
2. To provide adequate parking for intended land uses and to reduce stormwater runoff by reducing impervious surfaces. Guiding principles for developing parking resources include the following:
  - a. Parking design should prioritize parking for typical day-to-day uses rather than for infrequent events that may attract a large crowd.
  - b. Innovative approaches to reduce the need for parking are encouraged such as carpooling, shuttle services, public transit, and providing infrastructure for walking and cycling such as bike lockers, sidewalks, and shared use trails.
  - c. Shared parking agreements are encouraged, such as leasing agreements that establish shared parking with adjacent properties.
  - d. Environmentally friendly construction techniques are encouraged to reduce impervious surfaces.
3. To provide safe access to sites, buildings, and other venues. Guiding principles for access include the following:
  - a. Access points should comply with sound traffic planning standards including applicable VDOT [Access Management Design Standards](#) and [Manual on Uniform Traffic Control Devices for Streets and Highways \(MUTCD\)](#) standards. The Zoning Administrator shall review and approve site access locations in accordance with [Virginia Supplement to the Manual on Uniform Traffic Control Devices \(MUTCD\)](#) standards and/or other design regulations.
  - b. To safely accommodate the traveling public, drive aisles in parking areas shall be delineated from parking spaces, adequate striping, directional arrows, and signage shall be used to direct travel through parking areas. The surface of drive aisles shall be maintained to prevent potholes and shall provide for the safe passage of vehicles in delineated areas. Pedestrian

crosswalks and other measures shall be provided to delineate pedestrian movement through parking areas.

- c. Where possible, shared driveways should be utilized to improve traffic safety. The spacing of driveways and access locations shall be designed to minimize conflict points and accommodate turning maneuvers.
- d. Onsite driveways and drive aisles should be designed to provide adequate space for the movement of vehicles that will use the site, including any required truck-based deliveries and emergency response vehicles.

## **B. Access Requirements**

1. When new or modified streets and/or new or modified access points are required for a site plan or a subdivision, the standards of the Virginia Department of Transportation (VDOT) as found in the VDOT [Urban Construction and Maintenance Program Guidance \(Urban Manual\)](#), VDOT [Road and Bridge Standards](#), VDOT [Access Management Design Standards](#), VDOT [Drainage Manual](#), and VDOT [Road Design Manual](#). Street and traffic design standards from these VDOT references shall be used in accordance with this section and Section 7.16 of this ordinance and any traffic impact analysis studies. In the interest of hazard mitigation planning, adequate traveled ways to evacuate an area must be installed.
2. Fire apparatus road requirements shall be met for the type of new development.
3. Please see Article 4, Section 4.13, Subsections D, O, and X for additional information regarding sidewalks, streets, and general access requirements, which relate to subdivisions.
4. Permits Required: New parking lots and associated accessways are subject to a Planning and Zoning Review. Upon receipt of a Planning and Zoning Approval, A Paving Permit is required. Both the Planning and Zoning Review and Paving Permit can be obtained through the Town's OpenGov permitting portal.
5. The projected average daily trip volume (ADT) shall be provided for all new commercial site development projects and for multi-family developments of more than 12 units. The projected ADT shall include a citation of the method or source used to establish the number.
6. For land uses that anticipate vehicular traffic in excess of 200 trips per day, a traffic engineering study shall be provided, which either offers evidence that existing configuration of the roadway is adequate to safely accommodate the additional traffic, or that specifies the improvements that will be installed within the public right-of-way to accommodate the additional traffic.
7. Access from streets: The Zoning Administrator or Director of the Public Utilities and Engineering Services Department may limit driveway access points along designated arterial and collector streets to the spacing shown in the table below to assure safe travel along roadways, prevent congestion, minimize conflict between vehicular traffic entering the site and other through traffic, protect pedestrian traffic, and provide for the movement of emergency response vehicles.
  - a. All entrances constructed from a new or existing street or road shall be in accordance with the "[Minimum Standards of Entrances to State Highways](#)" of

the Virginia Department of Transportation, as amended from time to time, incorporated by reference, except as these may be varied by this section.

- b. Arterial and Collector Street Entrances: Parking lot entrances from designated arterial or collector streets or roadways shall adhere to the regulations of VDOT [Access Management Design Standards](#).
- c. Shared Entrances: Where possible, shared driveway entrances are strongly encouraged. Commercial entrances should be located to maximize access to adjoining parcels and minimize the need for multiple commercial entrances.
- d. Driveway entrances generally should not be located within the functional area of a signalized intersection per VDOT [Access Management Design Standards](#). Where no location outside of the functional area of the intersection is available, the entrance shall be subject to VDOT review and may be limited to right-in-right-out only.
- e. Minimum separation between driveway entrances shall conform to the standards set in Table 7.7: Driveway Entrance Spacing by Designated Speed Limit along designated arterial or collector streets.
- f. Town of Wytheville approved entrance details can be obtained by contacting the Public Utilities and Engineering Services Department.

**Table 7.7: Driveway Entrance Spacing by Designated Speed Limit**

Posted Speed on Arterial or Collector Street (mph)	Centerline to Centerline Driveway Spacing (feet)	Approx. Number of Driveways per 500-Foot Block Face
20	85	About 6
25	105	5
30	125	4
35	150	3
40	185	3
45	230	2

- 8. Flooding Access: If stormwater runoff of a 25-year storm could be reasonably anticipated to inundate, block, destroy or otherwise obstruct a principal means of access to a residential development, the principal means of access shall be designed and constructed to provide unobstructed access at the time of flooding and/or an alternate means of access shall be provided.
- 9. Sidewalks shall be constructed to provide safe pedestrian access between vehicular and bicycle parking areas and building entrances. Where public sidewalks are provided along the public street frontage, additional sidewalks shall be provided to facilitate safe pedestrian access to building entrances.

**C. Single-family and Duplex Residential Access**

- 1. A maximum of two driveway entrances per lot is permitted for single-family dwellings and two family dwellings. The curb cut shall be a minimum of 12 feet in width and a maximum of 20 feet in width at the curb line or edge of pavement.

2. No new single-family or duplex driveway entrance shall be located on existing or proposed collector or arterial streets. All driveway entrances shall be located on local streets or alleys unless there is no available local street access. If no local street or alley access is available, all driveways must provide for vehicle turnaround so that no vehicle is required to back into traffic on any collector or arterial street.
3. Driveways shall be located not less than 3 feet from a side lot line, unless a common drive is provided for two adjoining lots, in which case the driveway may be located adjacent to the side lot line.

#### **D. Entrance Locations**

1. Curb cuts on the same lot shall be separated by a minimum of 40 feet, measured from center line to center line.
2. On local and collector streets, driveways shall be no closer than fifty (50) feet to an intersection with a public street.
3. On arterial streets, driveway entrances shall be no closer than seventy five (75) feet from the intersection with another public street. This minimum distance may be reduced by the Zoning Administrator or Director of the Public Utilities and Engineering Services Department on sites with no access to a local street, collector street, private accessway, or shared driveway if the 75 foot distance is not viable due to topography, sight distance requirements, or similar constraints.

#### **E. Parking Lot Design and Construction Standards**

1. Parking lot Dimension Standards: Parking lot design shall follow the minimum geometric requirements found in Table 7.8: Parking Lot Geometric Requirements.
2. All parking spaces, fire zones, drive aisles, ADA approved parking stalls, and required high visibility crosswalks shall be delineated with industry standard striping, Painted arrow striping shall be provided for all one-way drive aisles, at exit points to public streets, and where directional choices may need clarification.
3. Stormwater conveyance systems are required for all parking lots. Systems shall meet all applicable provisions of the Virginia Department of Environmental Quality [Stormwater Handbooks](#). Pervious paving, rain gardens, and similar low impact stormwater management systems are encouraged.

**Table 7.8: Parking Lot Geometric Requirements**

Parking Angle	Stall Width	Stall Depth	Drive Aisle Width
90°	9 ft.	18 ft. when facing externally. 20 ft. facing other parking spaces.	24 ft.
60°	9 ft.	18 ft. when facing externally. 20 ft. facing other parking spaces.	One-way 18 ft. Two-way 24 ft.
45°	9 ft.	18 ft. when facing externally. 20 ft. facing other parking spaces.	One-way 14 ft. Two-way 24 ft.
30°	9 ft.	18 ft. when facing externally. 20 ft. facing other parking spaces.	One-way 11 ft. Two-way 24 ft.
0° (Parallel)	8 ft.	22 ft.	One-way 12 ft. Two-way 24 ft.

4. Every area used for the parking of vehicles that is accessible to the public or visible from any public street, shall be surfaced with asphalt, concrete, concrete unit pavers, or pervious paving materials. Crushed rock is not permitted for parking lots that are expected to see more than 20 average daily trips, or that are larger than 5,000 square feet. Crushed rock is considered an impervious paving surface unless it is installed using methods that permit the free flow of water into the underlying soil mass by preventing compaction by normal vehicular traffic. Exceptions to the restrictions placed on crushed stone parking lots may be considered by the Zoning Administrator if an engineered installation method resulting in reduced stormwater runoff and dust generation is provided.
5. Curb Radii at Aisle Ends: Typical curb radii where a parking drive aisle meets a collector drive aisle shall be a minimum of 10 feet. For aisles that will be utilized by tractor-trailers or other large vehicles a truck movement analysis shall be provided to verify that the pathway will accommodate large vehicles expected to use the aisle.
6. If large trucks, tractor-trailer rigs, trash trucks, or similar large vehicles are expected to regularly access the site for deliveries, pickups, trash collection, or other similar activities, reinforced paving capable of supporting the weight of those vehicles shall be provided along the typical truck delivery route.
7. Parking areas shall have curb stops or curbs where needed to prevent accidental vehicular movement and to define parking spaces. The distinction between bumper guards or curbs shall be reliant on the parking surface, use, pedestrian paths, and spaces adjacent to the parking area. The Zoning Administrator is enabled to make this determination based on the parking lot area.
8. Any lights used to illuminate said parking areas shall be so arranged as to reflect the light away from adjoining premises in any residential district and designed in accordance with the site lighting provisions of this article.

**F. Parking Structures**

1. In addition to all other applicable requirements, each parking structure shall be subject to the following:

- a. Any parking structure constructed fronting along a designated arterial street shall have a façade treatment that fulfills one or more of the following objectives:
  - 1.) Street level space suitable for retail, service, or office use.
  - 2.) Outdoor eating space suitable for a neighboring restaurant or restaurant located on the street level of the parking structure.
  - 3.) Usable plaza space with amenities for seating, street tables, bicycle parking or similar use.
  - 4.) Display space for public art such as public sculptures, murals, or similar artwork subject to approval by the Downtown Wytheville organization.
- b. Mechanical equipment or other utility hardware on the roof, ground, or building shall be screened from public view to the reasonable satisfaction of the Zoning Administrator with materials harmonious with the building or they shall be located so as not to be visible from public view.
- c. Air handlers shall be located so that emissions are directed away from any adjoining residential development and other occupied structures.
- d. The structure shall be designed so that the light from all vehicle headlights and all lighting fixtures will not routinely shine directly outside the structure.

**G. Residential and Lodging Venue Parking Standards**

- 1. For all residential and short-term lodging uses, parking spaces shall be provided for vehicular parking according to Table 7.9: Residential Parking Standards.

**Table 7.9: Residential Parking Standards**

Residential Unit Type	Parking Requirements
Single-family dwelling	2 spaces per unit
Accessory dwelling units	1 space per unit (May be provided on-street if on-street spaces are available.)
Studio unit (whether the unit is an apartment, townhouse, or condominium).	1 space per unit
Apartment, townhouse, or condominium with 1 bedroom	1.25 spaces per unit
Apartment, townhouse, or condominium with 2 bedrooms	1.75 spaces per unit
Apartment, townhouse, or condominium with 3 bedrooms	2.25 spaces per unit
Apartment, townhouse, or condominium with 4 or more bedrooms	2.75 spaces per unit
Hotels, motels, bed and breakfast inns, homestays, and similar lodging facilities	1 space per sleeping unit plus sufficient parking for employees onsite during peak occupancy.

- 2. Where the total parking requirement computation for a structure or group of structures results in a fractional space being required, the next whole number shall be deemed to be the number of spaces required.

3. Parking space required for dwellings in residential zoning districts shall be on the same lot as the dwelling. Parking spaces required for dwellings and lodging venues located in business, industrial, or mixed-use zoning districts (Zoning districts that allow business or industrial uses as well as residential uses) may be located on adjoining sites when a shared parking agreement is in effect.
4. For larger multifamily housing complexes, including apartments, townhouses, condominiums or similar facilities, an applicant/developer may be granted a reduction in the total parking space requirements by submitting a parking analysis that shows factors that demonstrate a reduced need for parking. Factors indicating a reduced need for parking might include the presence of subsidized rental units, proximity to public transportation, and/or proximity to retail and employment venues that are accessible via public transportation, existing sidewalks, walking trails, or bike paths. To receive a reduction in parking requirements, the multifamily housing complex must be located within one-half mile of a public transportation stop or qualifying retail and employment venue. The Zoning Administrator is authorized to approve a reduction in parking requirements when the submitted request can be supported by reliable data that demonstrate that the parking plan submittal is adequate for the proposed use and space.

## **H. Commercial and Industrial Off-Street Parking Standards**

1. Parking Analysis Required: Prior to new construction or expansion of any commercial or industrial use, a parking analysis shall be provided with a site plan showing how those parking needs will be fulfilled. A narrative explaining the rationale for the number of off-street parking spaces proposed shall be included with the parking analysis and plan. The parking analysis must include relevant information as listed below.
  - a. The anticipated number of employees, staff, volunteers, or similar individuals involved in management or operational functions of the establishment or venue at peak hours of operation.
  - b. The anticipated number of customers to be in the facility at peak hours of operation of any retail, service, or similar establishment.
  - c. The anticipated number of guests or customers to be present at peak hours of operation of a restaurant or lodging facility.
  - d. The anticipated number of people attending any meeting, performance, church service or similar gatherings.
  - e. Expected hours of operation and peak demand relative to available parking in within 1,000 feet of the site. Shared use of parking facilities is encouraged wherever use patterns allow maximization of parking area usage.
  - f. Availability of public transportation or private shuttle services that target the staff and/or users of the facility.
  - g. Availability of bicycle and pedestrian access to and from adjacent neighborhoods. This shall include bicycle parking available to staff or users of the facility.
  - h. Availability of ride sharing and carpooling incentives for employees and/or users of a facility.
  - i. Availability of parking in designated public parking lots or on-street parking.



- j. Establishment of shared parking agreements between nearby venues that have a demonstrated parking surplus.
  - k. A conceptual site plan shall be provided showing the location of parking spaces, ADA accessible parking spaces as required by the Americans with Disabilities Act, entrances, access for delivery trucks, access for emergency vehicles, and pedestrian walkways and paths. For minor developments with fewer than 20 parking spaces, and preliminary submittals, a hand-drawn conceptual plan may suffice. For projects providing more than 20 parking spaces or 5,000 square feet of parking area including aisles, a stamped drawing by a professional engineer, architect or landscape architect shall be provided prior to final approval.
  - l. Any additional factors that may justify either an increase or decrease in the amount of parking to be provided.
2. **Minimum Parking Requirements:** There are no minimum parking requirements for commercial and industrial uses, however, it is the responsibility of the developer or applicant to demonstrate that adequate parking is provided for the proposed use of the site. Where available, public parking and on-street parking may be used to satisfy the parking needs for the proposed use in commercial, medical arts, and industrial zoning districts. Shared parking agreements with nearby venues that have a parking surplus are encouraged.
  3. **Maximum Parking Limits:** Maximum parking spaces permitted for various commercial and general assembly uses are shown in Table 7.15: Maximum Parking Standards for Various Commercial Uses. The Zoning Administrator is enabled to allow additional parking spaces above the maximum with sufficient evidence demonstrating the need as part of the parking analysis. For uses that cannot be categorized with the use types in this table, the maximum parking allowed shall be determined by the Zoning Administrator after review of the parking analysis and plan.

**Table 7.10: Maximum Parking Standards for Various Commercial Uses**

Type of Use	Maximum Parking Standard
General retail and service uses.	1 space per 250 square feet of retail floor space excluding storage and employee service areas.
Restaurants with eat-in dining.	1 space per 100 square feet or 1 space for every table, booth, or two barstools, whichever is greater.
Professional office uses that do not require significant client traffic, Industrial, manufacturing, or similar uses.	1 space per planned employee workstation, plus visitor parking that may be recommended by the parking analysis.
Medical, dental, or similar clinical examination facilities.	1.5 spaces per exam room plus 1 space per planned employee workstation, plus visitor parking that may be recommended by the parking analysis.
Hospitals.	1 space per patient or exam room plus 1 space per planned employee workstation, plus visitor parking that may be recommended by the parking analysis.
Assembly halls, theaters, stadiums, or similar uses.	1 space per every 3 seats or other spaces provided for attendees in the main assembly area.

4. Designated space shall be provided for the loading and unloading of trucks and commercial delivery vehicles for any establishment where regular deliveries are anticipated.

## **7.13. Retaining Walls**

### **A. Purpose**

1. To facilitate development of property along major streets and to guide the design of accessways thereto upon reasonable slope gradients.
2. To encourage development that relates to the scale and elevation of the adjacent streets.
3. To assure that underground utilities are accessible for repair and maintenance.
4. To provide design standards for height, location, and material of retaining walls along all arterial and collector streets in the Town.

### **B. Development Standards**

No retaining wall in excess of 4'-0" in height may be constructed unless it conforms to the following:

1. Retaining walls must be set back at least four (4) feet from the property line, right-of-way, or easement line.
2. Retaining walls shall be designed by a professional engineer who is licensed to practice in Virginia.
3. Retaining walls shall be designed and sited to provide ample separation from adjoining uses and property owners to allow for required maintenance and future replacement of the wall. This may require significant setbacks from adjoining parcels or easement agreements that would allow for future maintenance work to proceed.
4. The plans for such retaining walls shall be submitted to the Town of Wytheville Building Official for review and approval and issuance of a building permit.
5. A "Guardrail Safety" fence, as described in Subsection 7.6.F Table 7.2, is required when pedestrians or children may be expected to be near the top of the wall. Guardrail safety fences shall be 42" in height +/- 3". In no case shall fences, rails, or other extensions of the retaining wall extend from the top of the retaining wall more than 4'-0". All fences, retaining walls, or barriers shall be designed to meet applicable building codes and shall be decorative in nature. No chain link fences, woven wire fences, barbed wire fences shall be permitted.

## **7.14. Rights-of-Way & Property Boundaries**

### **A. Purpose**

1. To clarify the responsibilities of the applicant or landowner for locating right-of-way lines and property boundaries.

## **B. Standards**

1. Major Site Plans: It is the responsibility of the applicant or landowner to locate property boundaries, property corners and right-of-way lines for all permitted projects that require a major site plan for the construction of new site improvements or other infrastructure.
2. Minor Site Plans: It is the responsibility of the applicant or landowner to locate property boundaries and property corners for all permitted projects that require a minor site plan for the construction of new site improvements. A representative of the Town of Wytheville Public Utilities and Engineering Services Department may be contacted to locate the public right-of-way for projects that only require right-of-way location. The Town does not provide location services for private property boundaries.

## **7.15. Signs**

### **A. Purpose**

1. The purposes of this sign ordinance are to protect the public health, safety, and welfare as follows:
  - a. To preserve viewsheds and the scenic beauty of Wytheville and surrounding areas.
  - b. To protect the safety of motorists and pedestrians by reducing distractions.
  - c. To preserve available land for alternative land uses.
  - d. To protect community and neighborhood character while providing a convenient, attractive, and harmonious environment.
  - e. To assure preservation of historical and cultural resources within Wytheville while protecting the visual quality of historic districts.
  - f. To protect property values.
  - g. To regulate the size, color, illumination, movement, materials, location, height, and condition of all signs placed on private property.
  - h. To encourage economic development by providing opportunities for convenience and clarity in commercial landscapes.

### **B. Interpretation**

1. This section "Signs" shall be interpreted in a manner consistent with the First Amendment guarantee of free speech.
2. Signs not expressly permitted as being allowed by right under this section, by specific reference in another provision of this UDO, the Town Code; or otherwise expressly allowed by law, the Town Zoning Administrator, Town Manager, Board of Zoning Appeals, Virginia Constitution, or the Constitution of the United States, are forbidden.
3. If any provision of this section is found by a court of competent jurisdiction to be invalid, such finding shall not affect the validity of other provisions of this section which shall be given effect without the invalid provision.

4. A sign placed on land or on a building for the purpose of identification, protection, or directing persons to a use conducted therein shall be deemed to be an integral but accessory and subordinate part of the principal use of land or building. Therefore, the intent of this section is to establish limitations on signs in order to ensure they are appropriate to the land, the building, and/or the use to which they are appurtenant and are adequate for their intended purpose while balancing the individual and community interests identified above in Subsection "A." Purpose.
5. Wherever this section permits a sign with business or commercial content, non-commercial content is also permitted subject to the same requirements of size, color, illumination, movement, materials, location, height, and construction.

### **C. Intent**

1. This section allows communication through signage while encouraging aesthetic quality in the design, location, size, and purpose of all signs.
2. These regulations are intended to promote signs that are compatible with the use of the property to which they are appurtenant, the landscape and architecture of surrounding buildings; and that are legible, relevant to the activity to which they pertain, are not distracting to motorists, and are constructed and maintained in a structurally sound and attractive condition.
3. These regulations distinguish between portions of the Town designed for primarily vehicular access and portions of the Town designed for primarily pedestrian access.
4. These regulations do not regulate every form and instance of visual speech that may be displayed anywhere within the jurisdictional limits of the Town. Rather, they are intended to regulate those forms and instances that are most likely to meaningfully affect one or more of the purposes set forth above.
5. These regulations do not entirely eliminate all of the harm that may be created by the installation and display of signs. Rather, they strike a balance that preserves ample channels of communication by means of visual display while still reducing and mitigating the extent of the harm caused by signs.

### **D. Permit Required**

1. General: A sign permit is required prior to the display and installation of any sign except as provided in Subsection "E." below or shown in the tables found in Subsection "L" below. Failure to obtain a required permit prior to installation of a sign is a violation of the Unified Development Ordinance.
2. Application for Permit: The process for obtaining a sign permit is as follows:
  - a. An application for a sign permit shall be filed with the Town Building Official using the online permitting portal furnished by that department. The applicant shall provide sufficient information to determine if the proposed sign is permitted under the Unified Development Ordinance and other applicable laws, regulations, and ordinances. An application for a temporary sign shall state the dates intended for the installation and removal of the sign.
  - b. The Town Zoning Administrator or designee shall promptly process the sign permit application and approve the application, reject the application, or notify the applicant of deficiencies in the application. Any application that complies

with all provisions of this ordinance, the building code, and other applicable laws, regulations, and ordinances shall be approved.

- c. If the application is rejected, the Town shall provide the reason(s) for the rejection in writing. An application shall be rejected for noncompliance with the terms of this ordinance, building code, or other applicable law, regulation, or ordinance.
3. Permit Fee: A nonrefundable fee as set forth in the fee schedule adopted by the Town Council shall be paid after approval of the sign permit application.
4. Duration and Revocation of Permit: If installation of a permitted sign is not commenced within six (6) months following the issuance of a sign permit, the permit shall be void. The applicant may be granted a six (6) month extension of time to start installation if requested before the permit expiration date. The Town may revoke a sign permit under any of the following circumstances:
  - a. The Town determines that information in the application was materially false or misleading.
  - b. The sign as installed does not conform to the sign permit application.
  - c. The sign violates the Unified Development Ordinance, building code, or other applicable law, regulation, or ordinance.
5. Overlay and Special District Regulations: Signs in certain overlay and special districts shall adhere to additional regulations as follows:
6. Signs in the B-2DT require approval of the Design Committee of Downtown Wytheville Inc. except when a sign permit is not required as provided in Subsection "E." below, or in the tables found in Subsection "L."
7. Signs in the Entrance Corridor Overlay District shall adhere to the height, length and quantity restrictions found in the table found in Subsection "L." below, entitled Signs in Industrial Districts, Medical Arts District and in the Entrance Corridor Overlay District.
8. Signs in the Small-Lot/Small-Home Overlay Zone shall conform regulations for the underlying zoning district as found in the tables in Subsection "L."

#### **E. Permit Not Required**

The following signs are exempt from permit requirements:

1. Signs owned or installed by a governmental body or required by law. Such signs required for official public use are exempt from the regulations of this section in all Zoning Districts. This shall include official notices or advertisements posted or displayed by or under the direction of any public or court officer in the performance of his official or directed duties.
2. Flags as defined herein, provided that no freestanding pole shall be installed in the public right-of-way nor be within five (5) feet of a service drive, travel lane or adjoining street.
3. The changing of messages on changeable copy signs and marquee signs with changeable copy.
4. In agricultural and residential districts, including the A-1, R-1, R-2, R-2 FH, R-3, R-4, RA, RB-1, RB-2, RH and RMH zoning districts, up to four (4) temporary signs

per premises with a total area not exceeding 16 square feet in sign face area and not to exceed four (4) feet in height. Temporary signs allowed under this provision are still subject to the limit of 90 consecutive days, twice per year, as described in the temporary sign definition.

5. In commercial, medical arts and industrial districts, including the B-1, B-2, B-2 DT, DTB-1, DTB-2, DTB-3, M-1, M-2, and MA zoning districts, up to four (4) temporary signs per premises with a total area not to exceed 36 square feet in sign face area. Temporary signs allowed under this provision are still subject to the limit of 90 consecutive days, twice per year, as described in the temporary sign definition. Additional temporary signs may be allowed by permit in some zoning districts. See the tables for the relevant zoning district in Subsection "L." for details.
6. Temporary Signs – Extended Use: These are signs that are not intended to be permanent, but which are required for indeterminate periods as follows:
  - a. One (1) sign, no more than twelve (12) square feet in area, located on property where a building permit is active.
  - b. On any property for sale or rent, not more than one (1) sign with a total area of up to twelve (12) square feet and a maximum height of six (6) feet when the sign abuts a road with a speed limit of 25 miles per hour or less, and when the sign abuts a road with a speed limit greater than 25 miles per hour not more than one (1) sign with a total area of up to thirty-two (32) square feet and a maximum height of six (6) feet.
7. In agricultural and residential districts, including the A-1, R-1, R-2, R-2 FH, R-3, R-4, RA, RB-1, RB-2, RH and RMH zoning districts, one (1) portable sign not exceeding six (6) square feet in sign face area.
8. In commercial, medical arts and industrial districts, including the B-1, B-2, B-2 DT, DTB-1, DTB-2, DTB-3, M-1, M-2, and MA zoning districts, one (1) portable sign not exceeding ten (10) square feet in sign face area. Additional signs may be allowed by permit in some zoning districts. See the tables for the relevant zoning district in Subsection "L." for details.
9. Repair of an existing legally non-conforming sign as allowed in Subsection "K."
10. One (1) minor sign per premises in non-residential zoning districts and residential business districts. Additional minor signs may be allowed by permit in some zoning districts. See the tables for the relevant zoning district in Subsection "L." for details.
11. A-frame or chalkboard signs of ten (10) square feet of sign face area or less that are located more than fifty (50) feet from the nearest public right-of-way. A-frame signs of other sizes or located closer to a public right-of-way may be allowed by permit in some zoning districts. See the tables for the relevant zoning district in Subsection "L." for details.
12. Pavement markings. Any painted sign or symbol applied directly and entirely to and flush with an asphalt, concrete, or similar paved surface for the purpose of traffic safety and/or control. Pavement markings may be subject to review as part of the site plan approval process.
13. Temporary signs or banners attached to the inside of store windows, except those signs specified as "prohibited signs" in this section, provided that the aggregate area of all window signs on each window or door does not exceed twenty-five percent (25%) of the total area of the window or door.

## **F. Prohibited Signs**

1. In addition to signs prohibited elsewhere in this ordinance or by applicable state or federal law, the following signs are prohibited:
2. General Prohibitions:
  - a. Signs that violate any law of the Commonwealth of Virginia relating to outdoor advertising.
  - b. Signs attached to natural vegetation.
  - c. Signs simulating, or which are likely to be confused with, a traffic control sign, traffic signal, or any other sign displayed by a public authority. Any such sign is subject to immediate removal and disposal by an authorized Town official as a nuisance.
  - d. Vehicle or trailer signs as defined herein.
  - e. Any sign displayed without complying with all applicable regulations of this section.
3. Prohibitions Based on Materials:
  - a. Animated signs as defined, flashing signs or electronic signs displaying flashing, scrolling or intermittent lights or lights of changing degrees of intensity, except where such signs are expressly permitted within this section.
  - b. Signs attached with moveable supports, chains, or similar devices. Moveable supports can be subject to wear that could result in failure or collapse of the mounting hardware.
  - c. Signs or displays consisting of flexible illuminated tubing or strings of lights outlining property lines or open sales areas, rooflines, doors, windows, or wall edges of any building, except for temporary decorations not to exceed three (3) months per year. Lighting displays fabricated with durable materials intended for long term exposure to weather are exempt from this requirement.
  - d. Signs that emit smoke, flame, scent, mist, aerosol, liquid, sound, or gas.
  - e. Any electronic sign that generates a series of moving images, pulses, flashes, or similar distracting images using technology such as an LED digital display, or other video system, whether displayed on a building, vehicle, or mobile unit. This does not include electronic or digital signs that display a static image which changes at four (4) second or longer intervals.
  - f. Strings of flags or pendants visible from, and within 50 feet of, any public right-of-way.
4. Prohibitions Based on Location:
  - a. Off-premises signs, unless specifically permitted by this section.
  - b. Signs installed on public land or within the public right-of-way unless approved by an authorized Town official in writing. Any sign not so authorized is subject to immediate removal and disposal by any authorized official. Removal of the sign under this provision does not preclude prosecution of the person responsible for the sign.

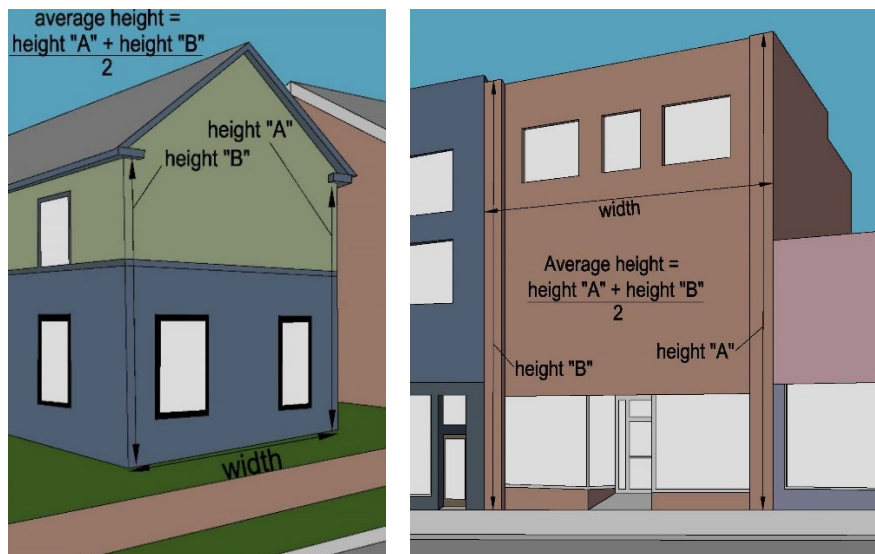


- c. Signs on the roof surface or extending above the roofline of a building or its parapet wall.
- d. A sign that obstructs free or clear vision, or otherwise causes a safety hazard for vehicular, bicycle, or pedestrian traffic due to its location, including any sign located in the vision triangle formed by any two (2) intersecting streets, as regulated by the provisions of Section 7.3.
- e. Signs at or near any curve in a street in such a manner as to obstruct the clear vision of traffic from any one point on such curve to any other point on such curve or to any other point not more than 400 feet apart, as measured between each point from the nearest edge of the pavement.
- f. Side and rear wall signs facing and within 100 feet of a residential district.

**G. Measurements and Calculation of Sign Face Area**

- 1. Support Structures: Supports, uprights, or structure on which any sign is supported shall not be included in determining the sign face area unless such supports, uprights or structure are designed in such a way as to form an integral background of the display. When a sign is placed on a fence, wall, planter, or other similar structure that is designed to serve a separate purpose other than to support the sign, the entire area of such structure shall not be computed. In such cases, the sign face area shall be computed in accordance with the other provisions of this section.
- 2. Allowable Wall Sign face area: The area of a wall for use in calculating maximum allowable sign face area shall be calculated in the following manner.
  - a. The area of the wall is calculated by multiplying the width by height of the wall. The height shall be measured by calculating the average vertical distance from grade to the top of the wall of a flat roof or parapet wall, or to the eave line of a gable, hip, or gambrel roof. (See diagram below.)

**Figure 7.7: Wall Area Calculations**



- b. In instances where there are multiple tenants or users on a property or in a building, which are located in distinct storefronts so as to be visible from a

public right-of-way or publicly accessible parking lot, the measurement of wall area shall be determined for each individual establishment.

- c. In instances where there are multiple tenants or users within a single building, which are not visibly distinguishable when viewed from a public right-of-way or publicly accessible parking lot, the measurement of wall area shall be determined for all parties shall not exceed the maximum sign face area computed as if there were a single tenant or user.
3. Sign face area: Sign face area is calculated under the following principles.
    - a. With signs that are regular polygons or circles the area can be calculated by the mathematical formula for that polygon or circle. With signs that are not regular polygons or circles, the sign face area is calculated using all that area within a maximum of three (3) abutting or overlapping rectangles that enclose the sign face. (See diagram below.)

**Figure 7.8: Sign Face Area Calculations**



- b. The support for the sign face, whether it is columns, a pylon, or a building, or part thereof, shall not be included in the sign face area.
- c. The area of a cylindrical or spherical sign shall be computed by multiplying one-half of the circumference by the height of the sign.
- d. For a marquee sign, only the area of the message shall be used in sign face area computation.
- e. The sign face area for a double-faced sign shall be measured on one side only. If the sign face areas differ, the larger sign face area shall be used.
- f. For projecting signs with a thickness of four (4) inches or more, the sign face area also includes the area of the visible sides of the sign, calculated as a rectangle enclosing each entire side view.

- g. A combined area sign may have up to four (4) faces, joined at the corners at 90 degree or less angles with no face exceeding the area normally allocated a single ground/freestanding sign face.
- 4. Height Measurement: Measured as the vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be the higher elevation of either the existing elevation at the edge of pavement closest to the sign location, or the existing grade at the time of the installation of the sign, exclusive of any filling, berming, or mounding primarily for the purpose of mounting or elevating the sign.
- 5. Maximum Height: The maximum height for any sign shall be 35 feet unless otherwise specified within this section.

**H. Maintenance and Removal**

- 1. All signs shall be constructed and mounted in compliance with the Virginia Uniform Statewide Building Code.
- 2. All signs and components thereof shall be maintained in good repair and in a safe, neat, and clean condition. Signs showing visible signs of wear, fading, chipped paint, rotting or rusting structure, or non-working components after inspection by the Building Official, must be repaired or may be subject to code enforcement as a nuisance. Such signs shall be put in a safe and good state of repair, or removed, within 30 days of a written notice to the owner and/or permit holder.
- 3. The Building Official may cause to have removed or repaired immediately without written notice any sign determined to be insecure, in danger of falling, or otherwise unsafe, and, as such, presents an immediate threat to the safety of the public. If such action is necessary to render a sign safe, the cost of such emergency removal or repair shall be at the expense of the owner or lessee thereof.
- 4. The owner of any sign advertising a use that has ceased operating shall, within 60 days of the cessation, replace the sign face with a blank face.
- 5. Historic Signs: Preservation of historic signs is encouraged. Signs identified as historic or that contribute to a designated historic district or site should be preserved as recommended by the Virginia Department of Historic Resources, State Historic Preservation Office, or their representative. Preservation and maintenance of historic signs shall conform to the recommendations of Preservation Brief 25 of the U.S. Department of the Interior, National Park Service, Cultural Resources and Preservation Assistance Division.
- 6. Temporary displays must be maintained in good condition, whether permitted, allowed without permit, or otherwise; this includes temporary signs, flags, and holiday displays. Strings of lights designed for temporary seasonal use must be in safe working condition and shall not be displayed for more than three (3) months per calendar year. Any power source for temporary displays must comply with all applicable building and electrical codes. Worn or deteriorated displays must be removed, repaired, or replaced subject to the regulations contained herein.



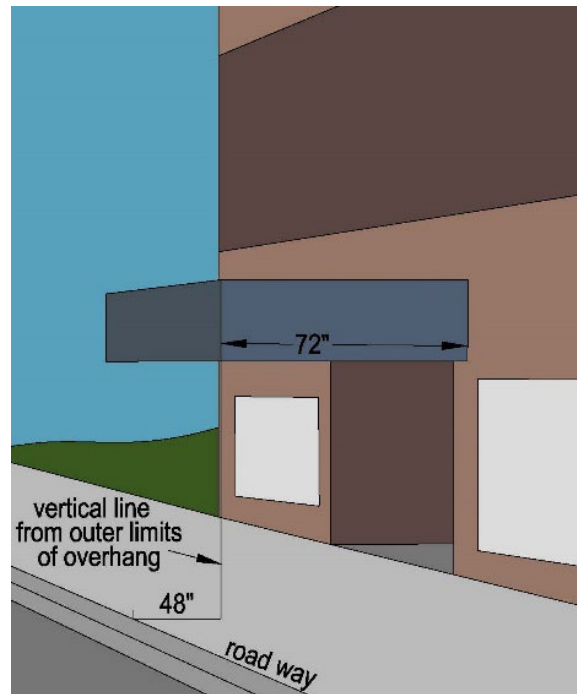
**I. Electronic Message Signs**

1. Electronic message signs (including the primary message and any and all secondary messages, backgrounds, etc.) are required to remain static for at least four (4) seconds and may not flash or change intensity by pulsing, pulsating, or other similar visual effect.
2. Electronic message signs are prohibited in the B-2 DT, DTB-1, DTB-2, DTB-3 Business Zoning Districts and within any portions of the B-2 Business Zoning District that are part of the Wytheville Historic District.
3. See the tables in Subsection “L.” for zoning districts where electronic message signs are allowed.

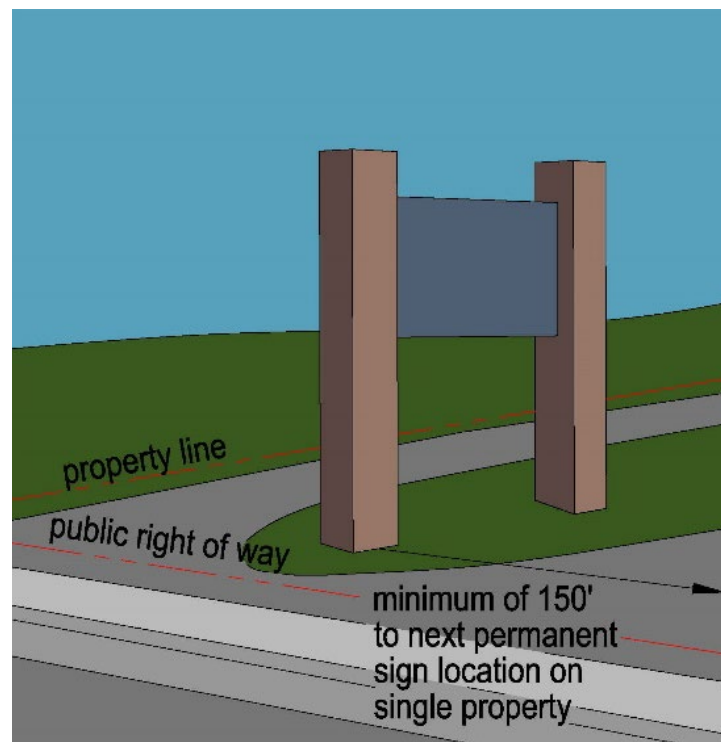
**J. General requirements**

1. Placement:
  - a. Signs in all zoning districts except for the B-2 DT, DTB-1, DTB-2, and DTB-3 Zoning Districts, permanent freestanding signs shall be set back a minimum of five (5) feet from any public right-of-way and a minimum of five (5) feet from all other property lines.
  - b. In the B-2 DT, DTB-1, DTB-2, AND DTB-3 Business Zoning Districts, all permanent freestanding signs must remain a minimum of two (2) feet from the back of the right-of-way line.
  - c. In the B-2 DT, DTB-1, DTB-2, AND DTB-3 Zoning Districts, projecting signs mounted on building facades may project a maximum of 72 inches over public property, or to within 48 inches of the face of curb of any roadway, whichever is less. This provision shall not prevent maintenance, repair, reconstruction, or preservation of historic signs and cultural features including, but not limited to, signs, marquees, public art, and similar cultural objects. (See Figure 7.9.)

**Figure 7.9: Projecting Signs in Downtown Zoning Districts**



**Figure 7.10: Freestanding Sign Separation**



- d. When two or more permanent ground mounted or freestanding signs are to be located on one (1) premises, those signs must be separated by a minimum of 150 feet. (See Figure 7.10.)

- e. Residence signs in residential districts shall be wall-mounted in close proximity to the front door.
2. Glint and Glare: The illumination from any sign resulting in any internal or external artificial light source that adversely affects surrounding properties, causes offensive glare, or creates a traffic hazard shall be prohibited. Furthermore, no sign shall be permitted to affect highway safety or shine directly into a residential dwelling unit.
3. Size and Dimensional Requirements: The tables in Subsection "L." set forth the sign type, number, sign face area, and maximum sign height allowed in each zoning district. (In lieu of following the strict regulations as contained in Subsection "L." a comprehensive sign plan may be submitted for a common development plan.
4. Structural Safety: All signs shall conform to relevant building code standards and meet the following requirements.
  - a. Freestanding signs that require a footing other than a direct burial post, with a surface area greater than 32 square feet or a height greater than 6 feet require sealed engineering and/or architectural plans to assure that footings and structures are in compliance with building code requirements and meet applicable wind load standards. Temporary signs and signs erected by a transportation agency or municipal government are exempt from this requirement.
  - b. Signs must be mounted in a way that prevents repeated movement due to wind or other forces.
5. Illumination:
  - a. All permitted signs in non-residential zoning districts, and signs of one (1) square foot of sign face area or less in residential zoning districts, may be backlit, internally lighted, or indirectly lighted, unless such lighting is specifically prohibited in this section.
  - b. Signs larger than one (1) square foot in sign face area in residential zoning districts may be illuminated with external or indirect lighting sources as described below.
  - c. External or Indirect Illumination: Where indirect lighting is used to illuminate a sign, the source shall be shielded to reduce glint and glare. Projecting signs shall be indirectly illuminated or have shielded indirect lighting. Indirect lighting shall consist of full cut-off or directionally shielded lighting fixtures that are aimed and controlled so that the directed light shall be restricted to the sign to minimize glint, glare, and light trespass. The beam width shall not be wider than that needed to light the sign.
  - d. Internal Illumination: Internally illuminated signs shall have a light-colored copy on a dark-colored or opaque background, so that the copy is legible during the day and night and to reduce nighttime glare. When illuminated, the sign shall appear to have an illuminated copy with a dark or non-illuminated background. (This requirement shall not apply to internally illuminated individual characters, letters, or shapes that do not contain copy on the sign face. Neon lighting is not considered to be internal lighting.)

## **K. Non-Conforming Signs**

1. Establishment of Legal Non-conforming Status: Signs lawfully existing on the effective date of this ordinance or prior ordinances, which do not conform to the provisions of this section, and signs which are accessory to a non-conforming use shall be deemed to be non-conforming signs and may remain except as qualified below. The burden of establishing legal non-conforming status of a sign shall be that of the owner of the property. Upon notice from the Zoning Administrator, a property owner shall submit verification that sign(s) were lawfully existing at time of installation. Failure to provide such verification shall be cause for order to remove sign(s) or bring sign(s) into compliance with the current ordinance.
2. Modification of Non-conforming Signs: Non-conforming signs shall not be enlarged nor shall any feature of a non-conforming sign, such as illumination, be increased. A sign face may be changed so long as the new face is equal in sign face area.
3. Maintenance of Non-conforming Signs: Non-conforming signs may be maintained and kept in good repair without jeopardizing legal non-conforming status.
4. Relocation of Non-conforming Signs: Non-conforming signs shall not be moved any distance on the same lot or to any other lot unless such change in location will make the sign conform in all respects to the provisions of this section.
5. Damaged Non-conforming Signs: A non-conforming sign that is destroyed or damaged by any natural disaster, or other accidental cause beyond the control of the owner or manager of the sign, may be restored within two (2) years after such destruction or damage but shall not be enlarged in any manner.
6. Removal of Non-conforming Signs:
  - a. A non-conforming sign that is removed for any cause other than a natural disaster shall not be reconstructed but may be replaced with a sign that is in full accordance with the provisions of this section.
  - b. It is the responsibility of the applicant to obtain a permit for a replacement sign prior to removal of a non-conforming sign.
  - c. A non-conforming sign structure shall be subject to the removal provisions of Subsection "H." when the use to which it is accessory has not been in operation for a period of two (2) years or more. Such sign structure shall be removed by the owner or lessee of the property. If the owner or lessee fails to remove the sign structure, the Zoning Administrator or designee shall give the owner thirty (30) days' written notice to remove it. Upon failure to comply with this notice, the Zoning Administrator or designee may enter the property upon which the sign is located and remove any such sign or may initiate such action as may be necessary to gain compliance with this provision. The cost of such removal shall be chargeable to the owner of the property.

## **L. Table of Design Standards for Permitted Signs**

The tables that follow provide design standards for sign types within the various zoning districts of the Town of Wytheville. The tables also identify which sign types require permitting and in which zoning districts they are allowed.



**Table 7.11: Signs in A-1 Agricultural District**

Table 7.11: Signs in A-1 Agricultural District					
General Signage Requirements					
Except as otherwise prohibited in this section, the following signs are permitted as accessory to agricultural uses in the A-1 Zoning District.					
Sign Type	Maximum Number of Signs	Cumulative Maximum Square Feet of Sign Face	Maximum Height	Time and Location Requirements	Permit Required
Changeable Copy, Freestanding, Ground-Mounted, Monument, Pole	1	32	6 feet	Setback at least 5 feet from the right-of-way line. Must be removed or repaired if deteriorated or damaged.	Yes
Wall	1 per wall	25% of the total wall area.	Not to exceed wall height.	Wall signs facing residentially zoned abutting properties are prohibited.	Yes
Minor	Not Regulated	6 square feet maximum per sign.	8 feet	Locations subject to review as part of a site plan zoning review.	No
A-Frame, Banner, Feather, Portable, Temporary	6	36	6 feet	May be displayed no more than 90 consecutive days and twice per year. Setback three (3) feet minimum from right-of-way. For multi-family units, signs shall be within ten (10) feet of the entrance door. Must be removed if deteriorated or damaged.	Up to 4 signs with a total sign face area of 16 square feet or less do not require a permit. More than 4 signs or more than 16 square feet of sign face area requires a permit.
Flag, Holiday Display	Not restricted	Not restricted	Flag poles 30 feet. Holiday displays not regulated.	Must be removed, replaced, or repaired if deteriorated or damaged.	No
Temporary Sign - Extended Use	1	12	6 feet	On properties with an active building permit	No
	1	12 on roads with 25 MPH speed limit or less 32 on roads with speed limits greater than 25 MPH	6 feet	On properties for sale or rent	No

**Table 7.12: Signs in Residential Districts**

Table 7.12: Signs in Residential Districts					
<b>General Signage Requirements</b>					
<p>Except as otherwise prohibited in this section, the following signs are permitted as accessory to residential uses in residential districts. Residential districts shall include R-1, R-2, R-2C, R-3, R-4, RH, and RMH. Residential uses include single-family homes and individual units in multi-family complexes. Internally illuminated signs larger than one square foot in sign face area, moving signs, and electronic message signs are prohibited on residential properties in all residential districts.</p>					
Sign Type	Maximum Number of Signs	Cumulative Maximum Square Feet of Sign Face	Maximum Height	Time and Location Requirements	Permit Required
Temporary	4	16	4 feet	May be displayed no more than 90 consecutive days and twice per year. Setback three (3) feet minimum from right-of-way. For multi-family units, signs shall be within ten (10) feet of the entrance door. Must be removed if deteriorated or damaged.	No
A-Frame Portable	1	6	4 feet	May be displayed no more than 90 consecutive days and twice per year. Setback three (3) feet minimum from right-of-way. For multi-family units, signs shall be within ten (10) feet of the entrance door. Must be removed if deteriorated or damaged.	No
Residence Sign	1	6	6 feet	Setback at least five (5) feet from the right-of-way line. Must be removed or repaired if deteriorated or damaged.	No
Flag Holiday Display	Not restricted	Not restricted	Flag poles 30 feet. Holiday displays not regulated.	Must be removed, replaced, or repaired if deteriorated or damaged.	No

**Table 7.12: Signs in Residential Districts (Continued)**

**General Signage Requirements for Various Non-residential Uses in Residential Zoning Districts**

Except as provided otherwise in this section, the following sign types are permitted in addition to those listed in this table above, as accessory to non-residential uses in residential districts. Non-residential uses include multi-family housing complexes with five or more units, funeral homes, churches, and other grandfathered commercial or institutional uses. Internally illuminated signs larger than one square foot in sign face area, moving signs, and electronic message signs are prohibited as accessory uses for non-residential uses in all residential districts.

<b>Sign Type</b>	<b>Maximum Number of Signs</b>	<b>Cumulative Maximum Square Feet of Sign Face</b>	<b>Maximum Height</b>	<b>Time and Location Requirements</b>	<b>Permit Required</b>
Temporary Sign - Extended Use	1	12	6 feet	On properties with an active building permit	No
	1	12 on roads with 25 MPH speed limit or less 32 on roads with speed limits greater than 25 MPH	6 feet	On properties for sale or rent	No
Awning Canopy	1	16	Shall not extend above the awning or canopy.	To be located above the principal building entrance or management office entrance of the non-residential use.	Yes
Monument Freestanding or Ground-Mounted Wall	1	32	6 feet	Setback at least 5 feet from the right-of-way line.	Yes

**Table 7.13: Signs in Residential Business Districts**

Table 7.13: Signs in Residential Business Districts					
<b>General Signage Requirements</b>					
Except as otherwise prohibited in this section, the following signs are permitted as accessory to residential business uses in residential business districts. Residential business districts shall include R-2 FH, RA, RB-1, and RB-2. Internally illuminated signs larger than 12 square feet in sign face area, moving signs, and electronic message signs are prohibited on residential properties in all residential districts.					
Sign Type	Maximum Number of Signs	Cumulative Maximum Square Feet of Sign Face	Maximum Height	Time and Location Requirements	Permit Required
Monument Freestanding or Ground-Mounted Wall Residence Sign	1	12	6 feet	Setback at least five (5) feet from the right-of-way line. Must be removed or repaired if deteriorated or damaged.	Yes
Temporary	4	16	4 feet	May be displayed no more than 90 consecutive days and twice per year. Setback three (3) feet minimum from right-of-way. For multi-family units, signs shall be within ten (10) feet of the entrance door. Must be removed if deteriorated or damaged.	No
Flag Holiday Display	Not restricted	Not restricted	Flag poles 30 feet. Holiday displays not regulated.	Must be removed, replaced, or repaired if deteriorated or damaged.	No
Temporary Sign - Extended Use	1	12	6 feet	On properties with an active building permit	No
	1	12	6 feet	On properties for sale or rent	No
<b>General Signage Requirements for Larger Non-residential Uses in Residential Business Zoning Districts</b>					
The following sign types are permitted in addition to those listed in this table above, as accessory to multifamily housing complexes with five or more units, funeral homes, churches, and other grandfathered commercial or institutional uses. Internally illuminated signs larger than 12 square feet in sign face area, moving signs, and electronic message signs are prohibited in all residential business districts.					
Awning Canopy	1	16	Shall not extend above the awning or canopy.	To be located above the principal building entrance or management office entrance of the non-residential use.	Yes
Monument Freestanding or Ground-Mounted Wall	1	32	6 feet	Setback at least 5 feet from the right-of-way line.	Yes

**Table 7.14: Signs in Business and Mixed-Use Business Districts Except for Sites Located in an Entrance Corridor**

Table 7.14: Signs in Business and Mixed-Use Business Districts Except for Sites Located in an Entrance Corridor					
General Signage Requirements				Arterial Road Frontage:	Base Sign Area
<p>Sign types highlighted with yellow shading are subject to a total maximum sign face area. The maximum sign face area allowed per premises or common development plan is calculated based on adjacent street frontage along designated arterial and collector streets. Local streets are excluded from the frontage total. The total allowable sign area includes both on premises and off premises signs. Other time and/or location requirements apply to various sign types as indicated in this table.</p> <p>Except as provided otherwise in this section, the following signs are permitted as accessory uses in the B-1, B-2, BMX, and BTS Business Districts.</p>				1 – 400 ft	90 ft <sup>2</sup>
				401 – 600 ft	180 ft <sup>2</sup>
				601 – 800 ft	270 ft <sup>2</sup>
				801 – 1000 ft	360 ft <sup>2</sup>
				1001 – 1200 ft	450 ft <sup>2</sup>
				1201 – 1400 ft	540 ft <sup>2</sup>
				1401 or more	600 ft <sup>2</sup>
Sign Type	Maximum Number of Signs	Cumulative Maximum Square Feet of Sign Face	Maximum Height	Time and Location Requirements	Permit Required
Freestanding Ground Mounted Monument Pole	1 for every premises or common plan of development with up to 200 feet of street frontage. 1 additional for every full additional 200 feet of street frontage.	Counts toward total for “General Signage” in this table.	35 feet	Must be located at least five (5) feet away from any public right-of-way and fifteen (15) feet away from any other property line. May not obstruct sight triangles of any street or access drive.	Yes
Awning Canopy Marquee Projecting	1	Counts toward total for “General Signage” in this table.	Not to exceed the height of the building, awning, or canopy where installed.	In the B-1 and B-2 Zoning Districts, these signs must be located at least five (5) feet away from any public right-of-way.	Yes
Electronic Message	1	Counts toward total for “General Signage” in this table.	35 feet	Message or image must remain static for at least 4 seconds. Scrolling, flashing, or moving images are prohibited.	Yes
Window	2	Not Regulated.	N/A	Applies to signs permanently affixed to windows.	Yes
Wall	1 per wall	25% of the total wall area.	Not to exceed wall height.	Wall signs facing residentially zoned abutting properties are prohibited.	Yes

**Table 7.14: Signs in Business and Mixed-Use Business Districts Except for Sites Located in an Entrance Corridor (Continued)**

<b>Sign Type</b>	<b>Maximum Number of Signs</b>	<b>Cumulative Maximum Square Feet of Sign Face</b>	<b>Maximum Height</b>	<b>Time and Location Requirements</b>	<b>Permit Required</b>
Minor Directional	Not Regulated	6 square feet maximum per sign.	8 feet	Locations subject to review as part of a site plan zoning review.	No
Changeable Copy	1 per storefront	32	Freestanding signs, 6 feet Building mounted not to exceed building height.	Must be located at least five (5) feet away from any public right-of-way and fifteen (15) feet away from any other property line.	Yes
High Mast	1	600 square feet	High Mast – 130 feet	Permitted only within commercial zoning districts that are also located within the Interstate Corridor as defined herein.	Yes
Banner Feather Temporary	Number not limited	100 square feet total with a maximum of 32 square feet per sign.	8 feet	May be displayed no more than 90 consecutive days and twice per year. Setback minimum of 3 feet from right-of-way line.	Up to 4 signs with a total sign face area of 36 square feet or less do not require a permit. More than 4 signs or more than 36 square feet of sign face area requires a permit.
A-Frame Chalkboard Portable	1 per building or storefront	10 square feet per building or storefront	4 feet for signs placed on the ground or pavement. Wall mounted signs below 9 feet.	Setback minimum of 3 feet from right-of-way line.	No
Flags and Holiday Displays	Not restricted	Not restricted	Flag poles 30 feet. Holiday displays not regulated.	Setback minimum of 3 feet from right-of-way line.	No
Temporary Sign -Extended Use	1	12	6 feet	On properties with an active building permit	No
	1	32	6 feet	On properties for sale or rent	No

**Table 7.15: Signs in Downtown Business Districts**

Table 7.15: Signs in Downtown Business Districts					
General Signage Requirements					
Except as provided otherwise in this section, the following signs are permitted as accessory uses in B-2 DT, DTB-1, DTB-2, and DTB-3 zoning districts. Signs within Downtown business districts are subject to review by the Downtown Wytheville Design Committee.					
Sign Type	Maximum Number of Signs	Cumulative Maximum Square Feet of Sign Face	Maximum Height	Time and Location Requirements	Permit Required
Freestanding Ground Mounted Monument Pole	1 for every premises or common plan of development with 75 or more feet of street frontage and where building setback is greater than the sign width plus five (5) feet. Neon illumination is allowed.	90	20 feet	Must be located at least two (2) feet away from any public right-of-way and fifteen (15) feet away from any other property line. May not obstruct sight triangles of any street or access drive.	Yes
Projecting	1 for every premises or common plan of development with a front building setback of less than five (5) feet. Neon illumination is allowed.	50	Not to exceed the height of the building where installed.	In the B-2 DT, DTB-1, DTB-2, AND DTB-3 Zoning District, these signs may project a maximum of 72 inches over public property, or to within 48 inches of the face of curb of any roadway, whichever is less.	Yes
Window	2	25% of the window surface area.	N/A	Applies to signs permanently affixed to windows.	Yes
Awning Canopy Marquee Wall	1 per wall. Neon illumination is allowed on Marquee and Wall signs.	25% of the total wall area.	Not to exceed wall, awning, canopy, or marquee height.	Signs located on historic building facades must be located within the portion of the façade designed to accommodate signage, such as a sign band, awning, or transom area. Wall signs facing residentially zoned abutting properties are prohibited.	Yes
Changeable Copy	1 per premises or common plan of development.	32	Freestanding signs, 6 feet Building mounted not to exceed building height.	Must be located at least five (5) feet away from any public right-of-way and fifteen (15) feet away from any other property line.	Yes



**Table 7.15: Signs in Downtown Business Districts (Continued)**

<b>Sign Type</b>	<b>Maximum Number of Signs</b>	<b>Cumulative Maximum Square Feet of Sign Face</b>	<b>Maximum Height</b>	<b>Time and Location Requirements</b>	<b>Permit Required</b>
Minor Directional	Not Regulated	6 square feet maximum per sign.	8 feet	Locations subject to review as part of a site plan zoning review.	No
Banner Feather Temporary	4	100 square feet total with a maximum of 32 square feet per sign.	8 feet	May be displayed no more than 90 consecutive days and twice per year. Setback minimum of three (3) feet from right-of-way line.	No
A-Frame Chalkboard Portable	1 per building or storefront	10 square feet per building or storefront	4 feet for signs placed on the ground or pavement. Wall mounted signs below 9 feet.	May be located on paved public sidewalk or on grass parkway strip within the public right-of-way but shall not block the flow of pedestrian traffic.	No
Flags and Holiday Displays	Not restricted	Not restricted	Flag poles 30 feet. Holiday displays not regulated.	Setback minimum of two (2) feet from right-of-way line.	No
Temporary Sign - Extended Use	1	12	6 feet	On properties with an active building permit	No
	1	32	6 feet	On properties for sale or rent	No

**Table 7.16: Signs in Industrial Zoning Districts, Except for Sites Located in an Entrance Corridor**

Table 7.16: Signs in Industrial Zoning Districts, Except for Sites Located in an Entrance Corridor					
General Signage Requirements				Arterial Road Frontage:	Base Sign Area
<p>Sign types highlighted with yellow shading are subject to a total maximum sign face area. The maximum sign face area allowed per premises or common development plan is calculated based on adjacent street frontage along designated arterial and collector streets. Local streets are excluded from the frontage total. The total allowable sign area includes both on premises and off premises signs. Other time and/or location requirements apply to various sign types as indicated in this table.</p> <p>Except as provided otherwise in this section, the following signs are permitted as accessory uses in industrial districts including the MA, M-1, and M-2 Zoning Districts. In addition, up to one (1) minor sign per tenant space, suite, or similar unit is permitted as a wall sign.</p>				1 – 400 ft 401 – 600 ft 601 ft or more	90 ft <sup>2</sup> 150 ft <sup>2</sup> 270 ft <sup>2</sup>
Sign Type	Maximum Number of Signs	Cumulative Maximum Square Feet of Sign Face	Maximum Height	Time and Location Requirements	Permit Required
Freestanding Ground Mounted Monument Pole	1 for every premises or common plan of development with up to 200 feet of street frontage. 1 additional for every full additional 200 feet of street frontage.	Counts toward total for "General Signage" in this table.	6 feet	Must be located at least five (5) feet away from any public right-of-way and fifteen (15) feet away from any other property line. May not obstruct sight triangles of any street or access drive.	Yes
Awning Canopy Marquee Projecting	1	Counts toward total for "General Signage" in this table.	Not to exceed the height of the building, awning, or canopy where installed.	These signs must be located at least five (5) feet away from any public right-of-way	Yes
Electronic Message	1	Counts toward total for "General Signage" in this table.	6 feet	Message or image must remain static for at least 4 seconds. Scrolling, flashing, or moving images are prohibited.	Yes
Window	Not Regulated	Not Regulated	Not applicable	Applies to signs permanently affixed to windows.	No
Wall	1 per storefront.	25% of the total wall area.	Shall not exceed the height of the wall where the sign is affixed.	Shall not be located on any wall that faces an adjoining residential use.	Yes
Changeable Copy	1 per storefront	32	Freestanding signs, 6 feet Building mounted not to exceed building height.	Must be located at least five (5) feet away from any public right-of-way and fifteen (15) feet away from any other property line.	Yes

**Table 7.16: Signs in Industrial Zoning Districts, Except for Sites Located in an Entrance Corridor (Continued)**

<b>Sign Type</b>	<b>Maximum Number of Signs</b>	<b>Cumulative Maximum Square Feet of Sign Face</b>	<b>Maximum Height</b>	<b>Time and Location Requirements</b>	<b>Permit Required</b>
Directional Minor	Not Regulated	6 square feet maximum per sign.	8 Feet	Locations subject to review as part of a site plan zoning review.	No
High Mast	1	600 square feet	High Mast – 130 feet	Permitted only within commercial zoning districts that are also located within the Interstate Corridor as defined herein.	Yes
Banner Feather Temporary	Number not limited	100 square feet total with a maximum of 32 square feet per sign.	6 feet	May be displayed no more than 90 consecutive days and twice per year. Setback minimum of 3 feet from right-of-way line, or in the case	Up to 4 signs with a total sign face area of 36 square feet or less do not require a permit. More than 4 signs or more than 36 square feet of sign face area requires a permit.
A-Frame Chalkboard Portable	1 per building or storefront	10 square feet per building or storefront	4 feet for signs placed on the ground or pavement. Wall signs below 9 feet.		No
Flags and Holiday Displays	Not restricted	Not restricted	Flag poles 30 feet. Holiday displays not regulated.	Not regulated	No
Temporary Sign -Extended Use	1	12	6 feet	On properties with an active building permit	No
	1	12 on roads with 25 MPH speed limit or less 32 on roads with speed limits greater than 25 MPH	6 feet	On properties for sale or rent	No

**Table 7.17: Signs in the Entrance Corridor Overlay District and, in the MA Medical Arts District**

Table 7.17: Signs in the Entrance Corridor Overlay District and, in the MA Medical Arts District					
General Signage Requirements					
Except as provided otherwise in this section, the following signs are permitted as accessory uses in the MA Medical Arts Zoning District.					
Additional Entrance Corridor Requirements					
Signs shall have an effective height of no more than six (6) feet with a length limit of twenty-five (25) feet with a limit of four (4) different colors. Signs shall be of stone masonry, brick, wood, or other traditional materials. See Article 5 Section 5.24 Entrance Corridor Overlay District for more Information.					
Sign Type	Maximum Number of Signs	Cumulative Maximum Square Feet of Sign Face	Maximum Height	Time and Location Requirements	Permit Required
Electronic Message Freestanding Ground Mounted Monument Pole	1 for every premises or common plan of development.	150	6 feet	Must be located at least five (5) feet away from any public right-of-way and fifteen (15) feet away from any other property line. May not obstruct sight triangles of any street or access drive. Electronic message or image must remain static for at least 4 seconds. Scrolling, flashing, or moving images are prohibited.	Yes
Awning Canopy Marquee Projecting	1		Not to exceed the height of the building, awning, or canopy where installed.	These signs must be located at least five (5) feet away from any public right-of-way	Yes
Window	Not Regulated	Not Regulated	Not applicable	Applies to signs permanently affixed to windows.	No
Wall	1 per storefront.	25% of the total wall area.	Shall not exceed the height of the wall where the sign is affixed.	Shall not be located on any wall that faces an adjoining residential use.	Yes
Changeable Copy	1 per storefront	32	Freestanding signs, 6 feet Building mounted not to exceed building height.	Must be located at least five (5) feet away from any public right-of-way and fifteen (15) feet away from any other property line.	Yes

**Table 7.17: Signs in the Entrance Corridor Overlay District and, in the MA Medical Arts District (Continued)**

<b>Sign Type</b>	<b>Maximum Number of Signs</b>	<b>Cumulative Maximum Square Feet of Sign Face</b>	<b>Maximum Height</b>	<b>Time and Location Requirements</b>	<b>Permit Required</b>
Directional Minor	Not Regulated	6 square feet maximum per sign.	8 feet	Locations subject to review as part of a site plan zoning review.	No
Banner Feather Temporary	Number not limited	100 square feet total with a maximum of 32 square feet per sign.	6 feet	May be displayed no more than 90 consecutive days and twice per year. Setback minimum of 3 feet from right-of-way line, or in the case	Up to 4 signs with a total sign face area of 36 square feet or less do not require a permit. More than 4 signs or more than 36 square feet of sign face area requires a permit.
A-Frame Chalkboard Portable	1 per building or storefront	10 square feet per building or storefront	4 feet for signs placed on the ground or pavement. Wall mounted signs below 9 feet.		No
Flags and Holiday Displays	Not restricted	Not restricted	Flag poles 30 feet. Holiday displays not regulated.	Not regulated	No
Temporary Sign - Extended Use	1	12	6 feet	On properties with an active building permit	No
	1	12 on roads with 25 MPH speed limit or less 32 on roads with speed limits greater than 25 MPH	6 feet	On properties for sale or rent	No

## 7.16. Streets, Sidewalks, Site Access, and General Transportation Guidelines

### A. Applicability

These standards shall apply to subdivision development, new site development and/or re-development of sites, site access points, traffic control, streets, alleys, and general transportation networks which includes sidewalks, pathways, and other forms of travel ways whether publicly or privately maintained.

### B. Purpose

The purpose of the standards is to meet the zoning objectives of Code of Virginia [§15.2-2283](#) to provide for convenience of access, to reduce or prevent congestion in the public streets, to facilitate creating a convenient, attractive, and harmonious community, to facilitate the providing of adequate transportation networks and to protect against danger and congestion in travel and transportation.

### C. Relationship to Subdivision and Site Plan Review

1. The standards in this article shall be used to design and develop new site access, traffic control, public and private streets, sidewalks, and other manners of transportation networks as it relates to the development of subdivisions and site plans for new development or redevelopment of a site. The intent of this article is to full fill the mandatory and optional subdivision ordinance requirements of Code of Virginia [§15.2-2241](#) and [§15.2-2242](#) for street and transportation standards.
2. Please see Article 4, Section 4.13, Subsections D, O, and X for additional information regarding sidewalks, streets, and general access requirements.

### D. Relationship to Virginia Department of Transportation (VDOT) Standards

1. It is the intent of this section to specifically state any local standard which is more stringent than a Virginia Department of Transportation (VDOT) reference standard. In the event that there is a conflict with any VDOT reference, the local standard shall control. The Town is enabled to make any interpretation regarding contradictory standards as it relates to street and transportation guidelines. VDOT manuals referenced in this ordinance shall mean the latest edition. VDOT manuals can be found online at the VDOT [Technical Guidance and Support](#) page or by following the hyperlinks provided within this document.
2. When new or modified streets and/or new or modified access points are required for a site plan or a subdivision, the standards of the Virginia Department of Transportation (VDOT) as found in the VDOT [Urban Construction and Maintenance Program Guidance \(Urban Manual\)](#), VDOT [Road and Bridge Standards](#), VDOT [Access Management Design Standards](#), VDOT [Drainage Manual](#), and VDOT [Road Design Manual](#). Street and traffic design standards from these VDOT references shall be used in accordance with this section and Section 7.17 of this ordinance and any traffic impact analysis studies. In the interest of hazard mitigation planning, adequate traveled ways to evacuate an area must be installed.
3. Fire apparatus road requirements shall be met for the type of new development.

## **E. Urban Construction and Maintenance Program**

The Town maintains and operates public streets and public rights-of-way within the incorporated limits of the Town. In return for maintaining its' own streets, the Town receives maintenance funds from the Commonwealth of Virginia for the operations and maintenance of public streets and travel ways. To qualify for maintenance payments, municipal roads must meet the criteria for street design as shown in Code of Virginia [§33.2-319](#) and reflected in the Virginia Department of Transportation (VDOT) [Urban Construction and Maintenance Program Guidance \(Urban Manual\)](#). The guidance in this article is intended to reflect the mandatory requirements for public street design. Where flexibility is needed due to unforeseen or extraordinary situations, some latitude may be given, at the discretion of the VDOT representative and with the concurrence of the Town Manager and when it can be shown that the street can still meet urban inventory criteria.

## **F. Inspection Requirements for Public Streets**

Public streets under-development and/or improvements to Town maintained public streets, which work is associated with new development, redevelopment, or subdivisions, shall be designed, and built to the standards of this article and shall have qualified third party inspections, inspection reports, and a final certification letter regarding the work in the right-of-way. If not otherwise specified, the inspection process shall follow the latest version of the VDOT [Land Inspection and Documentation Manual](#). The Town reserves the right to conduct their own inspections and/or request assistance from VDOT in performing any type of plan review or inspections as it relates to public streets.

## **G. Acceptance of New Streets and Public Rights-of-way**

At the time of recordation, the plat transfers easements, rights-of-way, and public use areas as shown on the survey plat, to the Town in fee simple. Unless otherwise noted as part of a subdivision or site plan agreement, the approval signature by the Town, as shown on the face of the plat shall serve to transfer the public right-of-way or easement to the Town. Until such time as improvements to said new streets and public rights-of-way have been inspected and accepted by the Town, these streets are considered public streets under-development as defined in this ordinance. Improvements shall be inspected as installed to ensure compliance with Town standards and prior to acceptance by the Town. To request that the Town accept the physical infrastructure, utilities or streets that are intended for public use, the developer must submit this request for the Town Manager to consider formal acceptance. Until such a time that streets, utilities, and other improvements are formally accepted by the Town, the developer shall be responsible for operations and maintenance to include maintaining the functionality of these systems, repairs, and snow removal. Upon acceptance, the Town shall add the new public street to the urban maintenance inventory and any public utilities to the Town inventory. The Town may require a one-year maintenance and warranty surety for any new street in accordance with the Town Surety Policy.

## **H. Traffic Impact Analysis, Traffic Control, Turn Lanes and Traffic Signalization**

1. In recognition that major subdivisions and other site development can create impact to existing traffic corridors, which may cause the need for additional traffic control, turn lanes, traffic signalization, and other types of transportation improvements, the Town requires that any major subdivision, rezone application,



special use exception permit application or other types of new development that is identified as a generator of traffic >200 Average Daily Trips (ADT) shall be required to submit a traffic impact analysis at the same time as the application submittal for the project.

2. When a traffic impact analysis determines that transportation and traffic improvements are required for a proposed project, the site plan and/or subdivision plat shall reflect the improvements needed to address the traffic volume, vehicle type, mode of transportation and any safety improvements such as turn lanes, turn radius and other improvements needed to safely accommodate the new development.

## I. Geometric Design

The geometric design of streets and access locations shall be in accordance with the most recent version of the AASHTO Book a Policy on Geometric Design of Highways and Streets, commonly referred to as the "Green Book." Information published as part of the VDOT [Road and Bridge Standards](#) or VDOT [Subdivision Street Design Guide](#) may also be used to design and calculate sight distances, cross sections and profiles as needed. Geometric designs that are not safe, due to topography, slope, line of sight and inability of emergency vehicles to access a site will not be approved.

1. Minimum Right-of-Way
  - a. Streets shall have a minimum right-of-way of 50' wide. The right-of-way shall be shown and clearly marked on the survey plat as dedicated to the Town of Wytheville for public use.
  - b. All new public streets shall meet the VDOT [Urban Construction and Maintenance Program Guidance \(Urban Manual\)](#) guidelines for rights-of-way.
2. Public Street Surface
  - a. When new public streets as defined herein, are to be constructed as part of a new subdivision or similar development, said streets shall have a minimum width of at least 30' of hard surface.
  - b. The standard details, surface type and depth, sub-base, all other requirements shall meet the current version of the VDOT [Road and Bridge Standards](#). Street design shall be based on the criteria listed in this article to include listed speed limit, volume and type of traffic and shall meet the minimum standards for urban maintenance inventory.
3. One Way Public Streets, Loop Roads, School Bus Entrances and Frontage/Service Roads
  - a. These types of public streets may be allowed, if constructed to a pavement width of 16' wide, with a right-of-way width of not less than 40' wide and with pre-approval by the VDOT representative responsible for urban inventory and maintenance funds.
  - b. VDOT approval shall be received in writing prior to site plan development or subdivision plat development. The developer must show that the street can accommodate proposed vehicle trips per day and will be required to the satisfaction of the Subdivision Agent that the need for the reduced lane width is justified.
4. Private Shared Driveways and Shared Access: The Town will allow the development of shared driveways to access three or fewer new or existing lots,

when it can be shown by an approved engineered site plan that the shared driveway can meet the following conditions.

- a. No more than three lots will use the driveway for access and further subdivision shall not be allowed unless other approved forms of access are used.
  - b. An adequate easement width is dedicated on the plat. Legal instruments are prepared and recorded for each user.
  - c. The new shared access intersection point with the public street is located in a safe location, in accordance with VDOT [Access Management Design Standards](#), adequate spacing distance to other access conflict points and line of sight requirements must be met,
  - d. The private shared driveway access has a width and turn radius to safely allow emergency vehicles to ingress and egress from the shared driveway. The minimum driveway surface is 18' wide and must be surfaced with stone, asphalt, or concrete. All other requirements for emergency vehicle and fire apparatus access as shown in this ordinance shall be met.
  - e. The shared access statement shall be on the face of the subdivision plat and a long-term use and maintenance agreement shall be recorded at the Clerk of Court. Maintenance of the access shall be ongoing and activities such as mowing, snow plowing, maintenance of the pavement shall be at the expense of the landowners sharing the access.
  - f. Final inspection and approval of the shared access site by the Town. Site approval or subdivision approval shall not occur until all improvements are in place or surety is posted.
5. Pavement Markings, Pedestrian Crosswalks, Traffic Calming Devices and Street Signage
- a. Pavement markings and street signage shall be provided on any new street or development at the expense of the developer.
  - b. Pedestrian crosswalks shall be required at identified crossing locations, such as street intersections in relationship to sidewalks and/or site access from parking areas.
  - c. Traffic calming devices, when identified as needed by the Town, shall be installed. Raised medians, chicanes, raised crosswalks and curb extensions may be required for traffic calming needs and when street tangent lengths exceed 500 feet or when there is a high probability of speed due to location or slope. These improvements shall meet the latest version of the Manual on Uniform Traffic Control Devices [Manual on Uniform Traffic Control Devices for Streets and Highways \(MUTCD\)](#) and the [Virginia Supplement to the Manual on Uniform Traffic Control Devices \(MUTCD\)](#) and when needed the VDOT [Subdivision Street Design Guide](#) or Road Design Manual.
6. Coordination and Extension of Streets
- a. All streets within a development shall be coordinated as to location, width, grades, and drainage with other streets, as follows:
    - 1.) By coordinating with existing or planned streets within the general area of the development, including but not limited to existing or future adjacent subdivisions or developments, or subdivisions or developments contiguous to adjacent subdivisions or developments.

- 2.) By continuing the streets to planned, existing, or platted streets into adjoining areas by dedication or reservation of right-of-way which is adequate to accommodate continuation of the streets. All streets within a development shall be extended and constructed to the abutting property lines to provide vehicular and pedestrian interconnections to future development on adjoining lands, terminating within the development with a temporary turnaround.
  - b. The arrangement of the streets shall provide adequate access to adjoining lands of the development to provide for the orderly development of the Town including, but not limited to, reserving temporary construction easements of sufficient area to accommodate the future completion of the street when the adjoining lands are developed.
7. Culs-de-Sac and Turnarounds
  - a. The Town encourages connectivity of streets to meet the transportation objectives of the Town. Culs-de-sac and turnarounds will only be allowed in limited situations when it can be shown that there is no ability to connect to adjacent parcels or streets.
  - b. Culs-de-sac and turn-around design shall meet the minimum design guidelines of the latest edition of the VDOT [Subdivision Street Design Guide](#).
8. On-Street Parking
  - a. On-street parking shall only be allowed on streets which are adequately sized for the proposed traffic type, volume, and speed. If a street is not designed for on street parking, the developer shall install the approved type of no parking signage at the required intervals and locations.
  - b. On-street parking shall not be allowed in culs de sac, turnarounds, near intersections, or near fire hydrants or in areas that block the line of sight for ingress or egress.
9. Edge of Pavement, Curb and Gutter, Shoulder, and Ditch Design
  - a. The VDOT [Subdivision Street Design Guide](#) and the VDOT [Road and Bridge Standards](#) provide acceptable methods and construction standards for edge of pavement, curb and gutter, shoulder and ditch designs for site development, site redevelopment and subdivision design.
  - b. Shoulder width and type shall be adequate for the traffic volume and type of traffic proposed. The design shall incorporate the drainage needs of the site respective to available stormwater infrastructure or natural disbursement of stormwater. Stormwater design shall not impact adjacent or downstream properties. Site design shall align with stormwater management plans and permits when applicable. The curb and gutter/edge of pavement design shall complement vehicular site access and entrance needs, along with sidewalk, bicycle, and other multimodal connectivity. Design shall complement the existing character of the neighborhood. Edge of pavement protection is required for all streets. Edge of pavement shall be designed to accommodate snowplows, maintenance, and re-paving needs.
  - c. Curbs are required. Ribbon curb is acceptable in those areas which are not adjacent to existing raised curb and gutter infrastructure and when stormwater can be dispersed responsibly to nearby properties. Raised curb and gutter is required when the site is adjacent to existing raised curb and gutter and when there is appropriate stormwater infrastructure in place to

- carry the increased stormwater or when adequate onsite storage of stormwater infrastructure can be constructed.
- d. The submittal of preliminary plans for stormwater conveyance and edge of pavement design is encouraged early in the process prior to final design plans. The Zoning Administrator will evaluate the site plan to ensure that the variables listed in this section are addressed and to ensure that the stormwater conveyance is appropriate for the type of development proposed. When required the Zoning Administrator may require additional hydrologic and/or hydraulic studies, standard details and/or supporting information for the proposed design.
10. Transitions, Merging Tapers, and Speed Change Lengths
    - a. When required or needed, the design of transitions, merging tapers and speed change lengths shall meet the latest version of the VDOT [Subdivision Street Design Guide](#).
    - b. Appropriate signage shall be provided by the developer in accordance with the [Manual on Uniform Traffic Control Devices for Streets and Highways \(MUTCD\)](#) and the [Virginia Supplement to the Manual on Uniform Traffic Control Devices \(MUTCD\)](#).
  11. Block Spacing, Street Intersection Design, Street Turn Radius and Concentric Placement
    - a. Neighborhood blocks shall be designed in accordance with the street connectivity needs and intersection spacing needs of the new streets. Block lengths of 250 to 500 feet shall be used. Street intersection design, intersection spacing and minimum turn radii at intersections shall follow the latest version of the VDOT [Subdivision Street Design Guide](#) for the type of vehicles proposed for the site.
    - b. Adequate consideration for traffic control, conflict points, line of sight and other safety variables shall be incorporated into the design of intersections.
    - c. The concentric placement of the street in the center of the right-of-way is required, unless it can be shown that an offset is justified, and travel lane widths are adequate.
  12. Bicycle and Pedestrian Accommodations
    - a. The Town of Wytheville is committed to creating walkable and bikeable communities. New site and subdivision development and redevelopment of multi-family, commercial and industrial projects shall be required to provide accommodations for non-vehicular multi-modal connectivity and shall show as part of the site design how connectivity will be achieved.
    - b. Sidewalks: Where a new subdivision or new development plan fronts on an existing street, and the adjacent property on either side has an existing sidewalk or similar multimodal path, or when the need for a sidewalk is substantially generated and reasonably required by the proposed development, the developer shall be required to construct a sidewalk on the subject property and dedicate the required right-of-way width and length to both construct and to maintain the sidewalk.
    - c. All new developments and subdivisions that include construction of new streets will be required to construct sidewalks unless a subdivision variation or exception is approved by the Town Council and the area is not shown as a

primary pedestrian or multi-modal corridor or a growth area as determined by the Town's Comprehensive Plan.

- d. Sidewalk, trail and bike path design and construction standards shall follow the standards shown in the VDOT [Road Design Manual](#) or VDOT [Subdivision Street Design Guide](#).
  - e. Transfer of Pedestrian Rights-of-Way: Sidewalk and other corridors that are intended to be transferred to the Town for public use and for long term maintenance by the Town shall be shown on the plat and the site plan. Development, inspection, and acceptance of these areas shall be in accordance with Town standards. Upon completion and inspection of the sidewalk, the Town may accept the sidewalk into the Town sidewalk system.
  - f. Connectivity Exception: In some limited circumstances a subdivision project may be located in an area that is not conducive to pedestrian connectivity and the application of such may create traffic hazards and/or not be achievable due to topography or other physical elements of the site. In these rare instances, the Town will consider granting a subdivision variation. The applicant shall apply for the subdivision variation in accordance with Article 4.
13. Mail Delivery, Delivery Services, Refuse Collection, Bus Service
- a. The developer shall consult with the appropriate entities responsible for these services and design any new infrastructure to accommodate the vehicle needs/service delivery needs as required.
  - b. In rare circumstances beyond the control of the developer when the design is unable to accommodate these needs, the developer shall notify the Town to request permission to deviate from these requirements. If approved, alternate arrangements shall be in place and a statement shall indicate that these services are not provided on the face of the subdivision plat or site plan.
14. Guardrails, Medians and other Traffic Elements Not Listed
- a. When needed to serve a development and functionally required, all guardrails, medians and other traffic elements not specifically listed shall be designed and installed to meet the standards of the site in accordance with the latest version of the VDOT [Road and Bridge Standards](#) or VDOT [Subdivision Street Design Guide](#).

## **J. Private Streets**

1. Utilization of new private streets requires a subdivision variation approval by Town Council in accordance with Article 4, Subsection 4.10.
2. The purpose of this section is to allow flexible design to address site access needs for low volume streets that will be controlled, owned, and maintained by private parties and not maintained by the Town of Wytheville. A private street serves and provides access to four or more lots, anything under this threshold shall be considered a shared driveway. Further subdivision on new or existing private streets shall not be allowed when the maximum number of lots or residences served by the subdivision private street is met. Further subdivision on existing private streets which do not meet these design standards shall not be allowed until it can be shown that the private street can be brought up to these standards.
3. Design standards and requirements for private streets shall include.
  - a. An engineered site plan that meets the design standards of this ordinance must be submitted and approved prior to final subdivision review. The site

plan shall include any stormwater management and erosion and sediment control plan elements, private utility and public utility infrastructure details that meet Town standards.

- b. No more than 1000 linear feet of total private street length shall be allowed. Additional street development on existing private streets that exceeds over 1000 linear feet will not be allowed. Private streets shall not serve more than 10 lots or 20 new residential units whichever is greater.
- c. The minimum private street easement width is 40' wide. Easement shall include public utility needs, drainage easements, stormwater conveyance and adequate shoulders for safety. Legal instruments shall be drafted and recorded with expectations for long term use and shared maintenance of the easements. Private drainage easements shall be platted and dedicated to the homeowner's association. Public drainage easements shall be platted and dedicated for public use. The appropriate utility company shall determine the width and location of public and private utility easements.
- d. To ensure long term maintenance of the private street and affiliated common areas, a legally established homeowner association, planned unit development or other type of organization shall be formed, and operational. The Town will not maintain private streets. The private street statement shall be on the face of the subdivision plat.
- e. The access point of the private street shall meet VDOT [Access Management Design Standards](#) for the proposed ADT of the development. Any onsite street improvements at the point of access such as turn lanes, traffic control and any required signage shall be at the expense of the developer.
- f. Signage shall meet the [Manual on Uniform Traffic Control Devices for Streets and Highways \(MUTCD\)](#) and the [Virginia Supplement to the Manual on Uniform Traffic Control Devices \(MUTCD\)](#). The developer shall submit the private street name for review and approval by the Town prior to sign placement. It is the responsibility of the developer or the corporate entity that controls the development to purchase and install the private street sign and to maintain the street sign for perpetuity.
- g. The developer shall be responsible for lot entrances along the private street, to include culvert placement which is adequate for stormwater and drainage.
- h. Parking on private streets is prohibited unless the private street is designed with a minimum of a 24' wide road surface with ample shoulders.
- i. Consideration for package delivery, mail service and school bus pick up must be in the site design and where not available shall be stated.
- j. Sidewalks, crosswalks and areas of pedestrian and bicycle movement shall be considered in the design of the private street. If the developer chooses not to install sidewalks or multi-modal paths, a request for a site exception shall be made in accordance with this ordinance.
- k. Private streets shall meet the fire apparatus and emergency vehicle access design standards of this ordinance. The minimum pavement width shall be 18' wide. Surface shall be asphalt or concrete pavement designed in accordance with the VDOT [Road and Bridge Standards](#). The travel way to include shoulders shall be a minimum of 24' wide. An adequate turnaround of 96' diameter cul-de-sac or an appropriate design of hammerhead or Y turnaround shall be provided at the end of the street.



- I. Prior to final site plan approval or final subdivision plat approval, the private street and related improvements shall be installed and inspected by a certified third party inspector at the expense of the developer. A final inspection report and as built drawings shall be submitted to the Town.

## **K. Private Alleys**

1. The development of new private alley, as part of a site plan or subdivision, may be allowed when it can be shown by the developer that the alley is essential to the development and other types of primary site access are already planned or in place. In considering the approval of the alley the following items must be submitted for review:
  - a. The function of the alley in the neighborhood or other area.
  - b. Length and width of the alley.
  - c. Level of improvement of the alley.
  - d. Utilities, easements, and other uses of the alley.
  - e. Function of the alley in the overall transportation network.
  - f. New traffic that is anticipated to be generated by the proposed use.
  - g. Whether or not additional traffic will have a negative impact on the surrounding neighborhood or area.
  - h. Site plan and construction methods.
  - i. Safety of using the alley for the proposed use.
  - j. Any additional information that may be needed, as required by the Zoning Administrator.
2. New alleys must meet the minimum design criteria required for emergency vehicle access if it will serve as a fire apparatus road. Design standards for the alley shall be based on the proposed quantity and type of traffic. Utility easements may be required for proposed and existing utilities. The applicant must develop and record legal instruments outlining the long term use and maintenance agreements between all parties using the alley.

## **L. Bridges**

Bridge design related to a site plan or subdivision shall be submitted by a licensed engineer and the design shall meet the current version of the VDOT [Road and Bridge Standards](#) for the projected traffic. The bridge shall be rated for weight capacity, with appropriate signage installed and the bridge shall be capable of accommodating emergency vehicles and fire apparatus equipment. All bridge designs shall be reviewed and approved by the Town prior construction.

## **M. Use of the Street Right-of-way for Underground and Overhead Utilities**

1. Any request to use an existing street or public right-of-way for underground or overhead utilities shall be submitted as a Town of Wytheville Land Use Permit Application. Approvals for any use of the Town right-of-way shall be granted prior to subdivision or site plan design.
2. The proposed installation of new underground utilities shall be located outside of the travel lanes and pavement areas. Cross street conduits to facilitate the placement of future underground utilities may be required for phased developments and when required. Deviations from this standard may be granted



by the Town Manager in extenuating circumstances outside of the control of the developer.

#### **N. Underground Utilities Required**

All new major subdivisions, commercial, industrial, and multi-family sites shall install underground utilities to serve any new development. Conduit should be sized and located to aggregate and co-locate, where possible, all required electrical power, telecommunications, cable, and other utility needs.

#### **O. Drainage Infrastructure**

1. Drainage plans shall be prepared and sealed by a licensed professional engineer or similarly qualified professional.
2. Drainage infrastructure, pipe, end walls, grates, drop inlets, culverts, etc. shall be sized to accommodate expected stormwater flow levels, located in identified areas to serve the drainage needs of the site and installed in accordance with the approved stormwater management plan, erosion, and sediment control plan and/or the latest version of the VDOT [Drainage Manual](#) and/or VDOT [Road and Bridge Standards](#). Drainage infrastructure shall be designed in coordination with the edge of pavement, curb and gutter, shoulder and ditch design for streets and access areas, as shown in this section.
3. Drainage infrastructure that is intended to be accepted into the urban inventory for Town maintenance shall be inspected prior to acceptance. Appropriate limits of public right-of-way or drainage easements shall be identified on the site plan and the subdivision plat and shown as dedicated to the Town for drainage. When needed, to facilitate adequate site drainage the Subdivision Agent or Zoning Administrator may require the dedication of private drainage easements for subdivision plats and site plans under review. Recorded legal instruments may be required at the direction of the Subdivision Agent, to protect the long term preservation of these areas to convey stormwater and other drainage needs.
4. Low Impact Development (LID): Systems and practices that use or mimic natural processes to promote infiltration, evapotranspiration, or the use of stormwater in appropriate measures to protect water quality and associated aquatic habitat are strongly encouraged. Projects that propose LID systems to improve water quality and mitigate impacts from stormwater may qualify for a waiver of permit fees at the discretion of the Town Council. Those who seek to apply for a waiver of fees shall submit a conceptual site plan and narrative detailing the LID proposal, prior to final site plan or subdivision plat development.

#### **P. Replacement and Maintenance of Infrastructure**

The replacement, repair and maintenance needs of site improvements and infrastructure shall be considered as part of the Town approval process. The ability to access the improvements, and other future maintenance needs shall be considered as part of the site plan and subdivision review process. Any improvement that is proposed for public use shall be designed and located to accommodate the Town's future maintenance needs.

#### **Q. Landscaping and Streetscaping**

The developer is responsible for installing landscaping and streetscaping in conjunction with any new streets or modifications to streets. See Article 7, Section 7.9.

## 7.17. Construction Traffic Control Plans

### A. Purpose

To ensure that construction of infrastructure and private development within the Town of Wytheville is performed in accordance with Town engineering standards and recognized safety standards. The Public Utilities and Engineering Services Department will provide information on applicable standards.

### B. Traffic Control Plan Standards

1. Any work conducted within a right-of-way controlled by the Town of Wytheville or other public agency, requires an approved traffic control plan that meets the standards of the [VDOT Work Area Protection Manual](#).
2. Site work associated with new development or with subdivisions shall obtain a Town of Wytheville Land Use Permit for work in the Town rights-of-way.

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## Article 8. Standards for Conditional Uses

### 8.1. Purpose

To allow selected land uses conditionally by-right in zone districts which are shown as Conditional Use on The Town of Wytheville Land Use Table in Article 6. The standards are designed to ensure that these permitted uses can operate in harmony with the surrounding neighborhood.

To allow for essential land uses and services within the Town of Wytheville while protecting the health, safety, and welfare of the community.

To allow for the administrative review of land use and site development to protect the quality of life in surrounding neighborhoods.

The standards reflected in this article shall be in addition to all other standards for this use as shown in the zone district standards and site development standards of this ordinance. In such cases where a Special Use Exception Permit is required in a specified zoning district, the provisions of this article must be met in addition to any conditions required as part of the Special Use Exception Permit.

A Change of Use Zoning Permit is required prior to the establishment of a conditional use. The applicant shall show that the standards as listed in this article can be met prior to the issuance of a Zoning Permit for a new use or structure.

### 8.2. Accessory Dwelling Units (ADU)

#### A. Purpose

1. To allow for dwelling units that are subordinate and incidental to a primary building on the same lot.
2. To create new housing units while respecting the appearance, character, and scale of single-family residential neighborhoods.
3. To support more efficient use of existing housing stock and infrastructure.
4. To provide housing and extra income options for family caregivers, adult children, aging parents, seniors, single parents, empty nesters, and families seeking smaller households.
5. To broaden the range of affordable housing throughout the Town.
6. To support the economic viability of historic properties and the Town's historic preservation goals by allowing accessory dwellings in historic structures.

#### B. Conditional Use Standards for All Accessory Dwellings

1. In residential zoning districts, only one accessory dwelling is allowed per lot.
2. An accessory dwelling unit may be a detached garden cottage or an accessory suite that is an integral part of a primary dwelling.
3. In R-1, or RH zoning districts, the owner(s) of the lot upon which the accessory dwelling is located shall occupy at least one of the dwelling units on the premises.

4. Accessory dwelling units may be created by any of the following means provided that the resulting structure conforms to all applicable building code requirements.
  - a. New construction.
  - b. Conversion of an existing structure, private garage, or other accessory building.
  - c. Conversion of space within an existing dwelling.
  - d. Addition to an existing structure.
  - e. Conversion of a qualifying existing house to a garden cottage while simultaneously constructing a new primary dwelling on the site.
5. Divisibility of Ownership: Accessory dwelling units shall not be sold separately or subdivided from the principal dwelling unit or lot unless a subdivision that is fully compliant with the Subdivision Regulations of this ordinance is first approved.
6. Parking: No additional parking is required for an accessory dwelling unit. Existing required parking for the primary dwelling must be maintained or replaced on-site.
7. Access Standard: If the primary access to an accessory dwelling unit is through a side yard, the side yard must be at least eight feet (8') wide.
8. Placement of windows and doors requires careful consideration for privacy of both the resident and neighbors.
9. Accessory dwelling units are subject to all building codes, inspection, certificate of occupancy, and similar requirements as a primary residential structure.
10. Accessory Dwellings on Nonresidential Lots: If the accessory dwelling unit is accessory to a nonresidential use, maximum restrictions on square footage of the dwelling unit do not apply, however, residential setback requirements of the underlying zoning district or applicable overlay district shall apply.

**C. Conditional Use Standards for Accessory Suite ADUs**

1. No accessory dwelling unit located internally to a primary single-family dwelling shall exceed 50% of the floor space of the primary unit, or 800 square feet, whichever is less.
2. Maximum combined lot coverage of the primary dwelling and accessory dwelling shall comply with the standards of the underlying zoning district or applicable overlay zoning district, whichever is more restrictive.
3. Second story additions are permitted but are subject to the same setback requirements as the primary structure.

**D. Conditional Use Standards for Accessory Garden Cottage ADUs**

1. The finished floor area of a garden cottage in a residential zoning district shall be no more than 75 percent of the finished floor area of the primary dwelling or 800 square feet, whichever is less.
2. A detached accessory dwelling shall only be located in an established rear yard and shall comply with all required building setbacks similar to a primary dwelling, except that an accessory dwelling may encroach into a required rear setback up to within 5 feet of the rear lot line when an improved alley is present.
3. A minimum separation of ten feet (10') shall be maintained between the detached accessory dwelling unit and the primary structure or a primary structure on an adjoining lot.

4. An entrance path or walkway leading to the primary street frontage and designated parking area is required for all detached accessory dwelling units.
5. Accessory garden cottage ADUs are subject to the same maximum rear yard coverage limitations for accessory structures as shown in this Article as amended from time to time.

### **8.3. Accessory Structures & Uses**

#### **A. Purpose**

1. To guide the installation and development of accessory structures.
2. For accessory structures and uses which are specifically mentioned in the land use table, such as outdoor heating units, accessory garden cottage ADUs, chicken keeping, review the associated conditional use standards in this Article for those standards.

#### **B. Conditional Use Standards**

1. Accessory structures are permitted in rear yards only.
2. A minor site plan is required. Town staff shall provide written comments regarding required modifications and/or concerns regarding the site plan.
3. The total ground area occupied by accessory structures may not exceed twenty-five percent (25%) of the rear yard area in residential or mixed-use zoning districts. The footprint of an accessory garden cottage counts towards the 25% maximum lot coverage for accessory structures.
4. The physical form and use of accessory structures shall be secondary to and customarily incidental to the approved use of the primary use or building. Approved uses include those that are by-right uses, approved conditional uses, or uses approved by Special Use Exception Permit.
5. Accessory structures shall not be used as a dwelling unit unless the structure is in full compliance with the requirements of this UDO and the Building Code in effect within the Town of Wytheville when the structure is modified for use as an ADU. See the regulations for Accessory Dwelling Units in Article 8, Section 8.2 for ADU standards.
6. Floor space for attached garages, carports or other space that is attached to the primary building shall be considered part of the primary building and are subject to the setback and other site development standards that apply to the primary structure.

### **8.4. Adult Uses**

#### **A. Purpose**

Within the Town, it is recognized that there are some uses that because of their nature are recognized as having serious objectionable operational characteristics particularly when several of them are located in a concentrated manner in near proximity to each other or located in direct proximity to residential neighborhoods and/or certain other types of uses thereby having a deleterious effect upon the adjacent areas. Special regulation of these uses is necessary to ensure that these adverse effects will not contribute to the blighting or downgrading of the surrounding

neighborhood. The purpose of the regulation is to limit the concentration or location of these uses in a manner that would create such adverse effects.

## **B. Application Requirements**

1. Refer to the Land Use Table in Article 6 for zoning districts where Special Use Exception Permits are required.
2. A major site plan shall be submitted as part of the application. Town staff shall provide written comments regarding required modifications and/or concerns regarding the site plan. The applicant will be provided with a minimum of two weeks to respond to those comments before the Special Use Exception Permit Hearing will be scheduled. Applicants must allow for the time required for plan review and the applicant's response to the review process.
3. The Land Use Table indicates the zone districts where adult uses are allowed by Special Use Exception Permit. A Special Use Exception Permit for an adult use may be issued by the Town Council after finding that the location, size, design, and operating characteristics of the proposed adult use will be compatible with and will not adversely affect or be materially detrimental to the neighboring uses.
4. Any application for a Special Use Exception Permit shall include a description of proposed hours of operation and a plan or narrative describing security and safety procedures to be established on the site of the adult use.
5. Additional application information may be requested during the application and public hearing process.

## **C. Location and Extent of Adult Uses**

The following restrictions apply to the location and extent of adult uses in the Town:

1. Adult uses and the parking areas that serve those uses shall be separated by at least 500 feet from any residential district or planned unit development district boundary.
2. Adult uses and the parking areas that serve those uses shall be separated by at least 500 feet from any church or other place of worship; public park; playground; public or private elementary, intermediate, or high school; public library; day care center; or nursing home.
3. No two such adult uses shall be located within 1,000 feet of each other.
4. For the purposes of subsections "1." through "3." above, distances shall be measured on a straight line: (1) from the structure containing the adult use or parking lot serving said adult use, to the nearest point of property named in subsections "1." through "3." above; or (2) between the structure containing the adult use and the structure containing any other adult use.

## **8.5. Agritourism Venues**

### **A. Purpose**

To guide development of agritourism venues, such as wineries, farm-based event venues and similar uses.

To protect the general health, safety, and welfare of the public by providing sanitary protection of water resources, safe access, and safe parking facilities for agritourism venues.

## **B. Conditional Use Standards**

1. A parking analysis is required showing the anticipated parking needs for the facility or special event. See Article 7, Subsection “7.15.H.” for more information on parking analysis requirements.
2. Permanent paved parking facilities, including those paved with crushed stone or gravel, shall be set back from adjoining residential uses by a minimum of 100 feet, and shall be screened from view from both public rights-of-way and adjoining residential dwellings.
3. Parking for special event style uses not exceeding two months duration or four months per year may provide parking in temporary parking facilities. Temporary seasonal parking facilities located on grassy surfaces or on reinforced grass pavers are exempt from landscape screening requirements.
4. Portable toilets with hand sanitization units or other types of restrooms shall be provided for the type and volume of guests.
5. Use of large volumes of water or disposal of byproducts associated with non-residential wastewater in sanitary sewers must be pre-approved by the Public Utilities and Engineering Services Department.

## **8.6. Artisan Food Production & Artisan Industrial & Artisan Industrial, Intense Uses**

### **A. Purpose**

1. To create opportunities for development of artisan industrial, artisan food production, and artisan industrial uses in zoning districts where a mix of residential uses and creative makerspace is permitted.
2. To provide opportunities for creative manufacturing that is compatible with adjoining residential uses and vibrant urban neighborhoods.
3. To stimulate interest in revitalization and adaptive reuse of older neighborhoods where business or industrial uses have historically operated in close proximity to residential neighborhoods, and to improve the compatibility and desirability of those neighborhoods.

### **B. Conditional Use Standards**

1. See the Land Use Table in Article 6 for zoning districts where Conditional Use Standards are required.
2. The manufacturing or processing portion of the business must be performed indoors or contained by other means to prevent the emission of smoke, odor, dust, or noise from the property.
3. Sales may be conducted on premises with onsite retail sales space not to exceed 10% of the total floor space, wholesale sales, business to business sales, business to government sales, or online sales. Sales activities shall be an accessory use to the artisan industrial use.
4. When a portion of the building(s) included as part of the site is used as a dwelling, the primary artisan that is operating the artisan industrial use must occupy said dwelling.
5. Outdoor Storage: Any activity storing materials outdoors shall construct an opaque fence to screen the ground-level view from any public right-of-way or of any



residential use. Materials shall not be piled or stacked higher than the opaque fence.

6. Loading Docks: Where the site abuts a residential zone district or a district permitting residential use, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the residential zone district or district permitting residential use.
7. Screening and Landscape Buffer: Where an artisan industrial use is located adjacent to an existing residential use or dwelling, or located adjacent to a residential zoning district, either a 20-foot landscape buffer, or a 5-foot landscape buffer in combination with a solid screen fence, shall be provided to screen the view of the side and rear yard areas of the site from the adjoining residential uses.
8. Trash Receptacles: Trash, recycling, and storage areas shall be screened from view from any public right-of-way or adjoining residential use or residentially zoned areas. Screening may be achieved using either a solid screen fence or a planted evergreen screen hedge.
9. Use of large volumes of water or disposal of byproducts associated with non-residential wastewater in sanitary sewers must be pre-approved by the Public Utilities and Engineering Services Department.

### **C. Conditional Use Standards for Facilities in A-1, RB-1, and RB-2 Districts**

1. Floor space for artisan food production and artisan industrial uses shall not exceed 2,500 square feet of floor space and all manufacturing or processing activities must be conducted indoors to prevent the emission of smoke, odor, dust, or noise from the property.
2. Floor space for intense artisan industrial uses shall not exceed 2,000 square feet of floor space and all manufacturing or processing activities must be conducted indoors to prevent the emission of smoke, odor, dust, or noise from the property.

## **8.7. Assembly Halls, Lodges & Special Interest Clubs**

### **A. Purpose**

1. To promote the public safety, health, and welfare and to protect public and private investment, the supplemental regulations of this section are intended to regulate the development of assembly halls, private clubs, and similar entertainment activity venues to protect the quality of life of adjoining properties.

### **B. Application Requirements**

1. Refer to the Land Use Table in Article 6 for zoning districts where Special Use Exception Permits are required.
2. A major site plan shall be submitted as part of the application. Town staff shall provide written comments regarding required modifications and/or concerns regarding the site plan. The applicant will be provided with a minimum of two weeks to respond to those comments before the Special Use Exception Permit Hearing will be scheduled. Applicants must allow for the time required for plan review and the applicant's response to the review process.
3. Applicants shall submit a narrative plan and/or assessment that explains the proposed hours of operation, types of activities that will occur onsite, crowd management strategies, parking and traffic analysis, and noise control/mitigation

strategies that will be in place when the facility is in use, either by guests or by employees.

4. A parking analysis is required showing the anticipated parking needs for the facility or special event. See Article 7, Subsection “7.15.H.” for more information on parking analysis requirements.
5. Additional application information may be requested during the application and public hearing process.

**C. Minimum Standards for Special Use Exception Permits**

Use of large volumes of water or disposal of byproducts associated with non-residential wastewater in sanitary sewers must be pre-approved by the Public Utilities and Engineering Services Department.

**D. Minimum Standards for Special Use Exception Permits in the A-1 Agricultural District**

1. Permanent paved parking facilities shall be set back from adjoining residential uses by a minimum of 100 feet and shall be screened from view from both public rights-of-way and adjoining residential dwellings.
2. Parking for special event style uses not exceeding two months duration or four months per year may provide parking in temporary parking facilities. Temporary seasonal parking facilities located on grassy surfaces or on reinforced grass pavers are exempt from landscape screening requirements.

**8.8. Assisted Living & Physical Rehab**

**A. Purpose**

To guide the permitting of nursing homes and physical rehabilitation facilities in certain agricultural, residential business, or downtown commercial zoning districts where a Special Use Exception Permit is required.

**B. Special Use Exception Application Requirements**

1. A Special Use Exception Permit is required for assisted living and physical rehab facilities in certain zoning districts as indicated in the Land Use Table found in Article 6. The application standards in this subsection apply only in cases where a Special Use Exception Permit is required.
2. A major site plan shall be submitted as part of the application. Town staff shall provide written comments regarding required modifications and/or concerns regarding the site plan. The applicant will be provided with a minimum of two weeks to respond to those comments before the Special Use Exception Permit Hearing will be scheduled. Applicants must allow for the time required for plan review and the applicant’s response to the review process.
3. Applicants shall submit a narrative plan and/or assessment that addresses the following:
  - a. How the facility will fit with the character of the existing neighborhood.
  - b. Proposed hours of operation.
  - c. Types of activities that will occur onsite.
  - d. Crowd management strategies.

- e. Parking and traffic analysis.
  - f. Noise control/mitigation strategies that will be in place when the facility is in use,
4. A parking analysis is required showing the anticipated parking needs for the facility. See Article 7, Subsection “7.15.H.” for more information on parking analysis requirements.
  5. Additional application information may be requested during the application and public hearing process.

## **8.9. Automobile Service or Repair**

### **A. Purpose**

1. To promote the public safety, health, and welfare and to protect public and private investment, the supplemental regulations of this section are intended to regulate the development of commercial auto repair storage areas and auto repair facilities.
2. To protect the quality of life and visual character of adjoining properties, streets, and neighborhoods.

### **B. Conditional Use Standards**

1. No vehicle awaiting repair shall be stored in an area that is visible from any public street or any residence for more than 72 hours. Inoperative vehicles awaiting repair shall be stored either in a fully enclosed structure or within a storage yard that meets the screening requirements of Subsection “4.” below.
2. No body or mechanical work, painting, maintenance, servicing, disassembling, salvage or crushing of vehicles shall be permitted in an auto repair service facility. All auto service and repair activities shall be conducted within an enclosed structure.
3. Vehicles used for parts and/or salvage shall not be stored in an outdoor storage yard. Storage of such salvage vehicles shall be located in a fully enclosed structure or at an approved automobile graveyard.
4. Visual Screening: Site screening shall ensure that the visual impact on adjacent uses is minimal. Plans for screening the site shall be indicated in the required site plan. Required screening may include, but is not limited to, screen fences, berms, preservation of existing vegetation, installation of additional vegetation, entrance design and location, and the design, bulk, and height of structures.
5. The exterior display or storage of new or used automobile parts is prohibited.
6. The storage or display of motor vehicles in a required planting strip, buffer yard, or within ten (10) feet of the public road right-of-way shall be prohibited.
7. Paving Materials: Surface materials and design for access drives, on-site roads, parking, and other vehicle facilities shall be designed to maintain a dust free environment.
8. Noise: Noise levels generated by the operation shall comply with the noise ordinance of the Town of Wytheville as currently amended.
9. Access: Facilities shall have direct access to a public road, with adequate capacity to serve the traffic generated by the operation. On-site access including drives, alleys, aisles, and other accessways shall be maintained in a safe manner that is clear of obstructions.

10. Hazardous Chemicals: No on-site bulk storage or disposal of fuel, chemicals or hazardous materials is permitted. Any such materials shall be disposed of at a site permitted to receive such materials. Dumping of such chemicals and oils on the soil or into waterways is strictly prohibited. Vehicles shall be maintained in a manner that prevents leaks and spills on site.
11. Use of large volumes of water or disposal of byproducts associated with non-residential wastewater in sanitary sewers must be pre-approved by the Public Utilities and Engineering Services Department.

## **8.10. Banks & Financial Services (See Section 8.38)**

See "Professional Offices & Services" in Section 8.38 below for conditional use standards.

## **8.11. Bed and Breakfast Inns**

### **A. Purpose**

To regulate bed and breakfast inns that offer transitory lodging or sleeping accommodations to the public, for compensation and offering a breakfast meal each day to each overnight lodging guest.

### **B. Operational Standards**

1. The owner or operator of the bed and breakfast inn shall occupy the facility as his or her principal residence. Should the owner or operator cease occupancy of the dwelling as his or her principal residence, the bed and breakfast inn permit shall become void, and the bed and breakfast inn use shall cease immediately.
2. Owners of the facility housing a bed and breakfast inn shall keep a log of the names, addresses, number in party, and dates of stay for each adult guest and unaccompanied minor guest.
3. Service of meals is limited to registered guests.
4. The bed and breakfast inn operator is responsible for complying with all local, state, and federal licensing, taxing, health, fire, building, and safety laws, regulations, and codes. Inns are required to register for and submit local transient-occupancy lodging tax receipts to the Town Treasurer.

### **C. Conditional Use Standards**

1. Bed and breakfast inns are subject to all applicable regulations of the Virginia Department of Health and the Code of Virginia [§ 3VAC5-50-190](#).
2. The bed and breakfast inn shall be operated in a detached single-family dwelling, in a purpose-built structure with a physical form of a single-family residence or may be housed in a repurposed commercial structure that meets all applicable building and fire safety codes for residential occupancy.
3. No more than ten (10) guest sleeping rooms shall be provided in a Bed and Breakfast Inn.
4. No cooking shall be allowed in guest rooms.
5. Notwithstanding any other provisions, the bed and breakfast inn may be identified by a sign meeting the standards for the underlying zoning district of the Sign Ordinance as found in the Article 7, Section 7.15.

6. Parking for guests shall not be designated in a public street or closer to the adjacent street than the plane established by the front of the structure, except where explicitly allowed in certain business zoning districts. In addition to the two spaces required for a dwelling unit, one parking space for each guest room available for rent shall be provided. The design, materials, and construction standards of parking areas shall be in accordance with Article 7, Section 7.12.
7. Approval of bed and breakfast inn use does not constitute approval for the installation or construction of a new dwelling unit.
8. A driveway entrance meeting the standards for residential construction shall be provided for bed and breakfast inn use. A commercial driveway entrance shall not be required for bed and breakfast inn use.
9. There is no minimum lot size requirement for a Bed and Breakfast Inn, but the site plan must meet the following standards:
  - a. When a bed and breakfast inn is located adjacent to an existing residential use within the same zoning district, or adjacent to a residential zoning district, to a landscaped buffer yard of ten (10) feet is required from said residential in accordance with Article 7, Section 7.9.
  - b. A minimum of 1,000 square feet of useable outdoor yard space shall be provided for use by residents and guests.
10. The bed and breakfast inn shall have available at least one bathroom for each two sleeping rooms or the number of such facilities as may be required by the applicable building code, whichever is the more restrictive.

**D. Conditional Use Standards for Facilities in Residential Business Districts**

For bed and breakfast establishments located in residential business zoning districts where bed and breakfast establishments are permitted as a conditional use, The maximum number of guest sleeping rooms shall be three (3) and there shall be at least one (1) bathroom per two (2) sleeping rooms.

**8.12. Beekeeping**

**A. Purpose**

To provide for the keeping of bees as pollinators and for production of honey in the Town of Wytheville.

**B. Conditional Use Standards**

1. The keeping of honeybees in two (2) beehives or less is allowed as an accessory use on any lot in zoning districts where the use is allowed. On any lot of 10,000 square feet in size or larger, more than four beehives may be kept, provided there is an additional lot area of 2,500 square feet for each hive.
2. In all instances, there must be one adequate and accessible water source provided on-site and located within 50 feet of the beehive(s), or less than one-half the distance to the nearest unnatural source of water, which is not on their property, whichever is closest. Unnatural sources of water include swimming pools and pet or livestock watering receptacles.

3. In addition, if the main entrance of the hive faces and is within ten feet of any lot line, there must be a flight path barrier, consisting of a fence, structure, or plantings not less than six feet in height, located in front of the hive.
4. Beehive structures shall have a minimum setback of 10 feet from adjoining properties. In addition, beehives must be located at least 200 feet from parks, schools, recreational facilities, or other uses that would generally be expected to attract large groups of people.
5. Beehive structures are considered freestanding accessory structures and shall meet the other standards for accessory structures established in Section 8.3.
6. The beehive owner is responsible for understanding and complying with applicable regulations of the Commonwealth of Virginia.

## **8.13. Campgrounds & RV Parks**

### **A. Purpose**

1. To guide development of campgrounds and RV Parks.
2. To assure that campgrounds and RV Parks meet the standards required by the Virginia Department of Health.

### **B. Application Requirements**

1. Refer to the Land Use Table in Article 6 for zoning districts where Special Use Exception Permits are required.
2. A major site plan for the facility shall be submitted as part of the application. Town staff shall provide written comments regarding required modifications and/or concerns regarding the site plan. The applicant will be provided with a minimum of two weeks to respond to those comments before the Special Use Exception Permit Hearing will be scheduled. Applicants must allow for the time required for plan review and the applicant's response to the review process.
3. Applicants shall submit a narrative plan and/or assessment that explains the proposed hours of operation, types of activities that will occur onsite, crowd management strategies, parking and traffic analysis, and noise control/mitigation strategies that will be in place when the facility is in use, either by guests or by employees.
4. A parking analysis is required showing the anticipated parking needs for the facility or special event. See Article 7, Subsection 7.12.H for more information on parking analysis requirements.
5. Additional application information may be requested during the application and public hearing process.

### **C. Minimum Standards for Special Use Exception Permits**

1. All campgrounds and RV parks shall comply with the licensing, regulatory, and inspection requirements of the Code of Virginia Administrative Code, [Chapter 450. Rules and Regulations Governing Campgrounds](#) as amended.
2. All campground and RV park facilities shall be served by public sewer and water.
3. Use of large volumes of water or disposal of byproducts associated with non-residential wastewater in sanitary sewers must be pre-approved by the Public Utilities and Engineering Services Department.

4. Primitive campsites are not permitted within the Town Limits of the Town of Wytheville.
5. Campsites, active recreation areas, offices, lodges, and similar structures or activity areas shall have a minimum of 150-foot setback from adjoining properties.
6. The operator is responsible for complying with all local, state, and federal licensing, taxing, health, fire, building, and safety laws, regulations, and codes. Campgrounds are required to register for and submit local transient-occupancy lodging tax receipts to the Town Treasurer.
7. All areas accessible to campers or guests shall be enclosed by a fence of at least 4 feet in height. Fences facing public rights-of-way shall be constructed with decorative or ornamental materials.

## 8.14. Cemeteries

### A. Purpose

To guide development of cemeteries and to protect the safety and enjoyment of adjoining properties.

### B. Conditional Use Standards

1. Development of new cemeteries and similar burial plots shall conform to all applicable provisions of the Code of Virginia [Title 57, Chapter 3. Cemeteries](#) as currently amended. If said code is amended in the future causing this ordinance to be in conflict with the code, the more restrictive provision shall govern.
2. Cemeteries shall be located at least 250 yards from any residence. An exception may be granted with express written consent of the owner or equitable title holder of each residence located less than 250 yards from the proposed cemetery, or if the proposed cemetery is located across a state-maintained roadway.
3. Areas where interment is planned to occur shall be located at least 300 yards from any public or private potable water well.
4. The maximum land area permissible for a cemetery is 300 acres.

## 8.15. Chicken Keeping

### A. Purpose

1. To provide for the keeping of chickens at single-family dwellings in the Town of Wytheville.
2. No part of this ordinance shall be construed to allow the keeping of other types of birds or fowl, including, but not limited to, turkeys, ducks, geese, guineas, pheasants, quail, pigeons, etc.

### B. Conditional Use Standards

1. Chicken keeping is only allowed as an accessory use to a single-family detached dwelling. No chickens shall be allowed on parcels with other dwelling types such as a townhouse, duplex, apartment, condominium, or manufactured housing park.
2. No more than six hens shall be allowed for each single-family dwelling.
3. No roosters shall be permitted at any time.



4. Pens: Chickens shall be kept, at all times, in an enclosed and ventilated area not to exceed a total of 128 square feet, hereinafter known as a "pen." Pens shall include a coop, an enclosed structure containing a minimum of four (4) square feet per hen and an open run area containing a minimum of eight (8) square feet per hen.
5. Placement of chicken pens shall meet the following standards:
  - a. Pens must be located in the rear yard and shall be situated at least ten feet from all property lines and 25 feet from dwellings on adjacent properties.
  - b. Pens shall be located at least 20 feet from streams, tributaries, ditches, swales, stormwater management facilities, drop-inlets or other storm drainage areas that would allow fecal matter to enter any storm drainage system or stream.
6. All pens must be kept in a neat and sanitary condition, at all times, and must be cleaned on a regular basis so as to prevent offensive odors.
7. The coop should be designed to discourage rodents and other animals from entering.
8. All feed for the hens must be kept in a secure container impenetrable by rodent or other animals, and such containers shall be equipped with tightly fitting caps or lids, and stored in a secure weatherproof enclosure that is integral with the chicken coop, a private garage, shed or inside of the residence to prevent the attraction of rodents and other animals.
9. Adequate shelter, care and control of the hens is required. Any person permitted to keep backyard chickens pursuant to this section shall comply with all the provisions and requirements of the Town and State Code regarding care, shelter, sanitation, health, rodent control, cruelty, neglect, noise, and any other requirements pertaining to, but not limited to, the adequate care and control of animals.
10. Chicken litter and waste shall be disposed of by composting on site or collected in accordance with the Town of Wytheville's standards and procedures for refuse collection.

### **C. Application Requirements, Registration, and Inspection**

1. Persons wishing to keep hens pursuant to this Subsection must file an application with the Town of Wytheville Planning Department. The application shall include:
  - a. A sketch showing the area where the chickens will be housed and the types and sizes of pens in which the chickens shall be housed. The sketch must show all dimensions and setbacks.
  - b. An application fee per the master fee schedule.
  - c. If the applicant is not the property owner, the applicant must provide documentation that the property owner consents to keeping chickens on the property.
2. The applicant must reside, full-time, upon the premises for which an application is made.
3. Once the application has been reviewed and approved, the Planning Department shall issue a permit.
4. The Town's animal control officer will perform an inspection of the site, pen, coop, run and feed storage containers prior to the issuance of a permit and reserves the

right to perform a reinspection when evidence is found that the chicken keeping use is not in compliance with the conditions established by this ordinance.

5. The animal control officer shall have the authority to inspect pens and practices for compliance with this article. If the animal control officer finds a violation of this article or finds any condition that threatens the health, safety or wellbeing of the chickens or the public, then he may order the owner to correct the condition or he may revoke the owner's permit.
6. If a permit is revoked, no permit shall be issued to the same applicant, or a member of his/her household for a period of one year.

#### **D. Penalty**

It shall be unlawful to keep hens in Town except as permitted by this section or as permitted as an "agriculture" use in the zoning ordinance. Any person found guilty of violating this section shall be subject to the penalties as set forth in this ordinance.

### **8.16. Child Day Care Centers & Private Preschools**

#### **A. Purpose**

To guide the safe and orderly development of child day care centers and private preschools.

#### **B. Conditional Use Standards**

1. The private preschool or child day care center must comply with all Town of Wytheville and Code of Virginia requirements, including obtaining a Zoning Permit in accordance with Article 3 of this ordinance, a Town Business License, and a State Child Day Center License in accordance with the Code of Virginia prior to establishing the use.
2. Use of large volumes of water or disposal of byproducts associated with non-residential wastewater in sanitary sewers must be pre-approved by the Public Utilities and Engineering Services Department.
3. An outdoor play and exercise area must be provided on the lot where the private preschool or child day care center is located. The outdoor play and exercise area must meet the following standards:
  - a. The minimum size of the outdoor play and exercise area is 75 square feet for each child permitted in the outdoor play and exercise area at any given time.
  - b. The play and exercise area must be completely enclosed by a managed care safety fence as outlined in the Town of Wytheville Fence Ordinance found in Article 7, Section 7.6 of this ordinance, so that children are safely contained inside, and that all persons entering the outdoor play and exercise area are within direct line of sight from the private preschool or child day care center classroom areas.
  - c. The outdoor play and exercise area must not be located within the minimum required front yard but may extend into the minimum required side and rear yards.
  - d. The outdoor play and exercise area must be safely segregated from parking, loading, or service areas (such as dumpster pads or delivery sites).

- e. No outdoor play and exercise area is required on-site if the children have access to a public or similar neighborhood park that meets each of the following conditions:
  - 1.) The private preschool or child day care center is located within 1,000 feet of an existing park or outdoor play and exercise area of at least 2 times the size required for the private preschool or child day care center.
  - 2.) The park or outdoor play and exercise area may be accessed without crossing an arterial or collector street.
- 4. Parking areas and vehicular circulation patterns must meet the following standards:
  - a. Parking areas must be designed to enhance the safety of children as they arrive at and leave the facility.
  - b. A designated area for the drop off/pick up of children, providing at a minimum 1 parking space per 20 children, must be located in proximity to the private preschool or child day care center building in such a way that provides safe and clearly designated access to enter or exit the facility. Such parking spaces may be used to meet the off-street parking requirements of Article 7, Section 7.12 of this ordinance.

**C. Conditional Use Standards for Facilities in Residential Business Zoning Districts**

- 1. Minimum lot sizes and setbacks shall match the requirements as shown in the zoning district standards. If the proposed use requires additional onsite parking, additional land area will be required for the use to be allowed. If there is not sufficient land area available on the parcel to accommodate all of the required amenities and spatial requirements of this section, then the use is not permitted.
- 2. Hours of operation may be restricted as part of the Conditional Use Permit to protect the quality of life in adjoining residential uses.
- 3. Neighborhood Character: The exterior building form, styling and materials shall be compatible with the character of the neighborhood. In neighborhoods where the predominant architectural form is that of a single-family residence, the form and footprint of the building shall share similar characteristics with existing residential structures in the neighborhood. Likewise, in areas where the dominant form of architecture is small multiplex housing, buildings should be of a similar form. In areas where existing buildings have a mix of forms, preference may be given to forms that enhance the historic character of neighborhood.
- 4. Use of decorative or porous pavement is encouraged.
- 5. Parking: Parking areas shall be screened to minimize views from adjacent streets. Screening may be accomplished with any combination of the following methods.
  - a. Landscape plantings.
  - b. Landscaped earthen berms.
  - c. Decorative fencing that meets front yard fencing regulations found in Article 7, Section 7.6.
  - d. Locating parking in a rear yard. Rear yard parking must be screened from adjoining residential uses existing when the new business is established. Access to rear yard parking from an alley is preferred.

## **8.17. Clinics and Medical Offices**

### **A. Purpose**

To guide the development of Medical Clinics and Medical Offices in the A-1 Agricultural and the RB 1 or RB 2 Residential Business Zoning Districts.

To set minimum standards in zoning districts where a Special Use Exception Permit is required.

### **B. Conditional Use Standards for Facilities in the RB-2 or RB-2 Zoning Districts**

1. Minimum lot size is 1 (one) acre.
2. Public sewer is required. Use of large volumes of water or disposal of by-products associated with non-residential wastewater in sanitary sewers must be pre-approved by the Public Utilities and Engineering Services Department.
3. Building entrances shall be separated from adjoining residential uses by at least 200 feet from the adjoining parcel.
4. An indoor waiting area shall be provided that is adequate to accommodate all customers and/or patients.

### **C. Special Use Exception Permit Requirements**

1. Refer to the Land Use Table in Article 6 for zoning districts where Special Use Exception Permits are required. The application standards in this subsection apply only in cases where a Special Use Exception Permit is required.
2. A major site plan shall be submitted as part of the application. Town staff shall provide written comments regarding required modifications and/or concerns regarding the site plan. The applicant will be provided with a minimum of two weeks to respond to those comments before the Special Use Exception Permit Hearing will be scheduled. Applicants must allow for the time required for plan review and the applicant's response to the review process.
3. Applicants shall submit a narrative plan and/or assessment that explains the proposed hours of operation, types of activities that will occur onsite, parking and traffic analysis, and noise control/mitigation strategies that will be in place when the facility is in use, either by guests or by employees.
4. Additional application information may be requested during the application and public hearing process.

### **D. Minimum Standards for Special Use Exception Permits**

1. A Special Use Exception Permit is required for facilities located within the A-1 Agricultural Zoning District.
2. Minimum lot size is 2 (two) acres.
3. Public sewer service is required.
4. Parking: Parking areas shall be screened to minimize views from adjacent streets and residential dwellings. Screening may be accomplished with parking lot landscaping in addition to any combination of the following methods.

- a. Parking lot landscape planting requirements apply to all commercial and multi-family parking areas in the A-1 Agricultural Zoning district. See Article 7, Section 7.9 for landscape standards.
  - b. Landscaped earthen berms.
  - c. Decorative fencing that meets front yard fencing regulations found in Article 7, Section 7.6.
  - d. Location of parking in a rear yard. Rear yard parking must be screened from adjoining residential uses existing when the new business is established. Access to rear yard parking from an alley is preferred.
  - e. Maintaining a building setback of at least 50 feet from the adjacent right-of-way and providing landscape treatments as outlined in Article 7, Section 7.9 of this ordinance.
5. A minimum separation of 100 feet is required from the building facility to any existing residential dwelling. This provision shall not be used to reduce minimum front, side, or rear yard setback requirements.

## **8.18. Cottage Style Neighborhood**

### **A. Purpose**

1. To promote a variety of housing choices to meet the needs of a population diverse in age, income, household composition and individual needs, especially small households.
2. To encourage neighborhoods with a stronger sense of community and security among nearby neighbors, while preserving personal privacy.
3. To encourage affordability, innovation and variety in housing design and site development while ensuring compatibility with surrounding land uses.

### **B. Conditional Use Standards**

1. Cottage neighborhoods shall use one of the following site configurations.
  - a. A group of 3 to 12 cottage dwellings clustered around a common open space or courtyard. With this configuration, parking shall be grouped in a shared parking lot, which may utilize individual garages or covered parking stalls.
  - b. Street-oriented dwellings with parking and access service through an alley or similar shared parking facility, and with required common open space configured in a manner that provides useable open space for residents of the development.
2. Front Porches: Cottage dwellings shall have a front porch or similar structure that fronts either on the street or the common open space. Additional porches facing private open space are also encouraged.
3. Pedestrian Network: A network of pedestrian pathways shall be provided along at least one side of all public and private streets. The network shall connect each dwelling to parking areas, common open spaces, common community buildings and adjoining neighborhood streets and pedestrian trails.
4. Common Open Space: There shall be provided a minimum of 400 square feet of common open space per unit. This required common shall meet the following requirements.

- a. At least 60 percent of the cottage dwellings shall front on the common open space. The remaining cottage dwellings shall be no further than 100 feet from the common open space along a safe walking path that does not require crossing of a street or parking lot accessway.
  - b. Buildings that are held in common and available to all residents of the development may count towards the total required common open space requirement.
  - c. Parking lots, driveways, accessways, private open space, and spaces between buildings that are less than 15 feet in width do not qualify as common open space.
5. Private Open Space: There shall be provided a minimum of 200 square feet of private open space per unit. The private open space may be provided as a private space separated from, but adjacent to the common open space, or within a side or rear yard adjacent to the dwelling. Separation of private space adjacent to the common open space may be accomplished with open fencing of 4-foot height or less, or with low shrubbery or similar landscaping.
  6. Floor Area: Each cottage dwelling shall have a minimum floor area of five hundred (500) square feet, and a maximum floor area of 1,800 square feet, excluding private garages, porches, carports, and terraces.
  7. Ground Area: Each residence shall occupy a minimum ground area of not less than three hundred fifty (350) square feet, as measured by outside building dimensions, excluding private garages, porches, carports, and terraces.
  8. Water & Sewer & Utilities: Each dwelling must be connected to public water and sewer. All electric, phone, internet, etc. service lines shall be installed underground.
  9. Front Setbacks: The minimum front yard setback to a porch, deck, or similar structure shall be five feet. The minimum front yard setback to any portion of the façade of a dwelling or common area structure that is wider than 12 feet shall be 15 feet or the minimum setback of the underlying zoning district, whichever is greater.
  10. Parking Requirements: Each unit shall have at least one designated parking space. Additional parking shall be provided as follows:
    - a. Dwellings of less than 800 square feet, 1 space per unit.
    - b. Dwellings between 801 and 1,400 square feet, 1.5 spaces per unit.
    - c. Dwellings over 1,400 square feet, 2 spaces per unit.
    - d. Detached garages, if provided, shall be located along an alley or parking lot accessway. Storage of items in a garage that preclude parking of a vehicle is not permitted.
    - e. One additional parking space for every 4 dwellings shall be provided for guest use.
  11. Storage: Every dwelling shall have a minimum of 40 square feet of covered storage space outside the heated living area. This space may be located in a garage if it does not preclude vehicle parking, or in an attached storage closet that is integral to each dwelling.
  12. Refuse and Recycling: Dumpster pads, trash enclosures, and recycling storage areas are required as per Article 7, Section 7.6.

13. An approved homeowner association, restrictive covenant or other private agreement must be provided to ensure that common areas, parking areas, accessways, and other shared facilities are properly funded and maintained.

## **8.19. Dog Parks**

### **A. Purpose**

To establish minimum standards for dog parks.

### **B. Application Requirements**

1. Refer to the Land Use Table in Article 6 for zoning districts where Special Use Exception Permits are required.
2. A major site plan shall be submitted as part of the application. Town staff shall provide written comments regarding required modifications and/or concerns regarding the site plan. The applicant will be provided with a minimum of two weeks to respond to those comments before the Special Use Exception Permit Hearing will be scheduled. Applicants must allow for the time required for plan review and the applicant's response to the review process.
3. Applicants shall submit a narrative plan and/or assessment that explains the proposed hours of operation, types of activities that will occur onsite, parking and traffic analysis, and noise control/mitigation strategies that will be in place when the facility is in use, either by guests or by employees.
4. Additional application information may be requested during the application and public hearing process.

### **C. Minimum Standards for Special Use Exception Permits**

1. The following conditions are minimum standards for all dog parks unless specifically designated as recommended. Additional conditions, such as minimum setbacks, perimeter fencing, noise mitigation or other conditions, may be imposed by the Planning Commission or Town Council at the time of permit, in the interest of public health, safety, or welfare.
2. Rules and requirements for use of the facility may be established by the sponsoring entity or owner and shall be clearly posted at the dog park entrance gate.
3. A dog park shall have a fence that is a minimum of four feet high for any dog exercise area that is exclusively for small dog use exercise areas and six feet high for any dog exercise area that may be used by large dogs.
4. Dog parks shall be equipped with a double-gated entry and exit, adequate drainage, covered containers for disposal of dog waste.
5. An operations and maintenance plan shall be submitted to and approved by Town Council at the time of permit. The approved plan shall be followed for the permit to remain valid. The plan shall include provisions for disposal of dog waste and trash.
6. Facilities that are open to the public shall provide for ADA accessibility.
7. A dog park shall have the following amenities as a minimum:
  - a. At least one bench for humans for every 1000 square feet of pet exercise area.



- b. Shade for hot days. Shade may be provided by use of a purpose-built structure or with established trees.
  - c. Parking close to the site.
  - d. A water source for pets.
  - e. A separate enclosure for smaller dogs.
8. Additional amenities may be provided, such as a pond or shallow pool for pet swimming or pedestrian connections to nearby public sidewalks, but these additional amenities are recommended.

## 8.20. Family Day Homes

### A. Purpose

To provide opportunities for safe and affordable childcare and to promote safe, vibrant, and active neighborhoods.

### B. Applicability

The standards in this section apply to family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home.

### C. Conditional Use Standards

1. Family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed per Code of Virginia [§ 22.1-289.02](#).
2. No family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered per Code of Virginia [§ 22.1-289.02](#).
3. Day Care Facilities and Family Day Homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall comply with all applicable provisions of Code of Virginia [Chapter 14.1. Early Childhood Care and Education](#).
4. The structure where the family day home or day care facility is located shall comply with all applicable requirements of the building code as adopted by the Town of Wytheville.
5. Any outdoor play and exercise areas or other outdoor areas that are accessible to the children receiving day care services shall be enclosed by a managed care safety fence as outlined in the Town of Wytheville Fence Ordinance found in Article 7, Section 7.6. These fenced outdoor areas shall be limited to areas of the site where managed care safety fences are allowed per the fence ordinance.

### D. Application Requirements

1. Refer to the Land Use Table in Article 6 for zoning districts where Special Use Exception Permits are required. The application standards in this subsection apply only in cases where a Special Use Exception Permit is required.
2. A minor site plan shall be submitted as part of the application. Town staff shall provide written comments regarding required modifications and/or concerns

regarding the site plan. The applicant will be provided with a minimum of two weeks to respond to those comments before the Special Use Exception Permit Hearing will be scheduled. Applicants must allow for the time required for plan review and the applicant's response to the review process.

3. Applicants shall submit a narrative explains how the family day home will be structured to mitigate noise and other nuisances to adjoining properties.
4. Additional application information may be requested during the application and public hearing process.

## **8.21. Funeral Homes in RB-2 Residential Business Zoning District**

### **A. Purpose**

To guide the development of funeral homes that are compatible with neighborhood character in the RB-2 Residential Business Zoning District.

### **B. Conditional Use Standards**

1. Funeral homes shall have a minimum of 100 feet of frontage on a designated arterial street.
2. Minimum lot for a funeral home in the RB-2 zoning district is 2 acres.
3. Neighborhood Character: The exterior building form, styling and materials shall be compatible with the character of the neighborhood.
4. Use of decorative or porous pavement is encouraged.
5. Parking: Parking areas shall be located behind the front line of the primary building and screened to minimize views from adjacent streets and adjoining properties. Screening shall conform to the parking area landscaping standards found in Article 7, Section 7.9 of this ordinance.
6. Screening and landscaping shall not block sight triangles for driveways, alleys, and street corners.

## **8.22. Greenhouses, Commercial in A-1 Agricultural Zone**

### **A. Purpose**

To guide the development of commercial greenhouses of 5,000 square feet or larger in the A-1 Agricultural Zoning District.

### **B. Conditional Use Standards**

1. Commercial greenhouses located in the A-1 Agricultural Zoning District shall be separated from adjoining residential uses by a basic buffer yard as described in Article 7, Section 7.9 of this ordinance.
2. A parking analysis is required showing the anticipated parking needs for the facility or special event. See Article 7, Subsection 7.12.H for more information on parking analysis requirements.
3. Permanent paved parking facilities shall be set back from adjoining residential dwellings by a minimum of 150 feet. This provision shall not be used to reduce other setback requirements. These parking facilities shall be screened from view from both public rights-of-way and adjoining residential dwellings.

4. Use of large volumes of water or disposal of byproducts associated with non-residential wastewater in sanitary sewers must be pre-approved by the Public Utilities and Engineering Services Department.

## **8.23. Group Lodging Facilities**

### **A. Purpose**

To set application standards for a Special Use Exception Permit for Group Lodging Facilities.

### **B. Application Requirements**

1. Refer to the Land Use Table in Article 6 for zoning districts where Special Use Exception Permits are required.
2. Applications for a Special Use Exception Permit shall include the following:
  - a. A major site plan showing the location of all buildings, parking facilities and other required site improvements.
  - b. A traffic analysis showing entrance and access facilities for the site and which demonstrates how traffic will affect the adjacent roadways and land uses.
  - c. A plan for mitigation of negative impacts on adjoining land uses, including noise abatement, security measures, visual screening, and other measures to mitigate negative impacts.
3. Additional application information may be requested during the application and public hearing process.

## **8.24. Hair & Skin Care (See Section 8.40)**

See “Retail Uses, Neighborhood” in Section 8.40 below for conditional use standards.

## **8.25. Home Occupations**

### **A. Purpose**

To guide the accessory use of a dwelling unit for limited occupational or business purposes.

### **B. Home Occupation Standards**

1. Home occupation uses as defined are permitted in all areas where residential uses are allowed.
2. A home occupation is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character of the dwelling or change the exterior of the structure to indicate the home occupancy use.
3. A current Town of Wytheville business license must be maintained. An inspection by the Building Official of the structures or a building permit may be required to obtain a business license.
4. Any applicable licensing required by local, county, state, or federal law to conduct the business activities of the home occupation must be maintained.

5. Use of large volumes of water or disposal of byproducts associated with non-residential wastewater in sanitary sewers must be pre-approved by the Public Utilities and Engineering Services Department.
6. Activities related to the home occupation must be entirely contained within the main dwelling and involve no outside storage or work.
7. No person other than the immediate family residing in the dwelling shall be engaged in such occupation.
8. In no case shall more than twenty-five (25) percent, or the equivalent to twenty-five (25) percent of the ground area of the habitable portion of the dwelling be used in conducting the home occupations, including any related storage; and there shall be no display of goods and/or stock in trade outside the dwelling.
9. In addition to the off-street parking requirements of the residence, one off-street parking space shall be provided for each 200 square feet of area, or fraction thereof, used in connection with the home occupation. Not more than one (1) vehicle may be used in connection with the home occupation.
10. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, electrical, radio, or television interference, detectable to persons off the premises. Electrical or mechanical equipment normally associated with a business operation shall not be permitted.
11. Work performed outside of the principal dwelling is not permitted.
12. On site retail sale is prohibited except where expressly permitted by the provisions of this article. A residential dwelling shall not be used as a retail showroom or display area that would typically be visited by patrons.
13. No advertising of any type, including telephone book listings, shall make use of the street address or invite potential customers to visit the site.
14. No signs shall be erected other than those expressly allowed in the underlying zoning district by the sign ordinance. See Article 7, Section 7.15.
15. Shipping and receiving of products or correspondence shall be limited to quantities that can be shipped by USPS, UPS, FedEx, or a similar service with a single visit per day, per carrier.
16. If accessory structures, such as private garages or garden sheds, are utilized, they shall comply with all other provisions of this ordinance and shall be of similar character as the residential unit and the adjacent neighborhood.
17. There shall be no group instruction, group assembly or group activity on the premises.
18. Family day home services that involve the keeping of five or more children require a Special Use Exception Permit. This section shall not be interpreted to restrict the care of individuals of any age that are related to the occupant of the dwelling. Please see Article 6, Section 6.1 (Land Use Table) for areas where Day Care Services and/or Family Day Homes are allowed.
19. Repair services for large items, including, but not limited to, automotive or commercial garage type service, large appliance repair, or electronic equipment repairs are prohibited. This shall not be construed to prohibit mobile service technician from visiting a residence to provide service appliances or other equipment owned by the occupant.

20. For home occupations that involve professional services, client visits to the dwelling where the home occupation is conducted shall be limited to 5 visits per day.
21. An application must be made for a permit, and a permit secured prior to any proposed home occupation being established. The application must fully describe the nature of the proposed home occupation. A permit will be issued when all conditions of the Unified Development Ordinance, including the above, are met. However, any such permit will not in any way modify or rescind any building or building related code requirements.

## **8.26. Homestay**

### **A. Purpose**

To guide the use of a residential dwelling (single-family residential dwelling, townhouse, duplex, or condominium) or portion thereof by a host to provide room or space for short term transient rental occupancy of fewer than 30 consecutive days.

### **B. Registration and Permitting**

1. An annual fee is required to operate a homestay. Refer to the Town of Wytheville Fee Schedule for the registration fees required to operate a homestay in the Town of Wytheville. A current Town of Wytheville business license and the registration as a transient occupancy lodging provider with the Treasurer's Office is required. Maintenance of a business license constitutes registration of the homestay.
2. As a part of the homestay permit process, the homestay host shall certify that the residence meets residential building code standards, including egress, and that each rental room has functioning smoke and carbon monoxide detectors, building code compliant egress and code-conforming heat, light, and ventilation. The Town of Wytheville reserves the right to inspect each homestay site to ensure compliance with all building codes and Town of Wytheville regulations.
3. The host shall provide a management plan demonstrating how impacts on neighbors will be minimized.
4. A registration may be suspended or cancelled for the following reasons:
  - a. Failure to collect and/or remit the lodging tax to the Town.
  - b. The receipt of more than three (3) violations of applicable state or local laws, ordinances, and regulations.

### **C. Homestay Standards**

1. The following regulations shall apply to all homestays:
  - a. Each homestay must have a host who is a responsible adult who is responsible and available to respond to the guest's needs and concerns at all times during their stay.
  - b. Where allowed in accordance with the land use table, homestays must meet building and fire code requirements for residential occupancy, as a facility for a host to provide room or space for short term transient rental occupancy.
  - c. Rooms shall be a minimum of 120 square feet and shall have reasonable access to full bath facilities. Campers, recreational vehicles, tents, and yurts shall not be used as homestays.

- d. One off-street parking space (9' x 18') shall be provided for each room offered for rent in addition to other parking requirements that may apply. No recreational vehicles, buses or trailers shall be parked on the adjoining street. Recreational vehicle parking on the property in conjunction with the homestay must be approved by the Zoning Official through review of a site plan showing the location of said parking.
  - e. A Certificate of Occupancy for the use must be issued by the Building Official for each homestay.
  - f. Homestay hosts shall keep a detailed record of their rentals and shall pay lodging taxes to the Town.
  - g. The homestay host shall be responsible for complying with the Town's Noise Ordinance and shall enforce the ordinance standards. The host shall post house rules that include references to noise restrictions that comply with the Town's Noise Ordinance.
  - h. A land line telephone shall be provided for each homestay unit.
  - i. If outdoor fire rings, fire pits, or similar facilities are provided, they shall comply with the Town's fire prevention and protection ordinance and rules for outdoor burning as found in Chapter 6 of Town Code.
  - j. Signs for the homestay shall be limited to the signage allowed within the underlying zoning district as indicated in the sign standards found in Article 7, Section 7.15.
  - k. During the stay at the homestay unit, the homestay host shall be designated as the contact person for Town officials in the event of safety or behavioral issues at the homestay.
  - l. The host shall not allow the occupancy of a homestay unit for a period of less than twenty-four (24) hours, notwithstanding check-in and check-out times.
  - m. The name and phone number of the host shall be conspicuously posted at the outdoor entrance of the homestay unit. The host shall answer calls twenty-four (24) hours per day, seven days a week for the duration of each rental to address any problems with the homestay unit.
  - n. The principal guest of a homestay shall be at least eighteen (18) years of age.
  - o. The maximum number of adult guests in a homestay shall be six (6).
2. Homestays are permitted to operate year-round.
  3. Each homestay sleeping room shall have at least one emergency escape or rescue opening (window or door) that meets the following requirement: A clear opening square footage of 5.0 square feet at grade level, and a clear opening square footage of 5.7 square feet if above grade level, with a sill height of not more than 44 inches from the finished floor to the bottom of the clear opening. The minimum net clear height shall be 24 inches, and the net clear opening minimum width shall be 20 inches.

#### **D. Standards for Residential Districts**

The following conditions apply to homestays located in residential zoning districts where homestays are permitted as a conditional use:

1. Homestays may be in a single-family residential dwelling, accessory dwelling unit, townhouse, duplex, or condominium, or portion thereof.
2. The maximum number of guest sleeping rooms shall be three (3) and there shall be at least one (1) bathroom for every two (2) sleeping rooms.
3. No obvious exterior changes to the dwelling shall be made as a result of the homestay operation.
4. No individual host shall register and operate more than one (1) residential dwelling unit as a homestay in residential zoning districts of the Town of Wytheville.
5. Failure of any homestay host to maintain the homestay facility in compliance with the Building Maintenance Code shall be grounds for the homestay registration to be suspended or cancelled.

## **8.27. Industrial Uses, Heavy**

### **A. Purpose**

To guide the permitting of heavy industrial uses in the M-2 Zoning District and to mitigate the potential impacts of this use on the community.

### **B. Application Requirements**

1. Refer to the Land Use Table in Article 6 for zoning districts where Special Use Exception Permits are required.
2. A major site plan for the facility shall be submitted in accordance with Article 3. Town staff shall provide written comments regarding required modifications and/or concerns regarding the site plan. The applicant will be provided with a minimum of two weeks to respond to those comments before the Special Use Exception Permit Hearing will be scheduled. Applicants must allow for the time required for plan review and the applicant's response to the review process.
3. Applicants shall submit a narrative plan and/or assessment that addresses the following:
  - a. Proposed hours of operation.
  - b. Types of activities that will occur onsite.
  - c. Parking and traffic analysis.
  - d. Noise control/mitigation strategies that will be in place when the facility is in use,
  - e. Mitigation strategies for other potential nuisances, such as smoke, dust, odors, or other types of nuisances that may be relevant to the specific industry that is being proposed.
4. A parking analysis is required showing the anticipated parking needs for the facility. See Article 7, Subsection 7.12.F for more information on parking analysis requirements.
5. Use of large volumes of water or disposal of byproducts associated with non-residential wastewater in sanitary sewers must be pre-approved by the Public Utilities and Engineering Services Department.
6. Additional application information may be requested during the application and public hearing process.



## 8.28. Industrial Uses, Light

### A. Purpose

To provide for light industrial uses that are compatible with an artisan residential lifestyle in the RA Residential Artisan Zoning District.

### B. Uses Allowed

Please see Table 6.1 Permitted Uses by Zoning District for uses that are permitted subject to the conditions herein.

### C. Prohibited Uses

The following uses are prohibited in the RA Residential Artisan Zoning District.

1. Uses that emit obnoxious odors of any kind.
2. Uses that exhaust waste or dust created by industrial operations into the air.
3. Uses that create loud noises audible from adjacent properties for extended periods. Uses such as machine shops, nailing operations or similar uses that produce prolonged loud noise are not allowed.
4. Mining or extracting.
5. Filling, or soil-stripping operations
6. Manufacturing processes that require hazardous, flammable, or explosive chemicals and compounds.
7. Uses that allow treated or untreated sewage or industrial waste to be discharged into any surface water or onto open ground.
8. Uses that generate more than 50 ADT.

### D. Conditional Use Standards

1. No operation shall produce heat or glare perceptible from any property line of the lot on which the industrial use is located.
2. Only oil, natural gas, or electricity shall be used as fuel industrial for industrial processes or for space heating.
3. All uses shall comply with the current Town of Wytheville Noise Ordinance.
4. Minimum lot sizes and setbacks shall meet or exceed the requirements for the type of building form or land use listed in the Zoning District Standards Table for the RA Residential Artisan Zoning District. If the proposed use requires additional onsite parking, additional land area will be required for the use to be allowed. If there is not sufficient land area available on the parcel to accommodate all of the required amenities and spatial requirements of this section, then the use is not permitted.
5. Hours of operation may be restricted as part of the Conditional Use Permit to protect the quality of life in adjoining residential uses.
6. Neighborhood Character: The exterior building form, styling and materials shall be compatible with the character of the neighborhood.
7. Use of decorative or porous pavement is encouraged.
8. Parking: Parking areas shall be screened to minimize views from adjacent streets. Screening may be accomplished with any combination of the following methods.

- a. Landscape plantings.
  - b. Landscaped earthen berms.
  - c. Decorative fencing that meets front yard fencing regulations found in Article 7, Section 7.6.
  - d. Locating parking in a rear yard. Rear yard parking must be screened from adjoining residential uses existing when the new business is established. Access to rear yard parking from an alley is preferred.
9. Screening of Materials and Storage: All raw materials, finished products, machinery, and equipment, including company-owned or -operated trucks and motor vehicles, within an entirely closed building or a minimum of 6-foot-high screen fence that conforms to the standards of the Town of Wytheville Fence Ordinance found in Article 7, Section 7.6 of this ordinance.
  10. Buffer Yards: When a new light industrial use is established next to an existing residential use or any adjoining residentially zoned area, a full buffer yard shall be provided along the common property boundary with the existing residential use. If outdoor storage of materials or equipment is present, the buffer yard shall be a full buffer yard with architectural screen. See Article 7, Section 7.6 for screening requirements and Section 7.9 for buffer yard specifications.
  11. Screening and buffer yard landscaping shall not block sight triangles for driveways, alleys, and street corners.
  12. Use of large volumes of water or disposal of byproducts associated with non-residential wastewater in sanitary sewers must be pre-approved by the Public Utilities and Engineering Services Department.

## 8.29. Kennels

### A. Purpose

To guide the development of facilities for the care and housing of pets such as dogs and cats, or other nontraditional pets as allowed by this ordinance.

### B. Conditional Use Standards for All Kennels

1. No kennel may be located in the required front yard.
2. Nothing in this section shall exempt dog owners and/or caregivers from compliance with applicable noise standards found in the [Code of the Town of Wytheville Chapter 3, Article 2 – Cats and Dogs](#).
3. Use of large volumes of water or disposal of byproducts associated with non-residential wastewater in sanitary sewers must be pre-approved by the Public Utilities and Engineering Services Department.

### C. Conditional Use Standards for Dog Runs

1. Enclosures for five (5) or fewer dogs, which are owned by the occupant of the residence, are allowed in all agricultural and residential districts.
2. The enclosure must be set back ten (10) feet from any exterior property line, and fifty (50) feet from any existing residential building located on an adjacent lot.

#### **D. Conditional Use Standards for Private Kennels Housing 6 or More Dogs**

1. Private kennels housing 6 or more dogs are permitted only in the A-1 Agriculture Zoning District subject to the development standards herein.
2. Private kennels housing 6 or more dogs shall be located five hundred (500) feet from the lot line of any property zoned or used for residential purposes.
3. If the structure is soundproofed so that the dogs cannot be heard off the property, the setback can be reduced to two hundred (200) feet.
4. If a private kennel housing 6 or more dogs is proposed to be located closer than two hundred (200) feet from adjacent residentially zoned property line or use, soundproofing of the structure and a Special Use Exception Permit are required.

#### **E. Conditional Use Standards for Commercial Kennels**

1. Commercial kennels must be located five hundred (500) feet from the lot line of any property zoned or used for residential purposes.
2. If the commercial kennel is soundproofed (dogs cannot be heard off the property), the setback from adjacent residentially zoned property or use can be reduced to two hundred (200) feet. Outdoor kennels are not allowed within five hundred (500) feet of any residential use or residentially zoned property.
3. Commercial kennels must be a minimum of one hundred (100) feet from any adjacent property line of properties zoned for business or industrial use.

#### **F. Special Use Exception Permit Requirements**

1. A Special Use Exception Permit is required for private kennels housing 6 or more dogs and commercial kennels in certain zoning districts. Refer to the Land Use Table in Article 6 for zoning districts where Special Use Exception Permits are required. The application standards in this subsection apply only in cases where a Special Use Exception Permit is required.
2. A major site plan shall be submitted as part of the application. Town staff shall provide written comments regarding required modifications and/or concerns regarding the site plan. The applicant will be provided with a minimum of two weeks to respond to those comments before the Special Use Exception Permit Hearing will be scheduled. Applicants must allow for the time required for plan review and the applicant's response to the review process.
3. Applicants shall submit a narrative plan and/or assessment that explains the proposed hours of operation, types of activities that will occur onsite, parking and traffic analysis, and noise control/mitigation strategies that will be in place when animals are housed in the facility or when the facility is in use, either by guests or by employees.
4. Additional application information may be requested during the application and public hearing process.

### **8.30. Live-work Dwellings**

#### **A. Purpose and Applicability**

1. To guide development of dwellings that allow business and/or creative uses that are compatible with residential character in transitional neighborhoods near existing commercial areas and along arterial streets. This use differs from a home

occupation in that more nonresident employees and client/customer visitation is allowed.

2. This section applies to live-work dwellings where allowed as a conditional use as shown in the land use table.

## **B. Conditional Use Standards**

1. **Owner or Tenant Occupancy:** A minimum of 1 individual who is the owner or an employee of the work component of the live-work dwelling must occupy the live-work dwelling as their primary place of residence.
2. **Floor Area:** The live-work unit is permitted to be not greater than 3,000 square feet in area.
3. **Maximum Number of On-Site Employees:** When located in RA, RB-1, RB-2, or BMX zoning districts, in addition to the occupant, no more than 2 individuals who are employees of the live-work dwelling may be on the premises at any time. When located in the B-1, B-2, B-2 DT, DTB-1, DTB-2, or DTB-3 zoning districts, in addition to the occupant, no more than 5 individuals who are employees of the live-work dwelling may be on the premises at any time.
4. **Permitted Residential vs Commercial Use Areas:** The area designated for residential purposes must occupy at least 50% of the gross floor area of the live-work dwelling.
5. **Configuration of Work Area:** The work area of the live-work dwelling shall be limited to the first or main floor only.
6. **Signage:** Signage shall comply with the standards set in Table 7.13: Signs in Residential Business Districts as found in this Unified Development Ordinance.
7. **Water and Sewer:** Use of large volumes of water or disposal of byproducts associated with non-residential wastewater in sanitary sewers must be pre-approved by the Public Utilities and Engineering Services Department.
8. **Parking:** One additional off-street parking space is required for each employee that does not live on premises. Any other need for parking generated by a live-work dwelling must be met solely by off-street parking located either onsite, in an available public parking lot or through a shared parking agreement.

## **C. Permitted Uses and Limitations**

1. **Permitted Uses:** Permitted uses for the work component are limited to Commercial, Education, or Agriculture uses permitted within the underlying zoning district as a principal use unless otherwise noted in this section.
2. **Permitted Use Limitations:**
  - a. Uses that involve group instruction, education, or assembly are limited to no more than eight (8) persons at any time in addition to the normal staff for the principal commercial use.
  - b. Storage or warehousing of material, supplies, or equipment must be within a fully enclosed structure. Storage within the structure of the live-work dwelling shall not exceed 10% of the area dedicated as workspace or 5% of the entire structure.
  - c. Excluding the storage or warehousing of material, supplies, or equipment in an accessory structure, the work component must not operate in any yard, private garage, or accessory structure.

- d. No equipment, vehicle, or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
  - e. No explosive, toxic, combustible, or flammable materials in excess of what would be allowed incidental to normal residential use can be stored or used on the premises.
  - f. The requirements for shipping and receiving of materials in connection with the business must not create excessive noise or traffic.
  - g. Only 1 vehicle used in connection with the work functions of the live-work dwelling is allowed to be parked or stored on the premises. The vehicle must not be a bus, truck, van, trailer, or any other vehicle over 6,000 pounds as listed on the vehicle registration form.
  - h. No visible evidence of the conduct of the live-work dwelling is permitted other than signs permitted pursuant to *Section 7.15 Signs* in this Unified Development Ordinance.
3. Non-Permitted Uses: Non-permitted uses include the following and similar uses:
- a. All animal service uses.
  - b. Uses with drive-through facilities.
  - c. All dry cleaning services.
  - d. Outdoor heating units.
  - e. Intense artisan industrial uses.
  - f. Automotive sales or service uses.
  - g. Moderate or large-scale retail uses.
  - h. Moderate or large-scale medical uses.
  - i. Special Interest Clubs.
  - j. Nontraditional pets.
  - k. Fuel sales or distribution of flammable or hazardous materials.
4. Conversion: The work component of the live-work dwelling may be converted to residential use only subject to a Change of Use Permit and inspection for building code compliance. The residential component must remain residential and cannot be converted to a commercial use. However, if the area designated as a work component has been converted to residential use, that portion may be converted back to a work area through the Change of Use Permit process and reinspection for building code compliance.
5. Transfer of Property: No portion of the live-work dwelling may be rented or sold separately.

## 8.31. Manufactured Homes

### A. Purpose

To provide standards for the placement of manufactured homes in certain residential business districts in a way that protects the quality of life and enjoyment of nearby residential uses.

## **B. Applicability**

1. Refer to the Land Use Table in Article 6 for zoning districts where Conditional Use Permits are required. This section shall apply to manufactured housing units located by conditional use in the RA, Residential Artisan and RB-2 Residential Business Zoning Districts.
2. This section shall also serve as a minimum standard for manufactured housing units to be located in the R-2 and R-3 Residential Zoning Districts by Special Use Exception Permit.

## **C. Conditional Use Standards**

1. Manufactured homes in the zoning districts covered by this section shall be of doublewide configuration as a minimum.
2. Vinyl and aluminum skirting are prohibited. Manufactured homes installed under the provisions of this section shall be installed using one of the following foundation treatments:
  - a. A masonry foundation of brick, block, or stone.
  - b. Decorative cementitious panel skirting that provides the appearance of stone, brick, or similar attractive foundation material.
  - c. Other plain or lightly textured cementitious panel skirting that shall be painted black, dark brown, or similar dark color, to reduce the visual dominance of the foundation wall of the structure.

## **D. Special Use Exception Permit Requirements**

1. Refer to the Land Use Table in Article 6 for zoning districts where Special Use Exception Permits are required. The application standards in this subsection apply only in cases where a Special Use Exception Permit is required.
2. A minor site plan shall be submitted as part of the application. Town staff shall provide written comments regarding required modifications and/or concerns regarding the site plan. The applicant will be provided with a minimum of two weeks to respond to those comments before the Special Use Exception Permit Hearing will be scheduled. Applicants must allow for the time required for plan review and the applicant's response to the review process.
3. Applicants shall submit a narrative explains how the manufactured home is to be configured to fit the character of the neighborhood.
4. Additional application information may be requested during the application and public hearing process.

## **8.32. Mobile Food Facilities**

### **A. Purpose**

To provide standards for the operation of food trucks, food carts, and similar mobile food establishments on public and private property within the Town, through regulations that provide for a variety of dining experiences while protecting the health, safety, and general welfare of the community.

## **B. Applicability**

This section shall apply to all mobile food vendors operating within the Town of Wytheville, except for mobile food vendors that are registered participants of a permitted special event, or that are contracted to provide food services for a private event where the general public is not invited to participate.

## **C. Standards**

1. A Mobile Food Vendor Permit is required to operate a mobile food vendor facility within the Town of Wytheville. See the Town of Wytheville Fee Schedule for information regarding the permit fee.
2. Licensing and Compliance
  - a. All mobile food vendors shall maintain a business license in the Town of Wytheville to operate within Town Limits.
  - b. All mobile food facilities shall obtain a Mobile Food Facility permit from the Town of Wytheville.
  - c. All mobile food vendors shall maintain a health permit from the Wythe County Health Department.
  - d. All mobile food vendors shall maintain a Virginia Seller's Permit, and pay all sales and use taxes as required by State Code.
  - e. Fire safety inspections by the Town Fire and EMS Department.
  - f. Mobile food vendors shall comply with all applicable provisions of this code as well as other licensing and code requirements set forth in County, State, and/or Federal law.
3. All mobile food vendors shall collect and pay all applicable meals taxes per the Code of the Town of Wytheville.
4. Mobile food vendors may operate only between the hours of 7am and 8:30pm except when participating in a permitted special event.
5. Location
  - a. Food vendors located on private property shall maintain written permission from the owner of the property and shall display said written permission upon request.
  - b. Food vendors located at a Farmers' Market shall obtain written permission from the market manager and shall display said permission upon request.
  - c. Mobile food vendors shall be located so that customers approaching the food truck or vehicle can stand on a paved surface that is reasonably level. Locations where customers must walk over uneven gravel surfaces or landscaped areas to access the food truck are not allowed except for special events with a duration of three days or less.
  - d. Location of mobile food vehicles on public property, public right-of-way or Town owned parking lots is not allowed except for short term permitted special events or in designated mobile food vending areas as indicated in Subsection "D" below.
  - e. Vending shall only take place within the mobile vending facility.



- f. The mobile vending facility shall not be used in a way that would cause customers to stand in an active public street or other traveled way while being served.
  - g. The mobile vending facility shall not cause congestion or block ingress or egress along any street or public sidewalk, nor shall it block access to any nearby residence or business.
6. Waste & Sewage
- a. Portable receptacles for the disposal of waste materials or other litter shall be provided by the food truck vendor for the use of customers and all food truck vendors shall direct customers to place all waste and litter in the receptacles.
  - b. It is the operator's responsibility to remove all trash and refuse to a legal disposal site or provide a dumpster for waste removal. Disposal of commercial waste from a mobile food vendor in a public trash receptacle is prohibited.
  - c. Disposal of liquid wastes or sewage into drainage inlets, storm water conveyances, or streams is prohibited.
  - d. No liquid waste used in the operation of the mobile food vending facility shall be allowed to be discharged except into an approved sewerage system to which the operator is legally authorized to use.
7. Noise: The use of generators, amplified announcements, or amplified music must comply with the standards of the Town noise ordinance.
8. Signs other than those found on the exterior of the mobile food vendor vehicle shall conform to the Town of Wytheville Sign Ordinance.

**D. Designated On-Street Vending Locations**

- 1. Town Council may designate one or more on-street vending locations along sidewalks or on-street parking areas. No vendor or operator shall have exclusive rights to operate in any on-street vending location.
- 2. If Town Council chooses to designate on-street mobile vending locations, council may consider the following factors, as well as other relevant factors, in determining whether a location should be used for vending:
  - a. The size and type of mobile food vending facility.
  - b. The concentration of pedestrian traffic in the area.
  - c. Adequacy of parking in the area.
  - d. Adequacy of the space along the street or sidewalk area.
  - e. Amount of congestion.
- 3. Minimum requirements of the location shall include the following:
  - a. Mobile food vendors shall not be located closer than 30 feet from any other restaurant, outdoor eating area or similar food establishment.
  - b. Mobile food vendors shall not be closer than 20 feet to a crosswalk, intersection, bus stop, taxi stand, handicapped parking space, or driveway entrance.
  - c. Mobile food vendors shall not be within any designated fire lane or block access to fire hydrants or related equipment.

- d. Placement of the mobile food vending facility shall not block pedestrian access along a sidewalk.

#### **E. Suspension or Revocation of Mobile Food Vendor Permit**

1. A mobile food vending permit issued under the provisions of this article may be suspended or revoked if the operator has violated any provision of this section on three or more occasions within a 12-month period.
2. Prior to ordering the suspension or revocation of a food truck vendor permit, the Zoning Administrator shall notify, in writing, the applicant or the permit holder, stating the reasons for the suspension or revocation. This notice shall be mailed, postage prepaid, to the applicant or to the permit holder at the business address appearing on the permit application, or if there is none, to the residential address appearing thereon. The notice shall state that the permit will be suspended or revoked unless a written request for hearing is filed with the Zoning Administrator, by the applicant or the permit holder within 10 business days of the date the notice is mailed. If no request for a hearing is filed within this 10-business day period, the application or the permit shall be suspended or revoked, and the suspension or revocation shall be final.
3. If the applicant or the permit holder files a request for a hearing in accordance with this provision, the Town Manager shall give written notice of the hearing to the applicant or the permit holder at a time and place designated by the Town Manager. At the hearing, the applicant or the permit holder may be represented by counsel, may cross-examine witnesses, and may present evidence in his or her favor.
4. The Zoning Administrator shall issue his determination in writing to grant or deny the appeal within 10 business days of the conclusion of the hearing.

### **8.33. Nontraditional Pets (See Section 8.53)**

See "Urban Livestock & Nontraditional Pets" below in Section 8.53 for conditional use standards.

### **8.34. On-Frame Modular Homes**

#### **A. Purpose**

To provide standards for the placement of on-frame modular homes in certain residential and residential business zoning districts in a way that protects the quality of life and enjoyment of nearby residential uses.

#### **B. Applicability**

This section shall apply to manufactured housing units located by conditional use in the R-2 Residential, R-3 Residential, RA, Residential Artisan and RB-2 Residential Business Zoning Districts.

#### **C. Conditional Use Standards**

1. On-frame modular homes in the zoning districts covered by this section shall be of doublewide configuration as a minimum.
2. Vinyl and aluminum skirting are prohibited.
3. On-frame modular homes installed under the provisions of this section shall be installed using one of the following foundation treatments:

- a. A masonry foundation of brick, block, or stone.
- b. Decorative cementitious panel skirting that provides the appearance of stone, brick, or similar attractive foundation material.
- c. Other plain or lightly textured cementitious panel skirting that shall be painted black, dark brown, or similar dark color, to reduce the visual dominance of the foundation wall of the structure.

### **8.35. Open Air Sales on Public Sidewalk**

#### **A. Purpose**

1. To guide procedures, location, and physical arrangement of sidewalk sales on public sidewalks in selected commercial areas.
2. These regulations are specific to sidewalk sales and similar events held on public sidewalks within the public right-of-way. These regulations do not apply to open air sales on private sidewalks adjacent to storefronts in business and industrial zoning districts.

#### **B. Conditional Use Standards**

1. Approval is required by the Town Manager in accordance with the Town Code.
2. Product displays, merchandise, tents, tables, and other related items used as part of the sales event shall not obstruct the free flow of pedestrian traffic along the sidewalk. A clear path of at least 8 feet in width shall be provided. Pedestrian traffic shall not be forced to walk in the street at any time unless the Town of Wytheville Safety and Events Committee and Town Council have approved a street closure or traffic control plan.

### **8.36. Outdoor Heating Units**

#### **A. Purpose**

To provide opportunities for the placement and safety of outdoor hydronic heaters and forced air furnaces (outdoor heating units) that utilize wood, pellets, or similar biomass as a fuel source within the Town of Wytheville.

#### **B. Conditional Use Standards**

1. New outdoor heating units shall comply with the EPA [Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters, and Forced-Air Furnaces](#) and [Title 40, Chapter I, Subchapter C, Part 60, Subpart QQQQ, § 60.5474](#), or as amended by the EPA.
2. All outdoor heating units shall be installed in conformance with this ordinance or the manufacturer's recommendations, whichever is stricter.
3. No person shall operate an outdoor wood furnace unless such operation conforms with the manufacturer's instructions regarding such operation and the requirements of this local law regarding fuels that may be burned in such outdoor wood furnace as set forth in Subsections "B.8" and "B.9" below.
4. Outdoor heating units are considered to be accessory structures and as such, may only be located in a rear yard area.

5. Outdoor heating units shall be setback at least 15 feet from adjoining parcels and at least 100 feet from any existing dwelling or other occupied structure that is not served by the unit.
6. The units must be separated from any occupied structure according to the manufacturer's recommendations or building code requirements, whichever is greater.
7. Permitted fuels: Fuel burned in any new or existing outdoor wood furnace shall be only natural untreated wood, wood pellets, corn products, biomass fuels, or other listed fuels specifically permitted by the manufacturer's instructions, which may include fuel oil, natural gas, or propane backup.
8. Only fuel sources recommended by the manufacturer for use in the unit may be burned. The following fuel sources are prohibited.
  - a. Wood that has been painted, varnished, or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.
  - b. Rubbish or garbage, including but not limited to food wastes, food packaging, or food wraps.
  - c. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films, and plastic containers.
  - d. Rubber, including tires or other synthetic rubber-like products.
  - e. Newspaper, cardboard, or any paper with ink or dye products.
  - f. Any other items not specifically allowed by the manufacturer or this provision.

### **8.37. Outdoor Recreation, Intense**

#### **A. Purpose**

To guide the Special Use Exception Permit process for establishing certain intense outdoor recreation uses.

#### **B. Application Requirements**

1. Refer to the Land Use Table in Article 6 for zoning districts where Special Use Exception Permits are required.
2. A major site plan shall be submitted as part of the application. Town staff shall provide written comments regarding required modifications and/or concerns regarding the site plan. The applicant will be provided with a minimum of two weeks to respond to those comments before the Special Use Exception Permit Hearing will be scheduled. Applicants must allow for the time required for plan review and the applicant's response to the review process.
3. Applicants shall submit a narrative plan and/or assessment that explains the proposed hours of operation, types of activities that will occur onsite, parking and traffic analysis, and noise control/mitigation strategies that will be in place when the facility is in use, either by guests or by employees.
4. Additional application information may be requested during the application and public hearing process.

## 8.38. Professional Offices & Services

### A. Purpose

1. To provide for orderly development of professional office and service businesses in transitional residential neighborhoods.
2. To guide compatible development form for businesses in a mixed-use neighborhood with a residential character and lifestyle.
3. To identify types of office and professional service businesses that are compatible with existing residential uses in neighborhoods that are adjacent to existing business districts and busy streets.

### B. Uses Allowed

The following business types are allowed in Residential Business Zoning Districts under the conditions listed in Subsection “C” below.

1. Banks and financial services in the RA, RB-1, and RB-2 Residential Business Zoning Districts.
2. Medical offices and clinics, with or without medical training as an accessory use in the RB-1, and RB-2 Residential Business Zoning Districts.
3. Professional offices, such as attorney’s office, architectural firms, accounting firms and similar uses in the RA, RB-1, and RB-2 Residential Business Zoning Districts.
4. Medical business offices such as medical billing and coding in the RA, RB-1, and RB-2 Residential Business Zoning Districts.
5. Substantially similar businesses as determined by the Zoning Administrator.

### C. Conditional Use Standards

1. Minimum lot sizes and setbacks shall match the requirements for the type of building form listed in the Zoning District Standards Table for the underlying zoning district. If the proposed use requires additional onsite parking, additional land area will be required for the use to be allowed. If there is not sufficient land area available on the parcel to accommodate all of the required amenities and spatial requirements of this section, then the use is not permitted.
2. Hours of operation may be restricted as part of the Conditional Use Permit to protect the quality of life in adjoining residential uses.
3. Neighborhood Character: The exterior building form, styling and materials shall be compatible with the character of the neighborhood. In neighborhoods where the predominant architectural form is that of a single-family residence, the form and footprint of the building shall share similar characteristics with existing residential structures in the neighborhood. Likewise, in areas where the dominant form of architecture is small multiplex housing, buildings should be of a similar form. In areas where existing buildings have a mix of forms, preference may be given to forms that enhance the historic character of neighborhood.
4. Residential use of upper floors is encouraged to enhance the residential character of the neighborhood.
5. The street facing façade of the principal structure shall have at least one (1) street-oriented entrance and contain the principal windows of the store.
6. Use of decorative or porous pavement is encouraged.

7. Parking: Parking areas shall be screened to minimize views from adjacent streets. Screening may be accomplished with any combination of the following methods.
  - a. Landscape plantings.
  - b. Landscaped earthen berms.
  - c. Decorative fencing that meets front yard fencing regulations found in Article 7, Section 7.6.
  - d. Locating parking in a rear yard. Rear yard parking must be screened from adjoining residential uses existing when the new business is established. Access to rear yard parking from an alley is preferred.
8. When a new professional office or service use is established next to an existing residential use, a basic buffer yard shall be provided along the common property boundary with the existing residential use.
9. Screening and buffer yard landscaping shall not block sight triangles for driveways, alleys, and street corners.

### **8.39. Public Utility, Major**

#### **A. Purpose**

To guide the permitting of major public utility facilities within the Town of Wytheville in areas where a Special Use Exception Permit is required. (See Table 6.1. in Article 6.)

#### **B. Application Requirements**

1. Refer to the Land Use Table in Article 6 for where Special Use Exception Permits are required.
2. A major site plan for the facility shall be submitted as part of the application. Town staff shall provide written comments regarding required modifications and/or concerns regarding the site plan. The applicant will be provided with a minimum of two weeks to respond to those comments before the Special Use Exception Permit Hearing will be scheduled. Applicants must allow for the time required for plan review and the applicant's response to the review process.
3. Applicants shall submit a narrative plan and/or assessment that explains the following:
  - a. How the facility will fit with the character of the existing neighborhood.
  - b. Screening, landscape buffers and other measures to limit visual impact.
  - c. Proposed hours of operation.
  - d. Types of activities that will occur onsite.
  - e. Parking and traffic analysis.
  - f. Noise control/mitigation strategies that will be in place when the facility is in use,
  - g. Mitigation strategies for other potential nuisances, such as smoke, dust, odors, or other types of nuisances that may be relevant to the specific industry that is being proposed.

4. A parking analysis is required showing the anticipated parking needs for the facility. See Article 7, Subsection 7.12.H for more information on parking analysis requirements.
5. Additional application information may be requested during the application and public hearing process.

## **8.40. Retail Uses, Neighborhood**

### **A. Purpose**

1. To provide for orderly development of small-scale retail and personal service businesses in transitional residential neighborhoods.
2. To guide compatible development form for businesses in a mixed-use neighborhood with a traditional neighborhood residential character and lifestyle.
3. To identify types of retail and personal service businesses that are compatible with existing residential uses in neighborhoods that are adjacent to existing business districts and busy streets.

### **B. Uses Allowed**

The following business types are allowed in Residential Business Zoning Districts under the conditions listed in Subsection “C” below.

1. Hair salons, barber shops, nail care, tanning, and skin care salons.
2. Art studios, art galleries.
3. Tailors, shoe repair.
4. Retail shops of 2,000 square feet or less with product offerings that are not likely to generate excessive noise, odors, or other nuisances.
5. Small restaurants of 2,000 square feet or less.
6. Substantially similar businesses as determined by the Zoning Administrator.

### **C. Conditional Use Standards**

1. Minimum lot sizes, setbacks, yard requirements, and lot coverage shall match the requirements for the type of building form listed in the Zoning District Standards Table for the underlying zoning district. If the proposed use requires additional onsite parking, additional land area will be required for the use to be allowed. If there is not sufficient land area available on the parcel to accommodate all of the required amenities and spatial regulations of this section, then the use is not permitted.
2. Hours of operation may be restricted as part of the Conditional Use Permit to protect the quality of life in adjoining residential uses.
3. Retail and personal service businesses located in residential business districts must have at least 25 feet of frontage on a designated arterial or collector street. If there is no frontage on a qualifying street, the use is not allowed.
4. Neighborhood Character: The exterior building form, styling and materials shall be compatible with the character of the neighborhood. In neighborhoods where the predominant architectural form is that of a single-family residence, the form and footprint of the building shall share similar characteristics with existing residential structures in the neighborhood. Likewise, in areas where the dominant form of



architecture is small multiplex housing, buildings should be of a similar form. In areas where existing buildings have a mix of forms, preference may be given to forms that enhance the historic character of neighborhood.

5. Residential use of upper floors is encouraged to enhance the residential character of the neighborhood.
6. The street facing façade of the principal structure shall have at least one (1) street-oriented entrance and contain the principal windows of the store.
7. Use of decorative or porous pavement is encouraged.
8. Loading areas shall be located in such a way as to minimize the impact on the surrounding neighborhood. Screening shall be provided to screen and diffuse noise impacts on adjacent residences. A basic buffer yard is required when a loading area is located adjacent to an existing residential use or residential zoning district.
9. Parking: Parking areas shall be screened to minimize views from adjacent streets. Screening may be accomplished with any combination of the following methods. Any other need for parking generated by the use must be met solely by off-street parking located either onsite, in an available public parking lot or through a shared parking agreement.
  - a. Landscape plantings.
  - b. Landscaped earthen berms.
  - c. Decorative fencing that meets front yard fencing regulations found in Article 7, Section 7.6.
  - d. Locating parking in a rear yard. Rear yard parking must be screened from adjoining residential uses existing when the new business is established. Access to rear yard parking from an alley is preferred.
10. When a new retail use is established next to an existing residential use in the RA, RB-1, or RB-2 zoning district, a basic buffer yard shall be provided along the common property boundary with the existing residential use.
11. Screening and buffer yard landscaping shall not block sight triangles for driveways, alleys, and street corners.

## **8.41. Rural Village PUD Residential**

### **A. Purpose**

To guide the application process for rural village PUD residential developments within the Town of Wytheville in areas where the use is allowed with a Special Use Exception Permit. (See Table 6.1. in Article 6.)

### **B. Application Requirements**

1. Refer to the Land Use Table in Article 6 for where Special Use Exception Permits are required.
2. See Article 5, Subsection 5.27 for additional minimum standards for rural village PUD residential facilities.
3. A major site plan for the facility shall be submitted as part of the application. Town staff shall provide written comments regarding required modifications and/or concerns regarding the site plan. The applicant will be provided with a minimum of

two weeks to respond to those comments before the Special Use Exception Permit Hearing will be scheduled. Applicants must allow for the time required for plan review and the applicant's response to the review process.

4. Applicants shall submit a narrative plan and/or assessment that explains the following:
  - a. How the facility will fit with the character of the existing neighborhood.
  - b. Screening, landscape buffers and other measures to limit visual impact.
  - c. Types of housing that will be provided onsite.
  - d. Mitigation strategies for potential nuisances.
5. A parking analysis is required showing the anticipated parking needs for the facility. See Article 7, Subsection 7.12.H for more information on parking analysis requirements.

## **8.42. Salvage & Recycling Yard**

### **A. Purpose**

1. To promote the public safety, health, and welfare and to protect public and private investment, the supplemental regulations of this section are intended to regulate the development of salvage and recycling yards, including automobile graveyards, recycling centers, and junkyards.
2. To protect the quality of life and visual character of adjoining properties, streets, and neighborhoods.

### **B. Application Requirements**

1. Refer to the Land Use Table in Article 6 for zoning districts where Special Use Exception Permits are required for Salvage and recycling yards.
2. Municipal recycling centers are exempt from these requirements.
3. An application for a Special Use Exception Permit for salvage and recycling yards shall provide a site analysis with the following information:
  - a. A vicinity plan showing adjacent land uses, viewsheds, and potential nuisance issues with proposed mitigation techniques.
  - b. A description of natural features, including streams, rivers, lakes, wetlands, and major topographical features, located within three hundred fifty (350) feet of the site.
  - c. A description of the site development proposal and how it compares to land uses within three hundred fifty (350) feet of the site. (This may be included as part of the required site plan as described in Item 3 below.)
  - d. A description of any potential environmental hazard due to existing or proposed land uses, including soil, water, and air contamination.
  - e. A sound attenuation plan describing sources of sound and indicating conformance with all applicable sound and noise regulations including the Town of Wytheville Noise Ordinance.
  - f. A drainage plan for stormwater management and runoff which includes a narrative explaining how water quality will be protected.

- g. A traffic plan describing the number of truck trips the proposal will generate and the principal access drives to the facility, including a description of the facility's traffic impact on the surrounding area.
- 4. A major site plan shall be submitted as part of the application. Town staff shall provide written comments regarding required modifications and/or concerns regarding the site plan. The applicant will be provided with a minimum of two weeks to respond to those comments before the Special Use Exception Permit Hearing will be scheduled. Applicants must allow for the time required for plan review and the applicant's response to the review process.
- 5. Applicants shall submit a narrative plan and/or assessment that explains the proposed hours of operation, types of activities that will occur onsite, parking and traffic analysis, and noise control/mitigation strategies that will be in place when the facility is in use, either by customers or by employees.
- 6. A parking analysis is required showing the anticipated parking needs for the facility. See Article 7, Subsection 7.12.H for more information on parking analysis requirements.

**C. Applicability to Existing Facilities**

- 1. Salvage and recycling yards legally existing at the time of the adoption of this section are to be considered legal non-conforming uses. Existing fencing, trees and shrubs shall be preserved and maintained to provide screening when present. Owners and operators of the types of uses described herein are encouraged to install screening that is consistent with the intent of this section.
- 2. Expansion or intensification of existing facilities requires a new Special Use Exception Permit be issued and that the facility be brought into compliance with the screening requirements for new facilities as outlined in Subsection "D.7" below. Any increase in land area or building footprint; or the addition or replacement of any shredding, grinding, baling, or packing equipment for the handling of scrap or salvage materials shall constitute an expansion or intensification.
- 3. Modifications to the screening requirements for existing facilities that are expanded may be granted where topographic conditions cause traditional screening methods to be ineffective, as determined by the Zoning Administrator.

**D. Minimum Standards for New Facilities Seeking Special Use Exception Permits**

- 1. Businesses operating under this provision shall maintain all applicable DMV licensing requirements for salvage operations.
- 2. Paving Materials: Surface materials and design for access drives, on-site roads, parking, and other vehicle facilities shall be designed to maintain a dust free environment.
- 3. Dust, Odors, and Pests: A plan for the control of dust, odors, and pests, including insects and rodents, shall be submitted with the application for a Special Use Exception Permit. All materials shall be stored in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin. Where necessary, this shall be accomplished by enclosure in containers, the raising of materials above the ground, separation of types of materials, preventing the collection of stagnant water, extermination procedures, or other means. Professional monthly exterminating services shall be required, and a log indicating the dates and findings of such professional services shall be maintained on the premises.

4. Noise: Noise levels generated by the operation shall comply with the noise ordinance of the Town of Wytheville as currently amended.
5. Hours of Operation: Hours of operation may be restricted to assure the peaceable enjoyment of residential properties where topography and atmospheric conditions may cause sound to project beyond the boundaries of the site.
6. Stream Protection: Separation/setback from streams and other waterbodies may be established for each site on a case-by-case basis to prevent contamination of lakes, streams, and groundwater by chemicals and oils leaking from stored vehicles.
7. Visual Screening: No vehicle shall be located on any portion of such property so as to be visible from any public street or any residential property and shall be limited to locations designated on the approved site plan. Site screening shall be sufficient to ensure no more than minimal visual impact on adjacent uses. Plans for screening the site shall be indicated in the required site plan. Required screening may include, but is not limited to, fences, berms, preservation of existing vegetation, installation of additional vegetation, entrance design and location, and the design, bulk, and height of structures.
8. Topography and Viewshed: If the topography of the proposed site is such that it is not possible to effectively screen the operation from nearby roadways or adjoining properties, the use is not allowed on the site.
9. Separation from Residential Uses: No structure, storage area or other part of the operation shall be located closer than three hundred (300) feet to any existing dwelling or adjacent lot line of a parcel zoned for any residential use, including mixed uses that include a residential component.
10. Access: Facilities shall have direct access to a State or Town maintained road, with adequate capacity to serve the traffic generated by the operation. On-site access including drives, alleys, aisles, and other accessways shall be maintained in a safe manner that is clear of obstructions.
11. Hazardous Chemicals: No on-site disposal of fuel, chemicals or hazardous materials is permitted. Any such materials shall be disposed of at a site permitted to receive such materials. Dumping of such chemicals and oils on the soil or into waterways is strictly prohibited.
12. In considering a special use exception permit for such uses, the Planning Commission may recommend, and Town Council may impose additional standards deemed necessary to address site specific conditions.

### **8.43. Schools, Private Primary & Secondary**

#### **A. Purpose**

To provide for orderly development of private, for-profit, primary, and secondary schools.

#### **B. Use Approvals**

1. In addition to the requirements of this section, primary and secondary private schools require a Special Use Exception Permit in some zoning districts. Refer to the Land Use Table in Article 6 for zoning districts where Special Use Exception Permits are required.

2. Additional standards and conditions may be imposed in zoning districts where a Special Use Exception Permit is required.

**C. Conditional Use Standards**

1. The minimum lot area is 5 acres.
2. On-site housing for staff or faculty employed by the private school and/or for students attending the private school is permitted as an accessory use.
3. Public sewer is required.

**D. Special Use Exception Permit Requirements**

1. Special Use Exception Permits are required for private primary and secondary schools in certain zoning districts as indicated in Table 6.1, Permitted Uses by Zoning District. The application standards in this subsection apply only in cases where a Special Use Exception Permit is required.
2. A major site plan shall be submitted as part of the application. Town staff shall provide written comments regarding required modifications and/or concerns regarding the site plan. The applicant will be provided with a minimum of two weeks to respond to those comments before the Special Use Exception Permit Hearing will be scheduled. Applicants must allow for the time required for plan review and the applicant's response to the review process.
3. Applicants shall submit a narrative plan and/or assessment that explains the proposed hours of operation, types of activities that will occur onsite, parking and traffic analysis, and noise control/mitigation strategies that will be in place when the facility is in use, either by guests or by employees.
4. Additional application information may be requested during the application and public hearing process.

## **8.44. Semi-Trailer Storage**

**A. Purpose**

1. To provide for the use of semi-trailers as accessory storage structures.
2. The regulations in this section apply only to the storage and parking of semi-trailers as a general land use, or use of same for storage or other purposes, and do not apply to semi-trailers that are parked temporarily as part of the normal operation of a motor vehicle or motor vehicle and trailer assembly.

**B. Standards**

1. In Agricultural Districts, semi-trailers shall be permitted to be parked or stored no longer than twelve (12) months, unless the semi-trailer is currently licensed or is used for hauling livestock, hay, silage, etc., and is permitted on the public right-of-way by a "farm use" designation.
2. In residential districts, semi-trailers which carry a current motor vehicle trailer license and inspection to be legally towed shall be permitted to be parked no longer than thirty (30) days except as required to service a construction project at that site. In the case of a construction project, the semi-trailer shall be permitted to be parked until final completion of the construction project. In residential districts, all semi-trailers parked or stored under this provision shall be parked off of all

public rights-of-way, streets, and alleys. Semi-trailers may not be used for long-term storage in residential zoning districts.

3. In Business Districts, licensed semi-trailers shall be permitted to be parked for no more than sixty (60) days and shall be parked to the rear or side of the business building. Semi-trailers stored for more than sixty (60) days must conform to the fencing and screening requirements found in Article 7, Section 7.6.
4. In Industrial Districts, both licensed and unlicensed semi-trailers shall be permitted. Semi-trailers stored for more than thirty (30) days must be located within a designated work yard or storage area that conforms to the fencing and screening requirements found in Article 7, Section 7.6.
5. No signs shall be permitted on a semi-trailer as per the Town of Wytheville Sign Ordinance as found in Article 7, Section 7.15. Signs on semi-trailers shall not be construed to mean the name and location of the trucking company or business that owns the semi-trailer, or products associated therewith, provided that the semi-trailer is regularly used for day-to-day transportation and shipping operations. In matters pertaining to the judgment relative to signs and advertising, the Zoning Administrator shall review the signs and/or advertising and make the final decision.

## **8.45. Shipping Container Storage**

### **A. Purpose**

1. To provide for the use of shipping containers as accessory storage structures.
2. The regulations in this section apply only to the placement of shipping containers as a general land use, or use of shipping containers for storage or other purposes.

### **B. Standards**

1. In Agricultural Districts, shipping containers are permitted only if they are used as storage facilities for livestock feed, farm supplies, or farm products. The shipping containers in Agricultural Districts shall be setback from any public right-of-way or adjacent property no less than five hundred (500) feet, except that shipping containers may be located between 50 and 500 feet of a public right-of-way or adjacent property if screened with a screen fence, or a vegetative screen as described in the standards for Buffer Yard Regulations See Article 7, Section 7.9.
2. In Business Districts, shipping containers shall be permitted to be located to the rear or side of the business building. Shipping containers in Business Districts shall also be screened from view from the public right-of-way by means of fencing, landscaping, earth berms, or other means of no less than the height of the shipping container. See Article 7, Section 7.9 for landscape screening standards and Article 7, Section 7.6 for screen fence standards.
3. Use of shipping containers for storage or as a workshop space in residential districts is not permitted.
4. In Industrial Districts, shipping containers are permitted subject to the screening requirements found in the zoning district where the container is located.



## 8.46. Solar Energy Facilities

### A. Purpose

1. The purpose of this article is to provide for and regulate the siting, development, construction, installation, operation, and decommissioning of solar energy facilities in the Town of Wytheville in a manner that promotes economic development and the safe, effective, and efficient use of such facilities while protecting the health, safety, and welfare of the community and avoiding adverse impacts on Town resources.
2. The intent of this article is to encourage solar energy facilities in a manner that promotes the development of renewable energy sources while limiting impacts on natural resources, including pollinator and wildlife habitats, and existing agricultural, forestal, residential, commercial, industrial, historical, cultural, and recreational uses of property or the future development of such uses of property in the Town.
3. This article is not intended to abridge safety, health, environmental, or land use requirements contained in other applicable laws, codes, regulations, standards, or ordinances.
4. This article does not supersede or nullify any provision of local, state, or federal law that applies to solar energy facilities.

### B. Applicability and Permitting

1. The requirements set forth in this article shall govern the siting, development, construction, installation, operation, and decommissioning of solar energy facilities in the Town.
2. A conditional use permit is required for each large power grid scale solar energy facility proposed to be constructed, installed, or operated in the Town.
3. A zoning permit is required for each small power grid scale solar energy facility proposed to be constructed, installed, or operated in the Town except where a conditional use permit is required within a specific zoning district.
4. See the Article 6, Section 6.1 (Land Use Table) for zoning districts where each type of solar facility is permitted.

### C. Application Procedures for Property Owner Scale Systems

1. Property owner scale solar collection systems are permitted in all zoning districts to serve any permitted use. See Code of Virginia [§ 15.2-2288.7](#). Local regulation of solar facilities.
2. A building permit is required for all property owner scale solar collection systems.
3. Integrated PV systems are encouraged for solar collection systems mounted on structures, especially for those in residential districts and for all roof mounted systems where a pitched roof is visible from the street.
4. Components may be mounted on the roof(s) of principal or accessory structures, other parts of structures, or the ground.
5. As part of the permit application, the applicant shall submit drawings prepared by a licensed engineer, which demonstrate how the solar collection system will be attached to the roof, the snow load capacity, and relevant construction details. A roof inspection report is also required prior to installation for all roof mounted



systems to assure that the expected life of the roof will match or exceed the expected life of the solar collection system. A certified home inspection professional, a licensed roofing contractor, or a registered engineer may perform the inspection.

6. All solar panels, supporting structures, and other equipment must comply with the minimum setback and maximum height standards that apply to principal and accessory structures within the district where they are located.
7. Ground mounted systems shall be screened from view of adjoining streets. See Article 7, Section 7.6 for fencing and screening standards.
8. Systems located within designated historic districts shall be screened from view using materials appropriate to the historic nature of the district or located in a manner that minimizes visual impact on historic structures or the character of the historic district. See Article 7, Section 7.9 for landscape screening standards and Article 7, Section 7.6 for screen fence standards.
9. Property owner scale solar collection systems are subject to all applicable building, electrical, and plumbing code requirements.

#### **D. Application Procedures for Small Power Grid Scale Facilities**

1. For proposed small power grid scale solar energy facilities, the applicant shall submit a project narrative and site plan that comply with Subsection “E.2.” below.
2. The signage, noise, and lighting requirements in Subsection “F” below shall apply to all small power grid scale solar energy facilities.
3. The fencing requirement and the height restriction in Subsection “F” below shall apply to all ground-mounted small power grid scale solar energy facilities except those that are mounted on or over a parking lot. Fencing requirements for small power grid scale solar energy facilities that are mounted on or over a parking lot, building, or structure are governed by the fencing regulations for the zoning district where the facility is located. See Article 7, Section 7.6 for fencing standards.
4. For roof mounted systems, the applicant shall submit drawings prepared by a licensed engineer, architect, or other qualified professional, which demonstrate how the solar collection system will be attached to the roof, the snow load capacity, and relevant construction details. A roof inspection report is also required prior to installation for all roof mounted systems to assure that the expected life of the roof will match or exceed the expected life of the solar collection system. A certified home inspection professional, a licensed roofing contractor, or a registered engineer may perform the inspection.
5. The setback, lighting, vegetative buffering, and pollinator habitats requirements in Subsection “F” below shall apply to all small power grid scale solar energy facilities except those that are mounted on or over a building, structure, or parking lot; or that utilize integrated PV only. The setback, lighting, buffer yard and landscaping requirements for small power grid scale solar energy facilities that are mounted on or over a parking lot, building, or structure shall conform to the regulations for setbacks, lighting, buffer yards, and landscaping in the zoning district where the facility is located.
6. Small power grid scale solar energy facilities are required to have a decommissioning plan and security that comply with Subsection “E.4” below.
7. The Zoning Administrator may require additional information, including but not limited to a site plan and/or construction details, from the applicant to determine

whether the facility meets these requirements and qualifies as a matter of right as a small power grid scale solar energy facility.

## **E. Applications and Procedures for Large Power Grid Scale Solar Energy Facilities**

In addition to materials required for a conditional use permit application under Subsection "D." above, applications for large power grid scale solar energy facilities shall, unless otherwise provided herein, include the following information:

1. **Project Narrative:** A narrative identifying the applicant, facility owner, site owner, and operator, if known at the time of the application, and describing the proposed large power grid scale solar energy facility, including an overview of the project and its location; the size of the site and the project area; the current use of the site; the estimated time for construction and proposed date for commencement of operations; the planned maximum rated capacity of the facility; the approximate number, representative types and expected footprint of solar equipment to be constructed, including without limitation, photovoltaic panels; ancillary facilities, if applicable; and how and where the electricity generated at the facility will be transmitted, including the location of the proposed electrical grid interconnection.
2. **Site Plan:** The site plan shall include the following information:
  - a. Property lines, minimum required setback lines under this article, and any proposed setback lines that exceed the minimum requirements.
  - b. Existing and proposed buildings and structures, including preliminary location(s) of the proposed solar equipment.
  - c. Existing and proposed access drives, permanent entrances, temporary construction entrances, drives, turnout locations, and parking, including written confirmation from the Virginia Department of Transportation ("VDOT") that all entrances satisfy applicable VDOT [Access Management Design Standards](#); provided, however, these requirements shall not exceed VDOT requirements for other types of projects in the underlying zoning district.
  - d. Proposed locations and maximum heights of substations, electrical cabling from the solar systems to the substations, panels, ancillary equipment and facilities, buildings, and structures (including those within any applicable setbacks).
  - e. Fencing as required under this article and other methods of ensuring public safety.
  - f. Areas where the vegetative buffering required in this article will be installed and maintained and areas where pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers required in this article will be installed and maintained.
  - g. Existing wetlands, woodlands and areas containing substantial woods or dense vegetation.
  - h. Additional information that may be necessary for a technical review of the proposal may be required, as determined by the Zoning Administrator. The Planning Commission or Town Council may require other relevant information deemed to be necessary to evaluate the application.
3. **Documentation of Right to Use Property for the Proposed Facility:** Documentation shall include proof of control over the proposed site or possession of the right to

use the proposed site in the manner requested. The applicant may redact sensitive financial or confidential information.

4. Decommissioning Plan and Security: The decommissioning plan shall include the following information:
  - a. The applicant shall provide a detailed decommissioning plan that provides procedures and requirements for removal of all parts of the solar energy generation facility and its various structures at the end of the useful life of the facility or if it is deemed abandoned pursuant to Subsection "G." The plan shall include the anticipated life of the facility, the estimated overall cost of decommissioning the facility in current dollars, the methodology for determining such estimate, and the manner in which the project will be decommissioned. The decommissioning plan and the estimated decommissioning cost will be updated upon the request of the Zoning Administrator, provided the update shall be no more frequently than once every five years and no less frequently than once every ten years.
  - b. Security: Pursuant to [§ 15.2-2241.2](#) of the Code of Virginia, prior to operation, the applicant must provide security in the amount of the estimated cost of the decommissioning. Options for security include a cash escrow, a performance surety bond, a certified check, an irrevocable letter of credit, or other security acceptable to the Town in an amount equal to the estimated decommissioning cost developed and updated in accordance with the decommissioning plan acceptable to the Town. The security must remain valid until the decommissioning obligations have been met. The security may be adjusted up or down by the Town if the estimated cost of decommissioning the facility changes. The security must be renewed or replaced if necessary to account for any changes in the total estimated overall decommissioning cost in accordance with the periodic updated estimates required by the decommissioning plan. Obtaining and maintaining the requisite security will be a mandatory condition of the conditional use permit. The security shall be in favor of the Town and shall be obtained and delivered to the Town before any construction commences.
  - c. The decommissioning plan, cost estimates, and all updates of those plans and estimates shall be sealed by a professional engineer.
5. Landscaping and Screening Plan: The applicant must submit a landscaping and screening plan that addresses the vegetative buffering required in this article, including the use of existing and newly installed vegetation to screen the facility. The plan also must address the use of pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers in the project area and in the setbacks and vegetative buffering as required in this article.
6. Erosion and Sediment Control Plan: An erosion and sediment control plan must be approved by the Town staff and when applicable, by the Virginia Department of Environmental Quality prior to any land disturbing activity.
7. Stormwater Management Plan: A stormwater management plan must be approved by the Department of Environmental Quality prior to any land disturbing activity.
8. Review Fees: The Town may retain qualified third parties to review portions of a permit application that are outside the Town's areas of expertise and do not have adequate state and federal review. Any out-of-pocket costs incurred by the Town for such review by qualified third parties shall be paid by applicant. The third-party reviewers and their estimated costs will be submitted to applicant for approval

before the costs are incurred. The Town may, in the alternative, accept such review by qualified third parties selected, retained, and paid by the applicant.

9. Exemptions: The Zoning Administrator may exempt applications for facilities smaller than four acres with a rated capacity equal to or less than one megawatt (MW) from some of the requirements of this section provided, however, the Zoning Administrator may not exempt applications from any of the requirements included in Subsection "D."
10. Post-Application Documentation and Approvals: All documentation required to be submitted to and approvals required from the Town after the issuance of the permit shall, unless otherwise stated in the conditions attached to the conditional use permit, be submitted, or obtained no later than the date of any application for a building permit for the facility. The failure or refusal to submit required documentation or obtain required approvals following the issuance of a conditional use permit shall result in the suspension of the conditional use permit and the denial of the building permit.

## **F. Location, Appearance, and Operational Requirements**

The following requirements apply to large power grid scale solar energy facilities:

1. Visual Impacts: The applicant shall demonstrate through project siting and proposed mitigation, if necessary, that the solar project minimizes impacts on viewsheds, including from residential areas and areas of scenic, historical, cultural, archaeological, and recreational significance. The facility shall utilize only panels that employ anti-glare technology, anti-reflective coatings, and other available mitigation techniques, all that meet or exceed industry standards, to reduce glint and glare. The applicant shall provide written certification from a qualified expert acceptable to the Town that the facility's panels incorporate and utilize anti-glare technology and anti-reflective coatings and reduce glint and glare to levels that meet or exceed industry standards.
2. Signage: All signage on the site shall comply with the Town sign ordinance, as adopted and from time to time amended.
3. Noise: Noise levels of the facility shall comply at all times with the Town noise ordinance, as adopted and from time to time amended.
4. Setbacks: The project area shall be set back a distance of at least 75 feet from all public rights-of-way and primary buildings on adjoining parcels, and a distance of at least 25 feet from adjacent property lines. Exceptions may be made for adjoining parcels that are owned by the applicant. Increased setbacks up to 100 feet and additional buffering may be included in the conditions for a particular permit. Solar energy facilities also shall meet all setback requirements for primary structures for the zoning district in which the facility is located in addition to the requirements set forth above. Access, erosion and stormwater structures, and interconnection to the electrical grid may be made through setback areas provided that such electrical grid connections are generally perpendicular to the property line.
5. Fencing: The project area shall be enclosed by security fencing not less than seven feet in height and equipped with an anticlimbing device such as strands of barbed wire on top of the fence. The height and/or location of the fence may be altered in the conditions for a particular permit. Fencing must be installed on the interior of the vegetative buffer required in this section so that it is screened from the ground level view of adjacent property owners. The fencing shall be maintained at all times while the facility is in operation.

6. **Vegetative Buffer:** A vegetated buffer sufficient to mitigate the visual impact of the facility is required. The buffer shall consist of a landscaped strip at least 15 feet wide, shall be located within the setbacks required under Subsection “D” above, and shall run around the entire perimeter of the property. The buffer shall consist of existing vegetation and, if deemed necessary for the issuance of a conditional use permit, an installed landscaped strip consisting of multiple rows of staggered trees and other vegetation. This buffer should be made up of plant materials at least three feet tall at the time of planting and that are reasonably expected to grow to a minimum height of eight feet within three years. The Planning Commission or Town Council may require increased setbacks and additional or taller vegetative buffering in situations where the height of structures or the topography affects the visual impact of the facility. Non-invasive plant species and pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers must be used in the vegetative buffer. Fencing must be installed on the interior of the buffer. A recommendation that the screening and/or buffer creation requirements be waived or altered may be made by the Planning Commission when the applicant proposes to use existing wetlands or woodlands, as long as the wetlands or woodlands are permanently protected for use as a buffer. Existing trees and vegetation may be maintained within such buffer areas except where dead, diseased or as necessary for development or to promote healthy growth, and such trees and vegetation may supplement or satisfy landscaping requirements as applicable. If existing trees and vegetation are disturbed or are not present, new plantings shall be provided for the buffer. The buffer shall be maintained for the life of the facility.
7. **Height:** Ground-mounted solar energy generation facilities shall not exceed a height of 20 feet, which shall be measured from the highest natural grade below each solar panel. This limit shall not apply to utility poles and the interconnection to the overhead electric utility grid.
8. **Lighting:** Lighting shall be limited to the minimum reasonably necessary for security purposes and shall be designed to minimize off-site effects. Lighting on the site shall comply with any dark skies ordinance the Town Council may adopt or, from time to time, amend.
9. **Location:** Large power grid scale solar energy facilities shall not be located within one mile of an airport, helipad, or heliport unless the applicant submits, as part of its application, written certification from the Federal Aviation Administration that the location of the facility poses no hazard for, and will not interfere with, airport operations.
10. **Entry and Inspection:** The facility and site owners and/or operator will allow designated Town officials access to the facility for inspection purposes, provided such inspectors will be subject to the facility and site owners' and/or operator's safety requirements and protocols while within the facility.

## **G. Decommissioning of Unsafe or Abandoned Projects**

1. If a solar energy facility has been determined to be unsafe by the Town Building Official, the facility shall be required to be repaired by the facility owner, site owner, or operator to meet federal, state, and local safety standards, or to be removed by the owners or operator. The owners or operator must complete the repair or removal of the facility, as directed by the Building Official, within the time period allowed by the Building Official. If directed to do so by the Building Official, the owners or operator will remove the solar energy facility in compliance with decommissioning plan established for such facility.



2. If any solar energy generation facility is not operated for a continuous period of 12 months, the Town may notify the facility owner by registered mail and provide 45 days for a response. In its response, the facility owner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the Town deems the timetable for corrective action to be unreasonable, it may notify the facility owner, and the facility owner, site owner, or operator shall remove the solar energy facility in compliance with decommissioning plan established for such facility.
3. At such time that a solar energy facility is scheduled to be abandoned, the facility owner, site owner, or operator shall notify the Zoning Administrator in writing.
4. Within 365 days of the date of abandonment, whether as declared by the Town as specified above in Subsection "2." above or as scheduled by the owners or operator as specified above in Subsection "3." above, the facility owner, site owner, or operator shall complete the physical removal of the solar energy facility in compliance with decommissioning plan established for such facility. This period may be extended at the request of the owners or operator, upon approval of the Town Council.
5. When the facility owner, site owner, operator, or other responsible party decommissions a solar energy facility, he shall remove and dispose of the equipment and other facility components in conformance with federal, state, and local requirements. All equipment, both above and below ground, must be removed as part of the decommissioning plan. Internal paths, roads, travel-ways, and landscaping may be left at the discretion of the site owner.
6. If the facility owner, site owner, or operator fails to timely remove or repair an unsafe or abandoned solar energy facility after written notice, the Town may pursue a legal action to have the facility removed at the expense of the facility owner, site owner, or operator, each of whom shall be jointly and severally liable for the expense of removing or repairing the facility. The Town also may call upon the decommissioning security to remove the facility.

## **H. Federal, State, and Local Requirements**

1. Compliance with uniform statewide building code. All solar energy facilities shall be constructed and operated in compliance with the uniform statewide building code.
2. Compliance with National Electric Code. All solar energy facilities shall be constructed and operated in compliance with the National Electric Code.
3. Compliance with regulations governing electric energy supply. Large power grid scale solar energy facilities connected to the utility grid must comply with permitting requirements of the state corporation commission or the permit by rule requirements of the Department of Environmental Quality, as applicable.
4. FAA regulations. All solar energy facilities must meet or exceed the standards and regulations of the Federal Aviation Administration.
5. Other applicable laws. All solar energy facilities shall be constructed and operated in compliance with all applicable local, state, and federal laws, rules, regulations, permit requirements, and ordinances.

## **I. Revenue Share Ordinance**

In accordance with the Code of Virginia [§ 58.1-2636](#) the Town reserves the right to enact a solar revenue share ordinance for all solar projects over five megawatts in rated alternating current capacity and/or other applicable projects as stated in this

section. Project developers shall notify the Zoning Administrator of any proposed projects that plans to meet or exceed the rated capacity criteria.

#### **J. Solar Siting Agreements**

In accordance with the Code of Virginia [§ 15.2-2316.6 through 9](#), any solar project developer for projects over five megawatts in rated alternating current capacity shall contact the Zoning Administrator regarding the need for a solar siting agreement, prior to submitting a development or site plan application to the Town.

### **8.47. Special Interest Clubs (See Section 8.7)**

See “Assembly Halls and Lodges” above in subsection 8.7 for conditional use standards.

### **8.48. Telecommunications Towers over 50’ (See Section 8.56)**

See “Wireless Telecommunications Facilities” below in subsection 8.56 for conditional use standards.

### **8.49. Temporary Family Health Care Pod**

#### **A. Purpose**

To regulate the placement and safety of temporary family health care structures within the Town of Wytheville pursuant to Code of Virginia [§ 15.2-2292.1. Zoning provisions for temporary family health care structures.](#)

#### **B. Qualifying Structures**

1. A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the following criteria:
2. Is primarily assembled at a location other than its site of installation.
3. Is limited to one occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in Code of Virginia [§ 63.2-2200](#), as certified in writing by a physician licensed in the Commonwealth.
4. Has no more than 300 gross square feet.
5. Complies with applicable provisions of the [Industrialized Building Safety Law \(§ 36-70 et seq.\)](#) and the [Uniform Statewide Building Code \(§ 36-97 et seq.\)](#). Placing the Temporary Family Health Care Structure on a permanent foundation shall not be required or permitted.

#### **C. Temporary Family Health Care Structure Standards**

1. Permit: A permit to locate a Temporary Family Health Care Structure shall be obtained from the Zoning Administrator or his designee. Please see the Town of Wytheville Fee Schedule for permitting fees.
2. Setbacks: Temporary Family Health Care Structures shall comply with all setback requirements that apply to the primary structure.
3. Only one Temporary Family Health Care Structure shall be allowed on a lot or parcel of land.



4. Removal Required when Use Terminated: Any Temporary Family Health Care Structure shall be removed within sixty (60) days of the date on which the structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance as listed in this definition.
5. Signage: Signage shall be limited to the signage allowed within the underlying zoning district as indicated in the Sign Ordinance found in Article 7, Section 7.15.

## **8.50. Temporary Use**

### **A. Purpose**

To provide for and regulate the use of temporary structures and uses such as events, tents, for special events and similar uses or activities.

### **B. Conditional Use Standards**

1. Use for three days (36 Hours) or less and designed for private or family-related events including but not limited to temporary yard sales, weddings, and estate sales. Temporary events with projected crowds of over 200 people or that utilize a tent or similar structure larger than 900 square feet, are subject to site plan review and approval to ensure safety and crowd management issues are sufficiently addressed.
2. Uses for four or more days, but not to exceed 90 days must be approved on a case-by-case basis by the Zoning Administrator and the Building Official. For these longer duration events, the applicant shall provide a site plan that indicates how parking needs will be addressed, safe access to the site is provided, sanitary measures are in place and how the site will function safely for the proposed activities and during inclement weather.
3. Parking shall occur on the subject parcel and adequate sanitation facilities shall be provided.
4. Noise and other nuisances must be controlled to prevent impact to neighboring properties.

## **8.51. Towing & Recovery**

### **A. Purpose**

1. To promote the public safety, health, and welfare and to protect public and private investment, the supplemental regulations of this section are intended to regulate the development vehicle towing and recovery operations.
2. To protect the quality of life and visual character of adjoining properties, streets, and neighborhoods.

### **B. Application Requirements**

1. Refer to the Land Use Table in Article 6 for zoning districts where Special Use Exception Permits are required for towing and recovery uses.
2. A major site plan shall be submitted as part of the application. Town staff shall provide written comments regarding required modifications and/or concerns regarding the site plan. The applicant will be provided with a minimum of two weeks to respond to those comments before the Special Use Exception Permit Hearing will be scheduled. Applicants must allow for the time required for plan review and the applicant's response to the review process.

3. Applicants shall submit a narrative plan and/or assessment that explains the proposed hours of operation, types of activities that will occur onsite, parking and traffic analysis, and noise control/mitigation strategies that will be in place when the facility is in use, either by guests or by employees.
4. Additional application information may be requested during the application and public hearing process.

**C. Minimum Standards for a Special Use Exception Permit**

1. The minimum lot area for a towing and recovery storage yard is 20,000 square feet.
2. Businesses operating under this provision shall maintain all applicable DMV licensing requirements for towing and recovery operations.
3. Visual Screening: No vehicle shall be located on any portion of such property so as to be visible from any public street or any residential property and shall be limited to locations designated on the approved site plan. Site screening shall be sufficient to ensure no more than minimal visual impact on adjacent uses. Plans for screening the site shall be indicated in the required site plan. Required screening may include, but is not limited to, fences, berms, preservation of existing vegetation, installation of additional vegetation, entrance design and location, and the design, bulk, and height of structures.
4. Paving Materials: Surface materials and design for access drives, on-site roads, parking, and other vehicle facilities shall be designed to maintain a dust free environment.
5. Dust, Odors, and Pests: A plan for the control of dust, odors, and pests, including insects and rodents, shall be submitted with the application for a Special Use Exception Permit. All materials shall be stored in such a manner as to prevent the breeding or harboring of rats, insects, or other vermin. Where necessary, this shall be accomplished by enclosure in containers, the raising of materials above the ground, separation of types of materials, preventing the collection of stagnant water, extermination procedures, or other means.
6. Noise: Noise levels generated by the operation shall comply with the noise ordinance of the Town of Wytheville as currently amended.
7. Topography and Viewshed: If the topography of the proposed site is such that it is not possible to effectively screen the operation from nearby roadways or adjoining properties, the use is not allowed on the site.
8. Separation from Residential Uses: No structure, storage area or other part of the operation shall be located closer than three hundred (300) feet to any existing dwelling or adjacent lot line of a parcel zoned for any residential use, including mixed uses that include a residential component.
9. Access: Facilities shall have direct access to a State or Town maintained road, with adequate capacity to serve the traffic generated by the operation. On-site access including drives, alleys, aisles, and other accessways shall be maintained in a safe manner that is clear of obstructions.
10. No body or mechanical work, painting, maintenance, servicing, disassembling, salvage or crushing of vehicles shall be permitted in a dedicated towing and recovery storage yard. This provision shall not prohibit auto service and repair activities occurring within an adjacent enclosed structure in a legally established auto repair or auto-body repair shop.

11. Hazardous Chemicals: No on-site disposal of fuel, chemicals or hazardous materials is permitted. Any such materials shall be disposed of at a site permitted to receive such materials. Dumping of such chemicals and oils on the soil or into waterways is strictly prohibited.
12. No motor vehicle or trailer shall be stored outside of a fully enclosed structure for more than 120 days unless documentation can be provided that said vehicle or trailer is the subject of a law enforcement or insurance related investigation; or is the subject of other legal proceedings. The operator of the facility shall seek resolution of said legal proceedings expeditiously to facilitate removal of vehicles in a timely manner.

## **8.52. Townhouse or Condominium**

### **A. Purpose and Applicability**

1. To guide development of townhouses and condominiums in a way that is compatible with and sensitive to the historic character of the surrounding historic neighborhood.
2. This section applies to condominiums, townhouses, and other similar small multifamily dwellings. See the Land Use Table in Article 6 for zoning districts where Conditional Use Standards apply. Additional standards are also provided for locations within the Wytheville Historic District.

### **B. Conditional Use Standards**

1. The maximum number of dwelling units within a multifamily structure on a single parcel or in an attached townhouse/condominium structure is governed by the standards for residential land uses allowed for the underlying zoning district as shown in Table 6.1: Permitted Uses by Zoning District as found in Article 6. No accessory dwelling units are allowed above the maximum of four units.
2. Overall density, measured by the average number of bedrooms per acre, shall not exceed the density of developed parcels in the adjoining blocks. For the purposes of calculating density, studio units shall be counted as one-bedroom units.
3. Minimum lot sizes, setbacks, yard requirements, and lot coverage shall match the requirements for the type of building form listed in the Zoning District Standards Table for the respective multifamily use (duplex, triplex, townhouse, etc.) found in the development standards for the R-2 Residential Zoning District. If the proposed use requires additional onsite parking, additional land area will be required for the use to be allowed. If there is not sufficient land area available on the parcel to accommodate all of the required amenities and spatial regulations of this section, then the use is not permitted.
4. Parking: Parking areas shall be located in rear yard areas to minimize views from adjacent streets. Parking areas that can be seen from a public right-of-way shall be screened from view. Screening may be accomplished with any combination of the following methods.
  - a. Landscape plantings. See Article 7, Section 7.9 for parking area landscape requirements.
  - b. Landscaped earthen berms.
  - c. Decorative fencing that meets front yard fencing regulations found in Article 7, Section 7.6.

5. Screening and buffer yard landscaping shall not block sight triangles for driveways, alleys, and street corners.

**C. Conditional Use Standards for Townhouses located in the Wytheville Historic District**

1. Neighborhood Character: Townhouses located in the Wytheville Historic District shall have an exterior building form, styling and materials that are compatible with the character of the neighborhood.
2. Multiplex, townhouse, and condominium structures located in the Wytheville Historic District shall be patterned after the existing structures in the neighborhood. Building form may reflect the character of the existing neighborhood in any of the following ways:
  - a. Use of a building style that mimics the single-family homes in the neighborhood.
  - b. Use a varied setback for the units to provide spatial variety and change that reflects the varied setbacks along the adjoining street frontage.
  - c. Use of building materials that reflect the historic patterns in the neighborhood. Vinyl siding, Dryvit stucco, and similar modern materials should be avoided.

### **8.53. Urban Livestock & Nontraditional Pets**

**A. Purpose**

1. To allow limited grazing of livestock for agricultural production on large undeveloped parcels near developed areas within the Town.
2. To allow the keeping of horses, and keeping of certain non-traditional pets in residential areas where sufficient yard space is available to humanely accommodate those pets without negative impacts to adjoining properties.
3. The provisions of this section shall not restrict animal husbandry in the A-1 Agriculture Zoning District.
4. The provisions of this section shall not restrict the keeping of smaller animals such as hamsters, guinea pigs, gerbils, aquarium fish, parakeets, ferrets, and other domesticated animals indoors.

**B. Conditional Use Standards**

1. If the available site area does not provide sufficient space to provide for the conditions included herein, such as minimum pasture area, yard area, and/or setbacks, then the use is not allowed on that parcel.
2. Care of animals shall conform to all applicable regulations for Comprehensive Animal Care found in [Chapter 60. Livestock and Poultry](#), and/or [Chapter 65. Comprehensive Animal Care](#) of the Code of Virginia. Animals shall be kept in healthy conditions. The Animal Control Officer has the authority to determine if the facilities provided are sufficient to maintain the health and wellbeing of the animal(s). If the Animal Control Officer determines that the facilities are inadequate, the property owner or occupant shall cease the use immediately or submit a plan for corrective action.
3. Grazing of urban livestock is not allowed within 100 feet of perennial, or intermittent streams, and contiguous wetlands. Fencing must be provided to prevent grazing within stream and wetland buffer areas.

4. Adequate fencing that is sturdy and in good repair must be maintained to separate grazing animals from adjoining properties and to prevent the animals from roaming beyond designated yards or pasture areas.
5. Grazing or housing of livestock and similar large animals where allowed as a conditional use in urban setting shall adhere to the following conditions:
  - a. An appropriate enclosure for each animal shall be provided to assure protection from weather and environmental conditions.
  - b. A separation of at least 50 feet must be maintained between any animal enclosure and existing residential dwellings on neighboring properties.
  - c. Minimum yard or pasture area appropriate for the type of animal must be maintained for the animal(s). The available pasture area shall only include areas that are accessible to the animal(s). Minimum pasture area shall adhere to the following schedule:
    - 1.) Horses, cattle, or dairy cows: A minimum of two acres of available pasture space on site is required, and one additional acre per animal after the first animal.
    - 2.) Sheep, goats, llamas, and miniature horses: A minimum of one acre of available pasture space and an additional one-half acre of available pasture per animal after the first animal.
    - 3.) Pot belly pigs or similar mini-pig breeds: A minimum of 8,000 square feet of yard area per animal in a rear-yard location. No more than two animals may be kept at a single residence. Standard size swine and/or pigs are not permitted.
    - 4.) The keeping of animals not specifically allowed under the provisions of this section, in an outdoor setting, is not permitted.
    - 5.) Only animals owned by the occupant of the subject property are allowed. Boarding animals subject to this provision is not permitted.
6. The keeping of aquatic invertebrates, amphibians, reptiles, and nongame fish indoors in escape proof enclosures shall conform to Virginia Administrative Code [4VAC15-360-10](#).
7. The keeping of any animal that is unlawful or captured from the wild is prohibited.

## **8.54. Veterinary Clinic**

### **A. Purpose**

To provide for the orderly development of veterinary services in locations that are convenient to citizens while maintaining a safe and peaceful environment for the community.

### **B. Conditional Use Standards**

1. Veterinary clinics located in the B-2, BTS, or MA Zoning Districts shall provide sound proofing of spaces where pets are housed or treated so that barking and similar sounds cannot be heard in neighboring buildings.
2. Veterinary clinics located in the B-2, BTS, or MA Zoning Districts shall be setback at least 200 feet from any existing residential use or residentially zoned land.

3. If a kennel or boarding facility is provided, it must be located five hundred (500) feet from the lot line of any property zoned or used for residential purposes.
4. If a kennel or boarding facility that is soundproofed (dogs cannot be heard off the property), the setback from adjacent residentially zoned property or use can be reduced to two hundred (200) feet. Outdoor kennels are not allowed within five hundred (500) feet of any residential use or residentially zoned property.
5. If a kennel or boarding facility is provided, it must be located a minimum of one hundred (100) feet from any adjacent property line of properties zoned for business or industrial use.

## **8.55. Wind Energy Systems (Small)**

### **A. Purpose**

To regulate and encourage development of wind energy systems that are compatible with the character and heritage of the Town of Wytheville and its environs.

### **B. Applicability**

The requirement set forth shall govern the siting of small wind energy systems used to generate electricity or perform work, which may be connected to the utility grid pursuant to Virginia's net metering laws (See Code of Virginia [§ 56-594](#)), serve as an independent source of energy or serve as a hybrid system.

### **C. Siting Requirements**

1. The requirements for siting and construction of all small wind energy systems shall include the following:
2. Small wind energy towers shall maintain a galvanized finish or silver, gray, off-white, or white finish to reduce visual obtrusiveness. A photo simulation shall be required.
3. Small wind energy systems shall not be artificially illuminated unless required by the FAA or other regulatory authority.
4. Small wind energy systems shall not have any flags, signs, writing or advertising.
5. Small wind energy systems shall not exceed forty-five (45) decibels during normal operation, as measured at the closest non-participating property line. That level, however, may be exceeded during short term events such as severe windstorms.
6. The applicant shall provide evidence that the proposed height of the small wind energy system meets current code and industry standards for structural stability to include increased loading for high wind weather events, ice storms, etc.
7. The applicant shall provide evidence that the provider of electric utility energy service to the site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant intends and so states on the application, that the system will not be connected to the electric grid. This action shall not construe approval for net metering by the electric utility.
8. The applicant shall provide information demonstrating that the system will be used primarily to reduce on-site consumption of utility electricity.



9. The wind energy tower height shall not exceed a maximum height of sixty-five (65) feet on a parcel of less than five (5) acres or a maximum height of eighty (80) feet on a parcel of five (5) acres or more.
10. The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be fifteen (15) feet as measured at the lowest point on the blades. The supporting wind energy tower shall also be enclosed with a six (6) foot tall fence, or the base of the wind energy tower shall not be climbable for a distance of twelve (12) feet. See Article 7, Section 7.6 for general fencing and screening regulations.
11. The applicant shall provide proof of adequate liability insurance for a small wind energy system. Whether or not the applicant is participating in the net metering program, the applicant shall meet the insurance coverage requirements set forth in [Virginia Administrative Code 20 VA 50315-60](#): Liability Insurance.
12. The small wind energy system generators and alternators shall be constructed so as to prevent the emission of radio and television signals and shall comply with the provisions of [Section 47 of the Federal Code of Regulations, Part 15](#) and subsequent revisions governing said emissions.
13. On-site power or transmission lines to the maximum extent possible shall be placed underground.
14. The small wind energy system shall be sited to reduce the possibility of shadow flicker.
15. Small wind energy systems shall not be permitted in Historic Districts or within five hundred (500) feet of such districts, except with a special use exception permit and after finding that it will have minimal or no visual impact on the Historic District.

#### **D. Compliance with Federal and State Regulation**

1. Compliance with the Uniform Statewide Building Code: Building permit applications for the small wind energy system shall be accompanied by standard drawings of the wind turbine structure, including the wind energy tower, base, and footings. An engineering analysis of the wind energy tower showing compliance with the Uniform Statewide Building Code and certified by a licensed professional engineer shall also be submitted.
2. Compliance with FAA regulations: Wind energy systems shall comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
3. Compliance with the National Electric Code: Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.
4. Compliance with regulations governing energy net metering: Small wind energy systems connected to the utility grid shall comply with the [Virginia Administrative Code 20 VAC 5-315](#): Regulations Governing Energy Net Metering.
5. Compliance with American National Standards Institute (ANSI):

#### **E. Removal of Defective or Abandoned Wind Energy Systems**

1. Any wind energy system found to be unsafe by the Building Official shall be immediately repaired by the owner to meet federal, state, and local safety



standards or it shall be immediately stabilized and removed within ninety (90) days. Any abandoned wind energy system shall be removed within ninety (90) days.

#### **F. Setbacks**

1. In addition to the requirements established above, the small wind energy system shall be set back a distance of at least three hundred (300) feet from adjacent property lines, one thousand (1,000) feet from occupied buildings of non-participating property owners and 500 feet from occupied dwellings of participating property owners. In the case of more than one requirement for the setback, the more stringent shall govern. If sound levels of the wind are exceeded at the prescribed setbacks, then the setbacks shall be increased to meet the decibel levels indicated, or the small wind energy system shall meet all of the setback requirements for primary structures for the zoning district in which the small wind energy system is located in addition to the requirements set forth above. Additionally, no small wind energy system guy wire anchors may extend closer than two hundred (200) feet to the property line.

### **8.56. Wireless Telecommunications Facilities**

#### **A. Purpose and Applicability**

1. To facilitate the development of wireless telecommunications facilities that are compatible with the character and heritage of the Town of Wytheville and its environs.
2. To ensure the safe placement of poles and equipment and minimize the risk of physical damage and other potential adverse impacts of communications towers.
3. To require, where commercially and economically feasible, the joint use or co-location of equipment on wireless telecommunications towers to avoid unnecessary proliferation of communications towers and related equipment.

#### **B. Telecommunication Tower Under 50'**

1. In accordance with Code of Virginia [§ 15.2-2316.3](#), a telecommunication tower under 50' tall as measured from the ground, is considered an "Administrative Review-Eligible Project."
2. Towers shall be proposed at a location that allows adequate setback from all adjacent property lines at a linear distance which equals the height of the tower.
3. Visual simulation of tower appearance shall be submitted as part of the permit application and developer shall submit a view shed mitigation plan.
4. Engineered drawings shall be submitted at time of permit to ensure the structure is safe.
5. In areas with existing restrictive covenants against such towers and/or in areas where underground utilities are required to be underground, a permit may be denied.

#### **C. Small-Cell Facilities**

1. The following standards of this section shall be used to evaluate proposed small-cell facilities for permitting approvals.
2. Compliance with Regulatory Agencies: All small-cell facilities and associated accessory equipment shall meet the current standards and regulations of the

Federal Aviation Administration (“FAA”), Federal Communications Commission (“FCC”), and any other agency of the federal or state government with the authority to regulate wireless services and equipment.

3. Visual Impact: Small-cell facilities shall be designed and located to minimize the impact on the surrounding neighborhood and to maintain the character and appearance of the Town. Applicants installing small-cell facilities are highly encouraged to install new freestanding metal poles. The location of new freestanding poles shall be done in a manner that minimizes impact to the viewshed and character of the Town.
4. Aesthetic Considerations: Wireless communication providers shall consider the aesthetics of the existing streetlights and neighborhoods adjacent to proposed small-cell locations prior to submitting an application to the Town. The aesthetic treatment of small-cell facilities shall conform to neighborhood aesthetic design treatments as follows:
  - a. Town Wide Streetscape Compatibility: When a small-cell facility is installed in the Downtown District, in an Entrance Corridor, along the North 4<sup>th</sup> Street corridor, or along the Main Street Corridor, the pole design shall closely match or be aesthetically compatible with the decorative streetlight and signal poles used in Downtown Wytheville and along the East Main Street entrance gateway area. In these areas, pole color shall be black to match the existing street furniture, streetlights, and similar equipment.
  - b. Neighborhood Specific Styling: When a small-cell facility is installed in a neighborhood with custom or decorative streetlights, sign poles, or similar street amenities, the small-cell facility shall match or be compatible with the neighborhood design aesthetic for color and style.
  - c. Situational Screening: Where possible, small-cell facilities should be located to minimize visibility. Locations that are screened by trees, landscaping, existing structures, or other means are preferred.
  - d. Supplemental Streetlighting: Pole assemblies may utilize mast arms for a supplemental streetlight, and/or decorative pole bases, architectural luminaires, mounting heights, pole color, etc., to match or blend with the decorative poles used in the streetscape.
  - e. Camouflage Design: New small-cell facilities are encouraged to use camouflage design techniques that blend the facility with the natural and/or built environment. However, camouflage design techniques that draw attention to the structure, such as flags, lighting, or unusual colors should not be used unless the pole and visible equipment are designed to provide an appealing or artful visual quality. For example, a structure that discretely conceals the equipment is preferred over awkward attempts to disguise a wireless tower as a flagpole. However, a configuration that conceals a small-cell facility in a flagpole, and looks like a normal and natural flagpole in an appropriate location would be an ideal approach.
  - f. Color: Typically, the new or replacement pole color will be the same as the existing or adjacent street light poles. However, along roadways where no existing decorative poles have been installed, other colors may be approved if visual simulations demonstrate that an alternative color would be less intrusive on the visual character of the neighborhood.
5. Right-of-way Installations: The Town of Wytheville recognizes two types of small-cell installations that are permitted in public rights-of-way as follows:

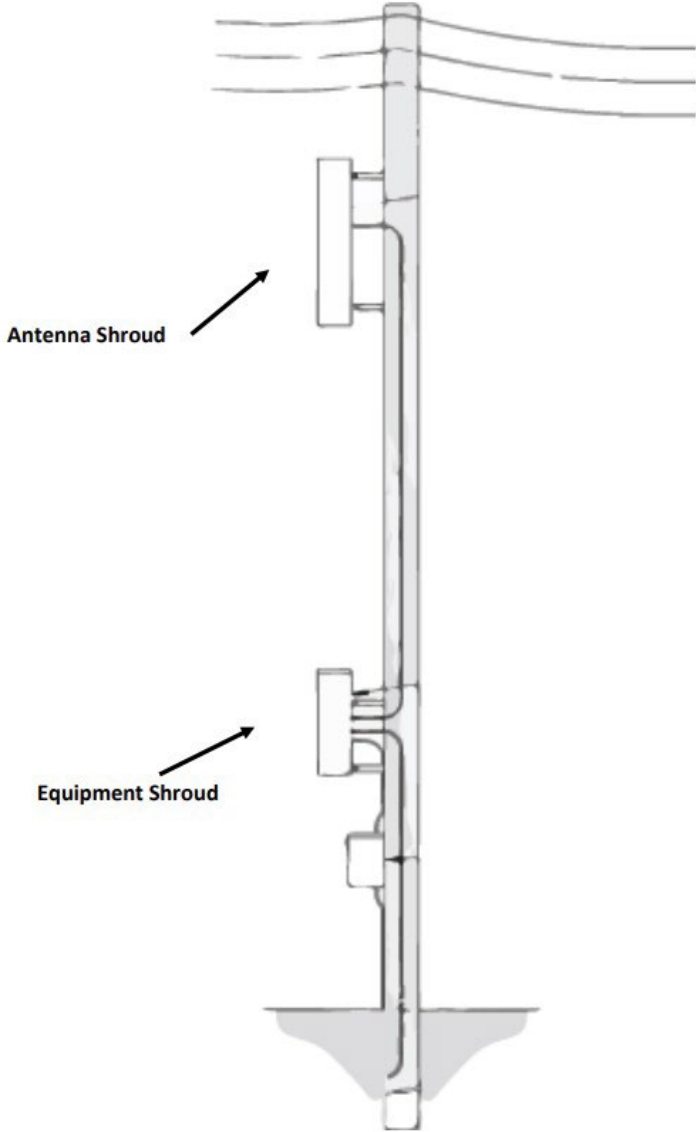
- a. Type 1: Attachments to existing wooden power or communications poles and strand-mounted systems on existing power and/or communication system poles.
  - b. Type 2: New freestanding metal pole installations.
  - c. An overview of each type is shown in this subsection.
6. Regulations for Right-of-Way Installations
- a. The Town of Wytheville recognizes that installing utility facilities in the public right-of-way is allowed; however, the Town shall not be liable to owners or users of small-cell facilities for any damage caused by those persons or entities.
  - b. Type 1: Attachments to Existing Wooden Power Poles (See Figure 8.1 Attachments to Existing Wooden Poles)
    - 1.) Overview: Small-cell facilities may be deployed in the public right-of-way through the utilization of an existing wooden power, communications, or street light pole. Strand-mounting of small-cell equipment on existing wooden pole networks is also allowed under the conditions of this section. (Note: Strand-mounted equipment that meets the definition of “micro-wireless facility” found in Code of Virginia [§ 15.2-2316.3. Definitions](#), are exempt from Town permitting requirements.) Existing poles may be replaced with taller wooden poles to facilitate the small-cell equipment as necessary, subject to applicable zoning district height restrictions.
    - 2.) All attachments to wooden power poles shall be approved by the Town of Wytheville and the utility company that owns the pole prior to installation.
    - 3.) All equipment shall meet the requirements of the utility company that owns the pole and the Town’s small-cell Permit requirements. All equipment located within the ROW shall be located such that it meets Town standards, ADA requirements, and does not obstruct, impede, or hinder usual pedestrian or vehicular travel.
    - 4.) Small wireless facilities shall also meet all requirements of the applicable Right-of-Way Land Use Agreement with the Town. Small-cell facilities in the rights-of-way shall be removed and relocated at no cost to the Town as provided in the Town’s Right-of-Way Land Use Agreement.
    - 5.) Design Standards: (See also Table 8.1.) All small-cell carrier antennas and antenna equipment mounted on existing wooden poles or strand mounted on existing overhead utilities shall be covered by a shroud or enclosed in an attractive case or small cabinet. Antennas that functionally cannot be covered by a shroud shall have concealment built up to the antenna edge to create an aesthetically uniform appearance. The small-cell equipment shall be co-located and concealed by up to two shrouds, including the radio cabinet area and antenna area. The electric meter service and disconnect do not require shrouding. The antenna shroud may alternatively be mounted to strand cable on an existing span. Plans, details, sketches, or product brochures may be submitted to the Zoning Official for review of the proposed aesthetics. No new overhead cable spans shall be created for the sole purpose of the small-cell facility.

**Table 8.1 Specifications for Type 1 Small-Cell Facilities Mounted on Existing Wooden Poles**

Item	Specification or Directions
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Luminaire and Mast Arm (If provided)	Consult with the Town of Wytheville and AEP (or other pole owner) for guidance at each proposed location.
Luminaire Mounting Height (If provided)	Same height as surrounding luminaires.
Electrical service, Grounding, RF Equipment Disconnect, and Utility Equipment	Per AEP's or other pole owner's requirements and any National Electric Code requirements.
Equipment Shroud	49" H x 19" W x 13" D maximum.
Cantenna (If provided)	19" diameter x 80" height (maximum).
Antenna - Side mounted (If provided)	16" wide with height and depth to create a volume not to exceed 9 cubic feet.
Owner Identification	A 30 square inch (maximum) plate with the carrier's name, location identifying information, and emergency telephone number shall be permanently affixed to the equipment.
Color	Wood pole mounted small-cell facility accessory equipment and shrouds shall match the color of nearby street furnishings and decorative poles where present. Where no decorative street furnishings are installed they shall be colored black, gray, or brown.

**Figure 8.1 Schematic Example of Attachments to Existing Wooden Poles**



- c. Type 2: New freestanding metal pole installations (See Figure 8.2 New Freestanding Metal Poles with or without Optional Streetlight Mast Arm and Luminaire)
- 1.) General Guidance: New freestanding metal pole small-cell poles are standalone structures located in the right-of-way. The use of new freestanding small-cell poles is the preferred method for installation of small-cell facilities.
  - 2.) Location: New metal pole assemblies for small-cell facilities shall be located at or near parcel boundaries to minimize the negative visual impacts on individual property owners. The Zoning Administrator may approve a location away from a parcel boundary if it can be demonstrated that the proposed location is less visually intrusive than available locations at parcel boundaries.
  - 3.) Types of Poles Allowed: There are two main pole types with some minor variations for freestanding small-cell poles.
    - a.) The first type (Type 2.1) conceals all small-cell carrier antennas and equipment internally to the pole and cantenna, behind a shroud or concealment. No separate ground level equipment shelters, cabinets or electrical panels shall be installed at each location unless all reasonable alternative pole locations and underground locations have been explored and found unsuitable.
    - b.) The second type (Type 2.2) is a pole with separate equipment cabinets and will be allowed when the proposed area has adequate right-of-way width to safely house and conceal the associated equipment cabinet and power meter cabinet or on an arterial roadway requiring breakaway pole features. Any separate equipment cabinet located in areas as described shall be located at least 20' from curb or edge of pavement; or 3' behind a sidewalk. Separate ground mounted cabinets may also be permitted in areas where visual concealment is less necessary due to adjacent land use patterns, such as near drainageways, adjacent to natural open spaces, etc., by the Zoning Administrator's determination on a case-by-case basis.
  - 4.) Design Standards (See also Table 8.2)
    - a.) All electrical components associated with small-cell facilities and any associated accessory equipment shall conform to applicable building codes and Wytheville's design aesthetics as described herein.
    - b.) The Zoning Administrator must approve the aesthetic appearance of a freestanding small-cell facility prior to its installation. All new freestanding poles shall match or be substantially similar to the finishes, designs, colors, and other aesthetic characteristics of the poles that are either existing or have been designated for the area.
    - c.) All antennas and wiring shall be concealed within the vertical pole, within a cantenna, or behind a shroud mounted to the top of the pole structure. All cantennas and shrouds shall provide as complete concealment as possible to ensure concealed views of antennas, equipment, and other hardware. Antennas that functionally cannot be covered by a shroud shall have concealment built up to the antenna edge to create a uniform appearance aesthetically.

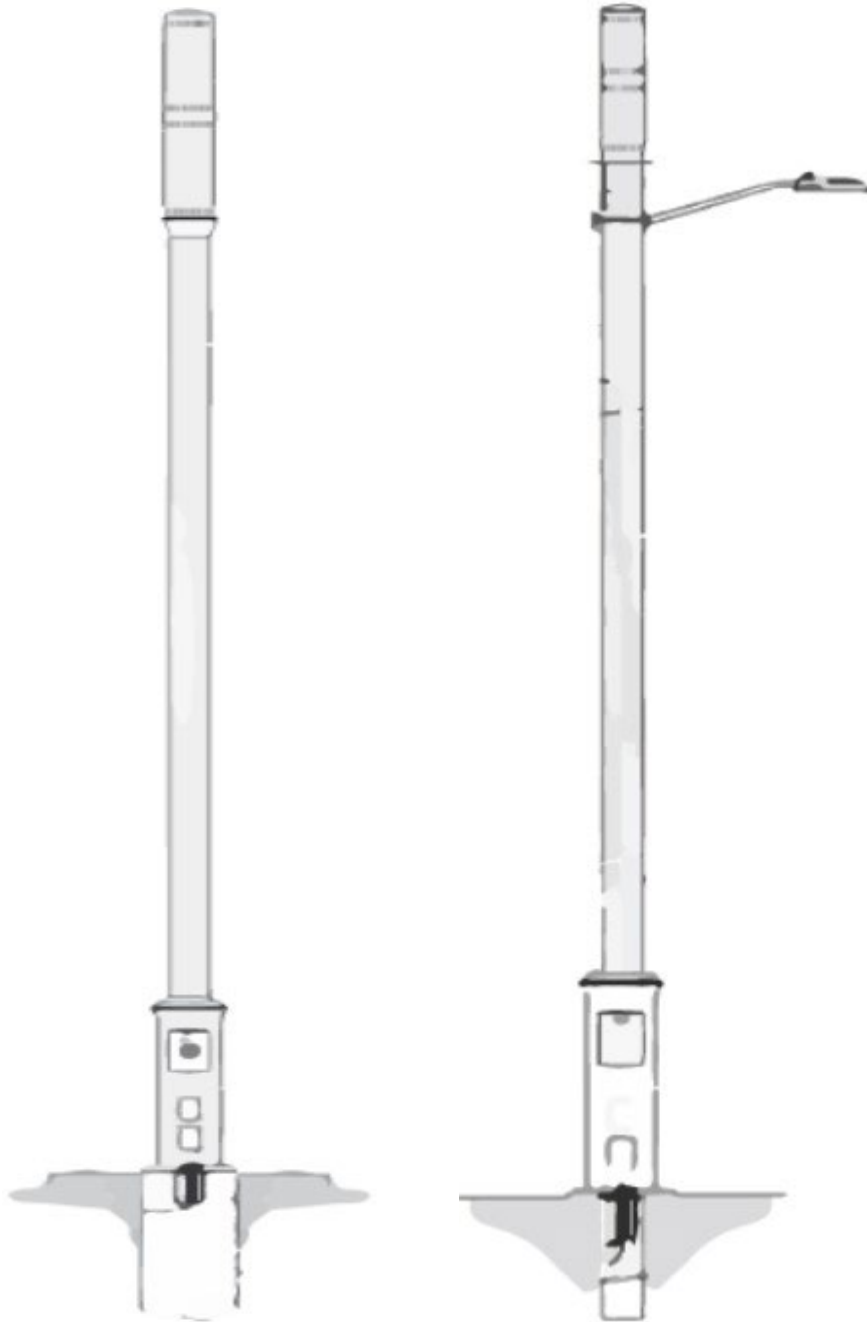
- d.) All Type 2 new metal freestanding small-cell poles shall be separated by at least 500 feet from another freestanding small-cell facility and shall meet all applicable aesthetic requirements of Section “C.4” regarding placement.
- e.) Type 2.1 poles shall have all equipment, meters, and wiring mounted internally. The antennas shall utilize a cantenna, shroud or similar camouflage design acceptable to the Town.
- f.) Type 2.2 poles may have separate equipment cabinets and meters. The equipment cabinets shall use camouflage design techniques, including the use of materials, colors, screening, undergrounding, or other design options that will blend into the surrounding urban or natural setting. Wherever possible, new small-cell equipment cabinets shall utilize existing landforms, vegetation, and structure to aid in screening the facility from view and to blend in with surrounding built and natural environment and maintain a cohesive appearance.
- g.) Type 2.1 and 2.2 poles may have one separate 3 cubic foot equipment shroud or similar camouflage design acceptable to the Town covering externally mounted equipment in addition to the cantenna. To qualify for this installation, the applicant must demonstrate that the additional technology cannot be integrated into the equipment cabinet and/or the cantenna or there are multiple carriers co-locating on the pole. See Figure 8.3.

**Table 8.2 Specifications for Type 2 Small-Cell Facilities Mounted on New Metal Poles**

<b>Item</b>	<b>Specification or Directions</b>
Pole Type	Round, straight, galvanized steel, or aluminum.
Pole Color and Finishes	Paint color shall be black unless an alternative color is required to match the style of street fixtures in a particular neighborhood. Paint shall be by the powder coat method. Poles and equipment cabinets fabricated with steel shall be galvanized prior to powder coating.
Pole Design Parameters	Poles shall meet the standards of <a href="#">TIA-222 rev H</a> including any updates or addendums. Local standards for wind and snow load are a wind zone of 115 mph and a 25 pound per square foot snow load.
Equipment Cabinet Dimensions	20” diameter x 5’-8” tall (maximum)
Access Doors	Utility access- Per AEP requirements, meter shall be recessed as much as possible into the equipment cabinet. Luminaire access- hand hole with fused power disconnect. Carrier access- Lockable door appropriately sized.
Luminaire and Mast Arm (If provided)	Consult with the Town of Wytheville and AEP (or other pole owner) for guidance at each proposed location.
Luminaire Mounting Height (if luminaire provided) and Pole Height	Install luminaires at the same height as surrounding luminaires. Structure height may not exceed 50’.
Electrical Service	Per AEP’s requirements and any National Electric Code requirements.
Ventilation	Passive louvers and/or passive ventilation systems are preferred. If required, fans shall not emit noise greater than 50 dBs at one meter (3.28’).
Cantenna (If provided)	19” diameter x 80” height (maximum)
Side-mounted Shroud (if allowed)	16” wide with height and depth not to exceed 9 cubic feet.

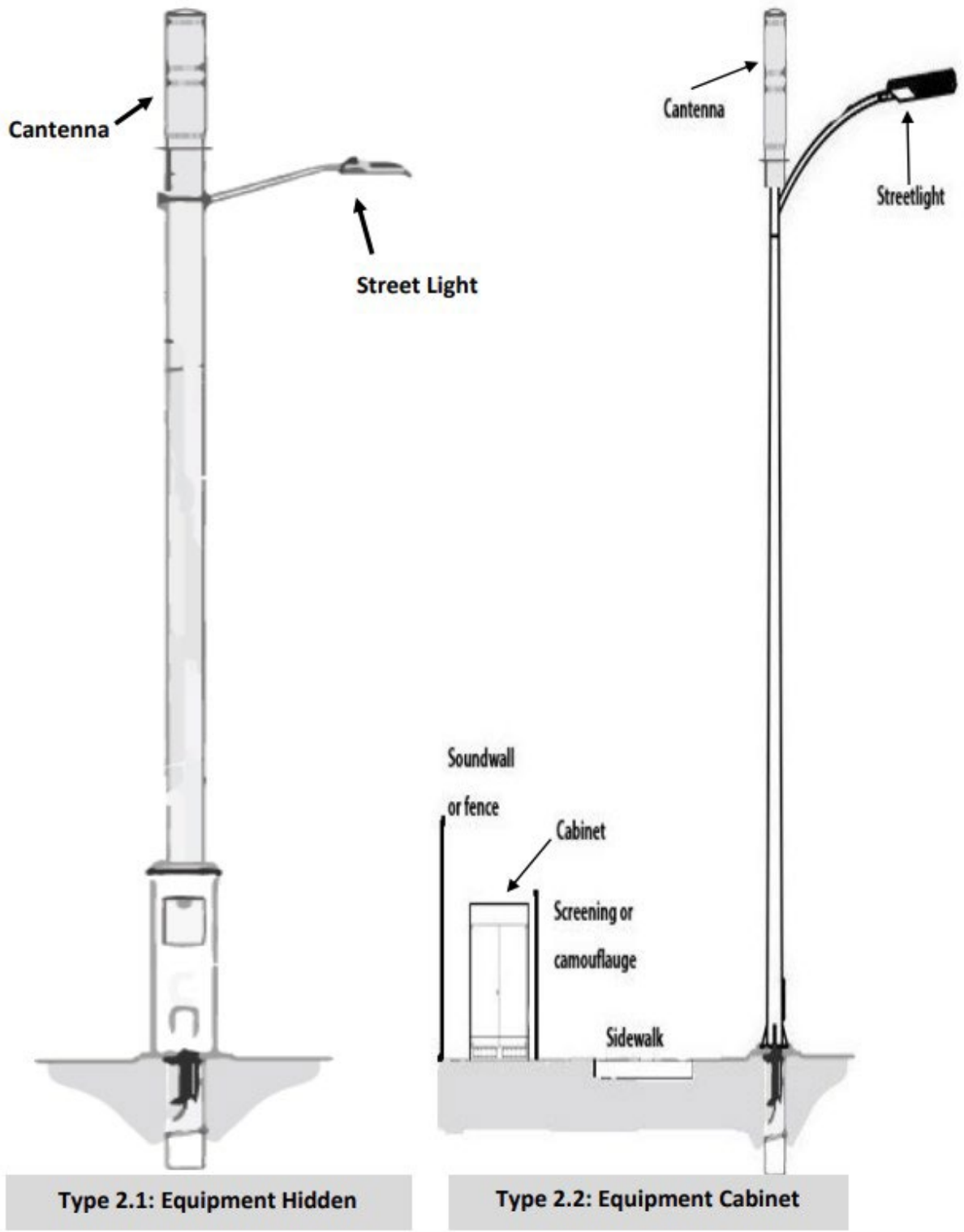
Equipment Cabinet Area (if allowed)	350 SF maximum size. An evergreen hedge. Evergreen trees or an architectural screen fence shall be provided for towers located in residential zoning districts and along Entrance Corridor streets.
Owner Identification	A 30 square inch (maximum) plate with the carrier's name, location identifying information, and emergency telephone number shall be permanently affixed to the equipment.
Color	Antennas and small-cell facility accessory equipment shall be colored black or shall match the color and style of neighborhood street fixtures. The Zoning Administrator may approve other colors with justification for the design choice.

**Figure 8.2 Type 2.1 New Freestanding Metal Poles with or without Optional Streetlight Mast Arm and Luminaire**





**Figure 8.3 Type 2.1 and 2.2 New Freestanding Metal Poles Compared Showing Separate Cabinet and Optional Streetlight Mast Arm and Luminaire**



## **D. Micro-Wireless Facilities**

1. Strand-mounted equipment that meets the definition of “micro-wireless facility” found in Code of Virginia [§ 15.2-2316.3](#). are exempt from Town permitting requirements.
2. Other micro-wireless facilities that do not meet the strict requirements as defined in the above referenced Code of Virginia shall meet the applicable standards for small-cell facilities in Section “C” above.

## **E. Telecommunication Tower Over 50’**

1. Refer to the Land Use Table in Article 6 for zoning districts where Special Use Exception Permits are Required for Telecommunication Tower Over 50’
  - a. A Special Use Exception Permit is required for all new wireless telecommunications towers in excess of 50 feet in height. Applications for the Special Use Exception Permit shall include plans and information demonstrating how the facility will meet the standards herein as well as additional measures that will be utilized to mitigate or minimize negative impacts on adjoining properties and on the Town as a whole.
2. Maximum Height, including any appurtenances
  - a. 150 feet, unless the applicant can provide documentation that justifies the additional height request.
  - b. 50 feet from the roof peak, if mounted on any building.
3. Lighting
  - a. No general illumination shall be permitted.
  - b. All towers shall be illuminated in accordance with Federal Aviation Administration (FAA) requirements.
4. Setbacks
  - a. The base of any new tower shall be set back no closer to a residential structure than a distance equal to one foot for each one foot in height of the proposed tower, plus an additional 100 feet, except for a residential structure located on the property on which the tower is to be built, as long as the structure is outside of the tower collapse zone.
  - b. Guy wire anchors, equipment buildings, and other facilities supporting communication towers shall satisfy the minimum setback requirements in the underlying zoning district.
5. Visual Impact Mitigation
  - a. A 50-foot forested buffer shall be maintained on all sides of the telecommunications tower. If a forested buffer does not exist, the following minimum landscaping shall be installed and maintained:
    - 1.) A continuous hedge of evergreen shrubs, at least 36 inches high at planting, shall be planted a maximum of five feet apart around the outside perimeter of the security fence around the tower site, except for access drives. These shrubs shall have an expected height of at least 10 feet at maturity.

- 2.) A double row of large shade trees, at a maximum spacing of 30 feet on center, beginning within a 50-foot radius of the tower, and contains a mixture of at least 50% evergreen tree species.
  - b. Communication towers shall have either a galvanized steel or neutral color finish unless otherwise required by the Federal Aviation Administration.
6. Co-location
- a. All telecommunication towers over 50 feet shall provide for at least three sites for co-location.
  - b. Approval of co-location on an existing tower above 50 feet shall qualify for administrative review and approval and is not subject to the requirements of a new Special Use Exception Permit application process.
  - c. All applications for telecommunication towers shall provide a co-location study to demonstrate that there is not a suitable alternative co-location site by providing evidence of the following:
    - 1.) Existing structures located within the geographic area in which the proposed antenna must be located are of insufficient height to meet the technical design requirements.
    - 2.) Existing structures do not have sufficient structural strength to support the proposed antenna.
    - 3.) The proposed antenna would cause electromagnetic interference with antennae on existing structures, or antennae on existing structures would cause interference with the proposed antenna.
    - 4.) The fees, costs, or other contractual provisions required by the owner of the existing structure for co-location or the engineering costs to adapt an existing structure for co-location are unreasonable given current market rates in the region.
  - d. Owners of towers shall provide the Town co-location opportunities as a community benefit to improve radio communication for Town departments and emergency services.
  - e. If existing telecommunication towers or tall structures are located within two miles of the proposed site, the Applicant will be expected to prove that there is not any technologically and structurally suitable space available on the existing structure.
7. Additional Standards
- a. Only monopole or lattice-type structures will be allowed.
  - b. A collapse zone shall be designed so that tower collapse will occur only within the property owned or controlled by an easement.
  - c. A sign identifying the tower owner, address, and emergency notification number and other information required by state or federal regulations shall be placed in a conspicuous location. The sign shall be no more than four square feet in area and mounted no more than five feet above the ground, as measured from the adjacent grade to the top of the sign. No commercial signs or advertising shall be placed on communication towers.
  - d. When any tower is not operated for a continuous period of twelve (12) months, it shall be considered abandoned, removed by the landowner, and

the site restored to the condition that existed prior to the development of the tower within six (6) months.

- e. Speculation towers are prohibited.
  - f. Communication towers shall be enclosed by security fencing not less than six (6) feet in height. Razor wire shall not be permitted on fences. Access to communication towers shall be through a lockable gate.
8. Additional Application Materials Required
- a. Special Use Exception Permits are required for towing and recovery uses.
  - b. A major site plan shall be submitted as part of the application. Town staff shall provide written comments regarding required modifications and/or concerns regarding the site plan. The applicant will be provided with a minimum of two weeks to respond to those comments before the Special Use Exception Permit Hearing will be scheduled. Applicants must allow for the time required for plan review and the applicant's response to the review process.
  - c. A map of the geographic area in which the Applicant's antenna must be located to reasonably serve the Applicant's coverage area, showing all existing and approved tower sites and all other structures equal to or greater than 75% of the height of the proposed tower within this area.
  - d. A community impact statement and visual impact analysis.
  - e. Written documentation that co-location on existing towers or structures in the vicinity of the proposed tower was attempted by the Applicant but found infeasible with reasons explained. This documentation must include verification by a professional engineer that no alternative to the construction of a new tower exists.
  - f. Documentation from the FAA and FCC showing approval of the tower.
  - g. Copies of all applicable submissions made by the Applicant to any state or federal regulatory agency relative to the proposed project, including any approvals received at the time of application to the Town.
  - h. Elevation drawings showing the height and design of the tower, materials to be used, color, and lighting.
  - i. A report prepared and sealed by a professional engineer registered in Virginia that describes the tower height and design and that demonstrates the tower's compliance with applicable structural requirements and the co-location requirements of this ordinance. The engineering report shall further certify that the tower will satisfy minimum wind load standards imposed by the American Society of Civil Engineers and shall certify the tower's fall zone.
  - j. A notarized affidavit that states the Applicant's willingness to allow co-location on the proposed tower at a fair market rate and in a timely manner to any other service provider, licensed by the Federal Communications Commission, serving the Town of Wytheville market area, and that such co-location agreement is assigned to the successors, heirs, and future owners of the tower.
  - k. A removal bond that will be retained by the Town in the event the tower is abandoned. The removal bond shall be in an amount sufficient enough to pay for the removal of the tower.

- I. Additional application information may be requested during the application and public hearing process.

## **F. Deviations from These Standards**

Deviations from these wireless telecommunication facility standards shall be reviewed on a case-by-case basis by the Zoning Administrator and may be granted if these standards would result in a prohibition or effective prohibition of personal wireless service. The Town may also permit a deviation from these standards when it finds the applicant's proposed design provides equivalent or superior aesthetic value when compared to strict compliance with these standards.

## **G. Amateur Radio Towers and Antennas**

1. Amateur radio towers and antennas shall be permitted by right as accessory structures in all zoning districts, subject to the following supplemental regulations.
  - a. No antenna shall be installed in a front yard or corner side yard along a public right-of-way. Setback requirements shall be equal to the building setback for the underlying zoning district or 20 feet, whichever is greater.
  - b. Amateur radio towers and antennas, including any guy wires, shall be located no closer to the street on which the principal building fronts than the principal building.
  - c. The maximum permitted height of amateur radio towers is seventy-five (75) feet above ground level in all zoning districts.
  - d. Antenna construction and installation shall comply with all applicable building codes. An inspection of footing installation is required.
  - e. Antennae 35 feet or taller require engineered structural drawings for approval.
  - f. Amateur radio towers and antennas shall be dismantled and removed from the site within one hundred eighty (180) calendar days of the tower no longer being used.

## **H. Satellite Dishes**

1. Satellite Dish Antennae larger than four (4) feet in diameter shall meet the following supplemental regulations.
  - a. No satellite dish shall be installed in a front yard or corner side yard along a public right-of-way.
  - b. Satellite dishes shall be set back a minimum of 5 feet from adjoining property lines.
  - c. Satellite dishes shall be screened from view of any public right-of-way.
  - d. Roof mounted satellite dishes shall not exceed the maximum height for buildings in the underlying zoning district.

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# Article 9. Definitions

## 9.1. Purpose

This article provides definitions used in relationship to this ordinance. Interpretation and rules of construction are shown in Article 1.

## 9.2. Definitions

1. Access: The right to access, enter, exit, or cross property.
2. Access Drive, Fire: A privately owned and maintained path, which in accordance with the International Fire Code, provides access for fire apparatus to certain tall, large, or multi-floor structures. The design and construction shall meet fire code standards. Fire apparatus access drives are considered private and shall be owned, operated, and maintained by the entity reliant on the road for fire protection of the structure(s).
3. Access Drive: A privately owned and maintained traveled way, with its affiliated areas, which connects a public street to a parking area, site, or parcel(s) of land. Access drives are typically found in commercial or multi-family developments and may also be referred to as service drives or private frontage roads that reduce the amount of access locations or conflict points along a public street. The traveled way and adjacent area are not in public ownership or control by means of a deed, dedication or public easement or public right-of-way and the traveled way has not been accepted by the Town for street maintenance. Entities who are served by the private access drive shall have access easements in place. One party, usually the owner or tenant, shall maintain the private access drive or multiple parties can maintain by participating in agreements to share maintenance responsibility for the private access drive. See also “driveway, private,” and “access drive, fire.”
4. Access Easement: An easement allowing one or more persons to travel across another’s land to get to a nearby location, such as a street.
5. Accessory Dwelling Unit (ADU): A second dwelling unit on the same lot as the main dwelling, for use as a complete, independent living facility. The ADU may be configured as an attached suite within the main building or located separately in an accessory structure.
6. Accessory Garden Cottage ADU: An ADU constructed in a separate accessory structure from the primary dwelling.
7. Accessory Structure or Building: A subordinate building or structure customarily incidental to and located upon the same or adjacent lot occupied by the primary use, building, or structure, and which is not attached by any part of a common wall or roof to the main building. Accessory structures which are commonly used for purposes related to agricultural, residential, commercial, and industrial uses as shown and delineated in the land use table shall be considered an allowed use in conjunction with the allowed primary use on the same or adjacent lot.
8. Accessory Suite ADU: An ADU that is entirely contained within a primary dwelling structure, but which can function as a separate dwelling unit with all necessary functions.
9. Accessory Use: A use which is customarily incidental and subordinate to a primary use located on the same lot or adjacent lot with the primary use.

10. Addition: When used in reference to a building or similar structure, it is an extension or increase in floor area or height of a building or structure. When used in reference to creation of new parcels, it refers to the development of a plat with an increase in the total number of parcels in the final plat over what was existing.
11. Administrator: The official charged with the enforcement of this Unified Development Ordinance or a subset of this ordinance, as designated by the Town Manager, under the authority of the Town Council.
12. Adult Day Care: Adult day care means a facility that provides care and protection to four (4) or more aged, infirm, or disabled adults who reside elsewhere, during only a part of the day (a period of less than twenty-four (24) hours). The term shall not include any facility, or portion thereof, that is licensed by the State Board of Health, the Virginia Department of Behavioral Health and Developmental Services, or the home or residence of an individual who cares only for persons related to them by blood or marriage.
13. Adult Uses: Uses with adult themes and typically not suitable for individuals under eighteen (18) years of age due to explicit sexual content, nudity, and other adult themed content. Definition includes smoking lounges and cannabis lounges where the advertised or priority use is intended for individuals to visit for the purposes of smoking on the site. Adult themed uses may include but is not limited to; adult bookstores, adult merchandise, sexually oriented businesses, adult entertainment such as gentleman's clubs and any other type of business, which in the opinion of the Zoning Administrator, indicates that the primary use of the business or site is for the adult population.
14. Advertising: Any words, symbol, color, or design used to call attention to a commercial venue, product, service, or activity.
15. Agent: The Subdivision Agent, or official charged with enforcement of the subdivision standards and/or relevant sections of this ordinance, as determined by the Town Manager, under the authority of the Town Council.
16. Aggrieved Person: A person or group of people with an immediate, pecuniary, and substantial interest in an action taken by the Zoning Administrator or Board of Zoning Appeals under this ordinance, as opposed to a remote or indirect interest.
17. Agricultural Production: The use of land for the production of food or fiber, including farming, dairying, pasturage, agriculture, horticulture, silviculture viticulture, aquaculture, and/poultry husbandry for production and sale of food or fiber products. Includes grazing of livestock, cultivation of crops, greenhouses over 5,000 sq. feet and other farm related accessory structures. A home garden, home orchard and/or other similar small lot horticulture for a home or other onsite use is not considered agriculture and is considered a home garden. Keeping pets in accordance with this ordinance is not included in this definition of agricultural production. Confined Animal Feeding Operations, Livestock Markets and Slaughterhouses are not included in this definition and are prohibited within the Town of Wytheville.
18. Agritourism: Any activity that links agricultural production and/or processing with tourism to attract visitors onto a farm, ranch, or other agricultural business for the purposes of entertaining or educating the visitors while generating income for the farm, ranch, or business owner. Examples include wineries that invite the public to view and learn about the winemaking process, breweries, seasonal farm exhibitions, corn mazes, U-pick farms, farm-stays, hayrides, educational workshops, and similar activities.
19. Agritourism Venue: The physical location established for the purpose of supporting agritourism activities.



20. Alley, Private: Land area or traveled way identified as a private alley, whether by plat, deeded rights, or by common usage patterns of adjoining property owners for 20 or more years. Private alleys may be so identified on a plat or map, defined in legal document, and/or used as an alley with defining features characteristic of private alleyways. The land area and traveled way is owned, operated, and maintained by one or more private entities who use the alley and/or have rights of passage over the private alley. The Town does not have control of the alley and will not maintain a private alley. New private alleys shall meet the design and construction standards of the UDO. See also “alley, public,” “alley, public improved,” and “alley, public unimproved.”
21. Alley, Public Improved: An alley with all of the characteristics of a public alley, which has been improved with paving materials such as asphalt or gravel and is maintained by the Town of Wytheville. See also “alley, private,” “alley, public,” and “alley, public unimproved.”
22. Alley, Public Unimproved: An alley with all of the legal characteristics of a public alley, but which has not been improved by grading or installation of paving materials. The publicly owned right-of-way of an unimproved alley is reserved to provide access to the rear and/or side lot line of abutting properties with frontage along the alley. Unimproved alleys are not maintained by the Town; however, improvements may be made by adjoining property owners with written permission from the Town. An alley is neither a "private street" nor an "access easement," as those terms are defined or used in this ordinance. See also “alley, public,” “alley, public improved,” and “alley, private.”
23. Alley, Public: Land area or traveled way, with an established publicly owned right-of-way, which is identified or shown as public alley on a plat or map for the purpose of allowing the public to access public streets and adjoining parcels located along the alley. The original plats for the Town such as the Boyd Map are used to delineate public alleys. Public alleys have been classified on the inventory as public, and they have received a legal review to make this determination. Public alleys are available for uses including, but not limited to, utility easements, refuse pick up, emergency vehicle access and other public uses. The Town maintains public alleys when the travel way is evident, and the land area is used as an alley. An alley is neither a "private street" nor an "access easement," as those terms are defined or used in this ordinance. See also “alley, private,” “alley, public improved,” and “alley, public unimproved.”
24. Alley, Unclassified: Land area or traveled way identified as an alley on plat, map or through other documents, which have not been classified by the Town of Wytheville. These alleys are considered private and will not be maintained by the Town unless evidence is available indicating public ownership. Such alleys remain unclassified until such time that an entity can prove the legal ownership status of the alley to the satisfaction of the Town Manager or when the alley is established in a court of law. The burden of proof to establish a classification type of the alley lies with the entity requesting the classification.
25. Alteration of Buildings or Structures: Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, or any enlargement or reduction of a building or structure, whether horizontally or vertically, or the moving of a building or a structure from one location to another.
26. Alteration of Stormwater Management Structures: Any structural modifications or reconstruction of a stormwater structure, including but not limited to dams, stormwater detention ponds, ditches, drain inlets, and similar structures.

27. Alteration of Streams and Stormwater Conveyances: Any grading or construction operation that would change the existing flow patterns of a stream, drainageway or similar stormwater conveyance, or that might alter the behavior of stormwater runoff and change potential flood elevations.
28. Animal Control Kennels and Cages, Commercial: Fencing for the purpose of commercially housing or controlling pets, livestock, or other animals. Pet shelters, pet boarding facilities, veterinary clinics, pet grooming facilities, and breeding facilities are examples.
29. Animal Control Kennels and Cages, Private: Fencing for the purpose of housing or controlling small pets or other animals for private enjoyment. Dog kennels, dog runs, and similar fence structures are examples.
30. Animal Feeding Operation: A lot or facility, together with any associated treatment works, where both of the following conditions are met, first, animals have been, are, or will be stabled or confined and fed or maintained for a total of 45 days or more in any 12-month period; and second, crops, vegetation, forage growth or post-harvest residues are not sustained over any portion of the operation of the lot or facility. Two or more confined animal feeding operations under common ownership are considered to be a single confined animal feeding operation if they adjoin each other or if they use a common area or system for the disposal of liquid waste.
31. Antenna: Any exterior apparatus designed for telephonic, radio, or television communications through the sending and/or receiving of electromagnetic waves. Antenna types include, but are not limited to, omni-directional "whip" antenna, directional panel antenna, parabolic antenna, and other ancillary antenna designs. An antenna does not include the broadcasting tower or other support structure to which it is attached.
32. Applicant: A person who has submitted an application to the Town for any approval identified in this ordinance.
33. Application: All necessary and appropriate documentation that an applicant submits in order to receive any approval identified in this ordinance.
34. Architectural Buffer Yard Screen: Where a buffer yard is required as a screen between a proposed higher intensity use, such as commercial, industrial, or multi-family use, and any lower density use, a fence may be included within the buffer yard for access control or for screening. The combination of landscape buffer and fence must be effective in blocking views of the site from the adjoining lower density use areas. Architectural Buffer Yard Screen Fences are generally located along the property line or elsewhere, when necessary, to improve the effectiveness of screening.
35. Areas of Shallow Flooding: A special flood hazard area with base flood depths from one (1) to three (3) feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and indeterminate, and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.
36. Artisan Food Production: Small-scale production or preparation of food made on site in facilities of 10,000 square feet or less with limited to no automated processes involved and may include direct sales to or consumption by consumers. This definition includes uses such as small-batch bakeries, craft-breweries (manufacturing 15,000 barrels per year or less), artisan distilleries (manufacturing 10,000 barrels per year or less), small-batch candy shops, and local cheese makers. This use may or may not have outdoor seating or patio as an accessory use.
37. Artisan Industrial: Production of goods, teaching, making, or fabrication of crafts or products by an artist, artisan, or craftsperson either by hand or with minimal

automation in facilities of 10,000 square feet or less. May include teaching, training, and direct sales to consumers. This definition includes uses that employ activities and processes such as small-scale fabrication, welding, and coating, which are typically not permitted in non-industrial zoning districts. Typical uses have negligible negative impact on surrounding properties and include light woodworking, ceramic studios, jewelry manufacturing, maker spaces, and similar types of arts and crafts. This definition shall not include Artisan Food and Beverage preparation or sales.

38. Artisan Industrial, Intense: Small scale arts and crafts related production facilities of between 10,000 and 20,000 square feet of floor space with potential to create noise or other nuisances that may affect the enjoyment of neighboring residential uses. Examples include woodworking studios, small scale forges or blacksmith shops, cabinet shops, welding studios, and similar craft shops. This definition shall not include Artisan Food and Beverage preparation or sales.
39. Artisan Residence: An indoor artisan studio used in conjunction with a single-family residential space for use by the owner/operator to live at the location of the artisan studio.
40. Artisan Studio, Indoor: An establishment for production, assembly, preparation, display, and sale of individually crafted and/or handcrafted artwork, jewelry, furniture, sculpture, pottery, art photography, leather craft, custom sewing and upholstery, hand-woven articles, and related items. The operation occurs entirely indoors, encounters less than ten (10) vehicles per day and employs less than three people including the owner/operator.
41. Artisan Studio, Outdoor: An establishment for production, assembly, preparation, display, and sale of individually crafted and/or handcrafted artwork, jewelry, furniture, sculpture, pottery, art photography, leather craft, custom sewing and upholstery, hand-woven articles, and related items. The operation uses both indoor and outdoor space, encounters less than ten (10) vehicles per day and employs less than five people including the owner/operator.
42. Assembly Halls and Lodges: A building or similar venue to hold meetings or conduct activities of an organization such as a club or other group. Said clubs or groups may, subject to other regulations controlling such uses, maintain dining facilities, serve alcohol, or provide professional entertainment for the enjoyment of dues paying members and their guests. There are no sleeping facilities. The definition excludes fraternities, sororities, churches, and theaters. See also "special interest club."
43. Assisted Living: A form of managed care facility that provides a semi-independent residential setting that provides or coordinates personal and health care services, 24-hour supervision, and assistance for the care of four or more adults who are aged, infirm, or disabled. The term shall not include the home or residence of an individual who cares only for persons related to them by blood or marriage. The term shall also not include any facility licensed by the State Board of Health or the state Department of Mental Health, Mental Retardation and Substance Abuse Services, or any other facility excluded from the definition of "assisted living facility," set forth within Code of Virginia, [§ 63.2-100](#).
44. Automobile Graveyard: Any lot or place that is exposed to the weather and upon which more than five motor vehicles of any kind that are incapable of being operated and which it would not be economically practical to make operative are placed, located, or found. The movement or rearrangement of vehicles within an existing lot or facility does not render this definition inapplicable. The provisions established by this ordinance shall begin with the first day that the vehicle is placed on the subject property. (Section [§ 33.2-804](#), Code of Virginia as amended.)

45. Automobile Service or Repair: Repair and servicing of automobiles and small trucks up to 26,000 lbs. gross vehicle weight within a fully enclosed structure. This definition includes commercial garages. See also “garage, commercial.”
46. Awning: A roof like cover, often using canvas or similar flexible materials that is permanently attached to and projects from a wall or roof of a building for the primary purpose of shielding a window or doorway from the sun or other weather conditions. Awnings may be fixed in place or retractable but are typically constructed of light-weight materials that are attached to a structure. Awnings do not include canopies or structural shelters and roof overhangs that are integrally constructed as part of the main building.
47. Banks and Financial Services: Financial institutions that provide various financial services, including but not limited to banks, savings and loan institutions, financial planning services, and similar institutions. For the purposes of this UDO, payday loan services and pawn shops are excluded from this definition. See also “professional offices and services.”
48. Base Flood Elevation (BFE): The elevation of surface water resulting from a flood that has a 1% chance of equaling or exceeding that level in any given year. The BFE is shown on the Flood Insurance Rate Map (FIRM) for zones AE, AH, A1–A30, AR, AR/A, AR/AE, AR/A1– A30, AR/AH, AR/AO, V1–V30 and VE.
49. Base Flood: The flood having a one (1) percent chance of being equaled or exceeded in any given year. This is the regulatory standard also referred to as the "100-year flood."
50. Basement: Any area of the building having its floor sub-grade (below ground level) on all sides.
51. Bed and Breakfast Inn: A facility within a single-family dwelling or similar purpose built structure for the housing of persons on a transient basis for compensation for fewer than thirty consecutive nights, containing not more than ten lodging units for such persons, which are provided with private or semi-private baths, and offering at least one meal per day to each overnight lodging guest. See also “homestay.”
52. Beekeeping: The activity or occupation of owning and breeding bees for their honey or providing pollinators for agricultural production under the conditions required for the use by this UDO.
53. Brewery, Craft: A facility for brewing ales, beers, meads, or similar alcoholic beverages whose capacity is less than 15,000 barrels annually. The facility may also include a restaurant, tasting areas, special event space, and other activities that are related to and commonly associated with this use.
54. Brewery, Production: A facility for brewing ales, beers, meads, and/or similar alcoholic beverages, which produces more than 15,000 barrels or more annually and that may include bottling and distribution operations.
55. Buffer or Buffer Yard: An area of land of specified width, permanently set aside by the owner and his/ her assignees, which is planted in trees and/or shrubs of density sufficient to provide contiguous properties with a measure of privacy. Landscaping may be used in combination with structures (walls, fences, screens, etc.), which serve to minimize or eliminate conflicts between contiguous uses of land.
56. Building: Any structure having a roof supported by columns or walls, for the housing or enclosure of persons, animals, or chattels.

57. Building Code: All building codes as adopted in the Town Code and enforced by the Town of Wytheville Building Official, Building Inspections Department and/or the Town Manager.
58. Building Frontage: When used in reference to signage regulations, the length of the main wall of a building which physically encloses usable interior space, and which is the architecturally designed wall that contains the main entrance for use by the general public. Said frontage shall be measured at a height of five (5) feet above grade.
59. Camouflage Design: When referring to wireless telecommunications facilities the term refers to design and engineering practices that conceal, disguise, or beautify telecommunications equipment and towers to reduce the negative visual impact of such facilities.
60. Campgrounds and RV Parks: Facilities such as tourist camps, travel trailer camps, recreation camps, family campgrounds, camping resorts, camping communities, or any other area, place, parcel, or tract of land, by whatever name called, on which three or more campsites are occupied or intended for occupancy, or facilities are established or maintained, wholly or in part, for the accommodation of camping units for periods of overnight or longer, whether the use of the campsites or facilities is granted gratuitously, by a rental fee, by lease, by conditional sale, or by covenants, restrictions and easements.
61. Cantenna: A small cellular telephone antenna typically intended for use at small-cell tower facilities. This type of antenna includes durable shrouding that hides the antenna components from view.
62. Caregiver: an adult who provides care for a mentally or physically impaired person within the Commonwealth who is either related by blood, marriage, or adoption to or the legally appointed guardian of the mentally or physically impaired person for whom care is given.
63. Caretaker Residence: A residence for a live-in caretaker or property manager. Examples may include a manager's residence in an apartment complex, an onsite manager's residence at a hotel, a live-in security residence at an industrial complex, or similar residence.
64. Cemeteries: Any land or structure used or intended to be used for the interment of human remains as defined in Code of Virginia [§ 54.1-2310](#). The sprinkling of ashes or their burial in a biodegradable container on church grounds or their placement in a columbarium on church property shall not constitute the creation of a cemetery. The use shall include mausoleums, columbaria, chapels, administrative offices, maintenance & storage areas, benches, ledges, walls, graves, roads, paths, landscaping, and soil storage consistent with federal, state, and local laws on erosion sediment control.
65. Chicken Keeping: The caring for or raising of up to six (6) chickens for egg production for personal use.
66. Clinic: See "medical offices and clinics."
67. Co-location: The use of an existing tower or similar telecommunication structure to support an antenna for the provision of wireless services without increasing the height of the tower or structure.
68. Commercial Greenhouses: A greenhouse where crops are grown that will be sold for commercial consumption. Any single greenhouse or combination of greenhouses that exceed 2,000 square feet of floor space located on a parcel or parcels of land under common ownership is presumed to be a commercial greenhouse.



69. Commercial Indoor Entertainment: Uses that primarily serve spectators and are conducted within an enclosed building. Typical uses include motion picture theaters, and concert or music halls.
70. Commercial Indoor Recreation: Any enclosed or semi-enclosed establishment operated as a commercial enterprise (open to the public for a fee), not operated by the municipality and designed for the following type of activities: games and athletics, bowling, billiards or pool, darts, bingo, slot cars, hard and soft courts, miniature golf, cultural activities, martial arts, archery, roller or ice skating, skateboarding, indoor golf, and activities incidental to the foregoing. Entertainment and recreation uses that occur indoors such as bowling alleys, soccer, hockey, tennis, swimming, or other similar uses.
71. Commercial Outdoor Entertainment: Uses that primarily serve spectators and are conducted in open or partially enclosed or screened facilities. Typical uses include sports arenas, motor vehicle or animal racing facilities, and outdoor amusement parks.
72. Commission: The Planning Commission of the Town of Wytheville, Virginia.
73. Common Area/Common Space: Property, area, or space within or directly adjunct to a development, not individually owned, that is designed and intended for the common use or enjoyment of the residents of the development and may include such complementary structures and improvements as are necessary and appropriate.
74. Common Development Plan: When referring to a comprehensive sign plan, the term refers to a contiguous area where multiple distinct tenant spaces may exist. A common plan development may be located on a single parcel or include multiple parcels but in every case signage is designed, planned, and reviewed for compliance with this ordinance, as a unified site development plan.
75. Common Plan of Development or Sale: When used in reference to stormwater management or erosion and sediment control regulations, a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules.
76. Comprehensive Sign Plan: A signage plan approved as part of a common development plan.
77. Concentrated Animal Feeding Operation: Any animal feeding operation that confines as many or more than the number of animals specified in the definition of concentrated animal feeding operation in [§ 9VAC25-31-10](#), or as designated pursuant to [§ 9VAC25-31-130 B](#) as these sections may be amended from time to time.
78. Conditional Letter of Map Revision (CLOMR): A formal review and comment as to whether a proposed flood protection project or other project complies with the minimum NFIP requirements for such projects with respect to delineation of special flood hazard areas. A CLOMR does not revise the effective flood insurance rate map or flood insurance study.
79. Condominium: A multi-family residential ownership regime in which a building (or group of buildings) is divided into multiple units that are either separately owned or owned in common with exclusive rights of occupation by individual owners. These individual units are surrounded by common areas that are jointly owned and managed by the owners of the units.
80. Container: A large box, usually fabricated of corrugated steel. May be used for enclosing goods during shipping. Can also mean semi-trailer used for storage and/or containers rented or purchased for storage. For the purposes of this ordinance, shall

describe a container used for temporary storage when allowed in specified zone districts for temporary use.

81. Container Storage: Shipping container or semi-trailer storage as defined herein.
82. Corner Lot Side Yard: Any side yard that fronts along a public street, private street, or shared private driveway.
83. Cottage Style Neighborhoods: A moderately dense, small scale housing form. Units are typically built at or below 1,200 square feet with modest dimensions. By design, cottage housing is geared toward single-family tenancy and can be constructed as either attached or detached units. Parking is typically clustered away from the shared courtyard to separate automobile space from pedestrian and recreational space. The nature of cottage housing is one of community where shared space and semi-private space are favored over purely private space. Cottage housing developments are usually clusters of from four to twelve units positioned around a shared common courtyard. Larger communities can be formed by grouping multiple courtyard clusters.
84. Council: For the purposes of this ordinance means the Town Council of the Town of Wytheville, VA.
85. Creamery: Any place in which a person engages in the business of handling, receiving, manufacturing, freezing, processing, or packaging milk, or any product of milk or engages in the business of manufacturing, freezing, or processing imitation ice cream or imitation ice milk. "Creamery" does not include a properly licensed retail food facility that either packages dairy products in the presence of the consumer, or cuts, wraps, and packages cheese, excluding cottage cheese that is purchased from a licensed manufacturer of milk products, labels the products pursuant to all applicable state and federal laws, and sells the product only to consumers on the premises of the retail food facility.
86. Cultivation: The caring for or raising plants whether for private use or commercial production.
87. Density: The term refers to the relative concentrations of residential dwelling units or sleeping units in zoning districts where residential uses are permitted. In lower density residential zoning districts, density is controlled by virtue of lot size restrictions, building setbacks and minimum yard requirements. In higher density residential zoning districts, density is regulated on the basis of bedrooms per acre.
88. Developer: The owner of the property under development or proposed for development or subdivision.
89. Development: When the context indicates that the term refers to a specific project or group of sites the term means a tract of land developed or to be developed as a unit under single ownership or unified control, which is to be used for any business or industrial purpose or to contain three or more residential dwelling units. When the context indicates that the term refers to construction or installation of the structures necessary for a given land use, particularly in reference to floodplain management, the term means any man-made change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. The term "development" shall not be construed to include any tract of land which will be principally devoted to agricultural production.
90. Digital Urban Agriculture (DUA): A technology-driven form of indoor food production, also known as Zero-Acreage Farming or Building-Integrated Agriculture. The entire operation occurs indoors and relies on artificial lighting, HVAC systems and



automation technology. Use of indoor hydroponics, aeroponics or aquaponics, vertical agriculture are typical.

91. Disabled: A person who has a mental or physical impairment.
92. Distillery, Craft: A facility that produces distilled alcoholic beverages or spirits and that may include the intake and processing of grains, fruits, sugars or other products, their fermentation, distillation, aging, and bottling, and whose capacity is less than 15,000 barrels annually. Products may include liquors, liqueurs, brandies, etc. The facility may also include a restaurant, tasting areas, special event space, and other activities that are related to and commonly associated with this use.
93. Distillery, Production: A facility that produces distilled alcoholic beverages or spirits and that may include the intake and processing of grains, fruits, sugars or other products, their fermentation, distillation, aging, and bottling, which produces more than 15,000 barrels or more annually. Products may include liquors, liqueurs, brandies, etc.
94. Districts: Districts as referred to in the Code of Virginia, Section [§ 15.2-2280](#), as amended. Otherwise referred to as zoning districts.
95. Dog Parks: A park that provides a variety of recreational amenities for dogs and people that may include fenced dog exercise areas, benches, parking, restrooms, landscaping, shelters, and water fountains.
96. Dog Run: Enclosures for three (3) or fewer dogs for the enjoyment of the owner or occupant of a residential dwelling.
97. Drive Aisles: Paths within a parking lot that provide a coordinated travel route for the public to navigate inside of a private parking lot. Parking drive aisles are considered private property and are owned, operated, and maintained by the owner of the parking lot or through maintenance agreements with other entities who share responsibility for use of the drive aisles between abutting properties. See also “driveway, private.”
98. Driveway, Private: Residential private access traveled way that connects a public or private street to a lot or structure. Access drive can serve up to three (3) lots to be considered private driveway. At such time that the driveway serves more than three (3) lots it shall be considered a private street and meet private street standards. A private driveway is owned, operated, and maintained by one or more private entities. Shared access agreements and maintenance agreements should be used for multiple entities to utilize a private driveway. Private easements may be required for travel across the parent parcel.
99. Dumpster Enclosure: A fence or wall intended to enclose any trash or recycling containers. Dumpster enclosure fences must meet the standards for Screen Fences as defined herein.
100. Duplex or Two-Family Homes: Multi-family housing that is limited to two dwelling units on an individual parcel.
101. Dwelling Unit: A room or rooms connected together containing independent cooking and sleeping facilities constituting a separate, independent housekeeping establishment, physically separated from any other dwelling units which may be in the same structure.
102. Dwelling, Existing: A structure designed for residential use, which is currently occupied, has been issued a certificate of occupancy, or has been issued a building permit for a residential structure under construction.
103. Dwelling, Multiple-Unit: A residential building containing three (3) or more dwelling units. See also “condominium,” “town house,” “multi-family – 45 bedrooms/acre,”

“multi-family – 70 bedrooms/acre,” “multiplex housing–up to 4 units,” and “rural village PUD residential.”

104. Dwelling, Single-Unit: A building arranged or designed to be occupied by one (1) family, the structure having only one (1) dwelling unit.
105. Easement: An interest in land owned by another person, or entity, consisting in the right to use or control the land, or an area above or below it, for a specific purpose.
106. Easement, Prescriptive: An easement created from an open adverse and continuous use over a statutory period.
107. Encroachment: When used in reference to floodplain management regulations, the term means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures, or development into a floodplain, which may impede or alter the flow capacity of a floodplain.
108. Entrance Corridor: Areas designated along certain primary roadways entering the Town of Wytheville as described in Article 5, Section 5.24.
109. Event Venues: A building or similar venue that is intended to be rented to individuals and groups for special events, such as weddings, birthday parties, special meetings, and similar events.
110. FAA: The Federal Aviation Administration, or its duly designated and authorized successor agency.
111. Facility Owner: The person, corporation, or other entity that owns all or a portion of the solar energy facility, whether or not it owns the site on which the facility is located.
112. Family: A group of persons that may or may not be related by blood, marriage, adoption, or legal guardianship that live in a dwelling unit as a single housekeeping unit. For the purposes of this ordinance, “family” does not include any society, club, fraternity, sorority, association, lodge, federation or similar organization, or any group of individuals who are in a group living arrangement as a result of criminal offenses.
113. Family Day Homes: A child day program offered in the residence of the provider or the home of any of the children in care for 5 through 12 children under the age of 13, exclusive of the provider's own children and any children who reside in the home, when at least one child receives care for compensation. Note: for the purpose of this ordinance, family day homes serving 1 to 4 children are considered residential uses in accordance with [§ 15.2-2292](#). See the definition in Code of Virginia [§ 22.1-289.02](#) and [Chapter 14.1. Early Childhood Care and Education](#) for additional regulations regarding family day homes.
114. FCC: The Federal Communications Commission, or its duly designated and authorized successor agency.
115. FEMA: Federal Emergency Management Agency.
116. Fence or Wall: A constructed barrier of any material or materials enclosing, dividing, or screening an area of land. This definition does not include “Retaining Wall.”
117. Fence, Access Control: Fencing primarily intended to control entry or exit from a specified area. Typically, these fences are from four (4) to eight (8) feet tall and located along rear or side property lines or other areas on site to restrict access to rear and side yard areas.
118. Fence, Agricultural: Fences providing a separation between agricultural uses and other uses to prevent movement of grazing animals or to restrict access to agricultural production areas. These fences are typically located along front, side, and rear

property lines of sites in agricultural zones, or occasionally to separate an agricultural use on an undeveloped parcel or portion of a parcel in another zone.

119. Fence, Character or Image: Fencing that is intended to communicate an image, style, or other nonverbal message about the business or industry located on the relevant property. Examples include use of picket fencing to convey the image of hominess for a boutique shop or use of rail fencing to create a rural image at a store selling landscaping products.
120. Fence, Construction: These are temporary fences to protect areas such as construction sites, staging areas, and special events.
121. Fence, Detention Pond Safety: Detention pond safety fences are to be located at the top of the detention pond structure when required due to site conditions or the basin geometry. The purpose of these fences is to prevent drowning accidents.
122. Fence, Division or Boundary: Fences located on property boundaries. See the Code of Virginia [Article 6. Division Fences](#). Property owners are obligated to share the expense of these fences equally, unless one property owner chooses to let their property lie open or the two parties agree otherwise.
123. Fence, Excessive Height: Fences taller than eight (8) feet, which are necessary for the function of a permitted use.
124. Fence, Guardrail Safety: Sturdy fencing materials may be used to protect pedestrians from high drop-offs found along retaining walls, steep slopes, quarries, and similar landscape features.
125. Fence, High Security Production Area: These are fences protecting outdoor production or material loading areas requiring restricted access. The need for secure production or shipping and receiving is often driven by aspects of the production process that may be hazardous to the public.
126. Fence, HVAC Screen: These are fence enclosures intended to screen heating, ventilation, and cooling equipment from view.
127. Fence, HVAC Security: These are fence enclosures intended to protect sensitive or essential heating, ventilation, and cooling equipment from unwanted access.
128. Fence, Managed Care Safety: This is fencing of outdoor spaces for the safety of vulnerable individuals including children, elderly, and others in a managed care or day care facility. Examples include memory care, daycare, preschool, school, group homes, and pool safety fences.
129. Fence, Outdoor Café: This is fencing designed to enclose outdoor eating areas on properties where a food service use is present and where the eating area does not encroach on any publicly controlled sidewalk space.
130. Fence, Outdoor Product Sales or Display: Some products can be offered for sale in an outdoor setting. Examples include certain farm equipment, plants, and landscaping materials. Fencing of these areas is primarily for inventory control and control of access. The retailer does not require screening of these areas although it may be desired by neighbors and the general public.
131. Fence, Public Facility: Some public facilities require control of access not only along rear and side property lines, but along the street right-of-way as well. This may include public works service yards, parks, cemeteries, and similar public facilities.
132. Fence, Recreation Equipment: Some sports venues require fencing as part of the game equipment or for the convenience of the game. Sports facilities that may require fencing include, but are not limited to, baseball fields, basketball courts, tennis courts,

and soccer fields. Fencing for recreational equipment may require appropriate safety padding to protect participants from injury.

133. Fence, Screen: These fences are intended to screen views of unattractive objects or activities from the street or adjacent properties.
134. Fence, Sidewalk Café: Temporary or moveable fences or other space-defining structures that are designed to designate space for dining or café use upon a public sidewalk within the B-2 DT zoning district.
135. Fence, Storage Screen: These fences are intended to both secure and screen from view storage areas and self-service storage facilities. Objects to be screened may include any products, vehicles, or other equipment that is intended to be stored outside of an enclosed building or other structure as well as the grounds around entrances to individual self-service storage units.
136. Fence, Utility Security: These fences secure utility or fuel storage structures to protect the public from injury or to assure the safety of public and private utility facilities. This category of fencing protects facilities such as water, sewer, gas, electric, communications, and fuel storage sites.
137. Flag: A piece of cloth or similar material, typically oblong or square, attached by one edge to a pole or rope and used as a national, state, local, or other symbol or decoration; this includes pennants.
138. Flood Insurance Rate Map (FIRM): An official map of a community, on which FEMA has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a digital flood insurance rate map.
139. Flood Insurance Study (FIS): A report by FEMA that examines, evaluates, and determines flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation, and determination of mudflow and/or flood-related erosion hazards.
140. Flood or Flooding: 1. When used in reference to inundation by water from stormwater or other sources, a general or temporary condition of partial or complete inundation of normally dry land areas from a. the overflow of inland or tidal waters; b. the unusual and rapid accumulation or runoff of surface waters from any source; or c. mudflows which are proximately caused by flooding as defined in item (b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current. 2. When used in reference to flooding caused by erosion and similar processes, the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in item (1) of this definition.
141. Flood Proof or Floodproofing: Any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents.
142. Floodplain: Any land area susceptible to being inundated by water from any source.

143. Floodway: The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one (1) foot at any point within the community.
144. Freeboard: A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. "Freeboard" tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization in the watershed. The Town requires base flood elevation plus twenty-four (24) inches freeboard.
145. Frontage: The width of a lot measured from one side of the lot line to the other along the right-of-way line of the street on which the lot is located.
146. Functionally Dependent Use: A use which cannot perform its intended purpose unless it is located or conducted in close proximity to water. This term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo or passengers, and shipbuilding and ship repair facilities, but does not include long-term storage or related manufacturing facilities.
147. Funeral Homes: Any establishment, or chapel where any part of the profession of funeral directing, the practice of funeral services, or the act of embalming is performed.
148. Garage, Commercial: A building or portion thereof, other than a private garage, designed or used for servicing, repairing, equipping, renting, selling, or storing motor-driven vehicles. This definition includes both facilities that offer retail automotive services and those that are intended for fleet maintenance for public and private organizations.
149. Garage, Parking: A structure intended for the parking and storage of vehicles and typically intended to serve a larger facility, commercial district, or residential complex.
150. Garage, Private: An accessory building designed or used for the storage of not more than four (4) automobiles owned and used by the occupants of the residence to which it is accessory. On a lot occupied by a multiple-unit dwelling, the private garage may be designed and used for the storage of two (2) times as many automobiles as there are dwelling units. Servicing and repairing vehicles in a private garage is prohibited except for vehicles owned by the resident of the primary residence onsite.
151. Garden Center/Plant Nursery: A retail establishment that sells plants and garden related products, using both indoor and outdoor space and open to the public for retail sales.
152. Governing Body: The Town Council of the Town of Wytheville, Virginia.
153. Greenhouse, Commercial: Any greenhouse used for production of plant materials for retail or wholesale distribution or that is comprised of over 5,000 square feet in floor area cumulative of all greenhouse structures that are part of the common development.
154. Greenhouse, Private: Greenhouses of less than 5,000 square feet cumulative on a given site, which are used only for personal hobby related uses.
155. Group Home, State Authorized: A residential facility in which no more than eight individuals with mental illness, intellectual disability, or developmental disabilities reside, with one or more resident or nonresident staff persons; or in which no more than eight aged, infirm, or disabled persons reside, with one or more resident counselors or other staff persons. Such residential facilities and group homes are considered as residential occupancy by a single-family. For the purposes of this



Unified Development Ordinance, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Code of Virginia [§ 54.1-3401](#). For purposes of this Unified Development Ordinance, "state authorized group home" means any group home or other residential facility for which the Department of Behavioral Health and Developmental Services, or the Department of Social Services is the licensing authority pursuant to Code of Virginia [§ 15.2-2291](#).

156. Group Lodging Facilities: Facilities intended to house six or more unrelated individuals. Examples include hostels, boarding houses, and similar uses. This definition does not include state authorized group homes as defined herein.
157. Habitable Space: A space in a building used or capable of being used for living, sleeping, eating, or cooking, or used, or capable of being used, as a home occupation. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and similar areas are not considered habitable spaces.
158. Hair and Skin Care: An establishment providing hair care, beauty treatments, nail treatments or similar services.
159. Health Official: Director of the Wythe County Health Department or his delegated representative.
160. Height: When referring to a tower or other structure, the vertical distance (in feet) measured from adjacent ground level to the highest point on the tower or other structure. Building height measurement shall be in accordance with the building code and shall be measured as the vertical distance from grade plane to the average height of the highest roof surface. Architectural and/pr engineering plans shall be used to verify building height and/or when directed by the Zoning Administrator the applicant shall provide sufficient evidence of a height value.
161. Highest Adjacent Grade: The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.
162. Historic Structure or Site: Any structure or site listed on the National Register of Historic Places or the Virginia Landmarks Register. For floodplain management purposes, the term "historic structure" means any structure that is: (i) listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (ii) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district; (iii) individually listed on a Secretary of the Interior-approved State inventory of historic places; or (iv) individually listed on a county inventory of historic places under a county historic preservation program that has been certified by an approved State program as determined by the Secretary of the Interior.
163. Holiday Displays: Displays installed on a seasonal basis in observance of religious, national, or state holidays which are not intended to be permanent in nature and which contain no advertising material.
164. Home Garden: A garden or orchard in a residential district for the production of vegetables, fruits, and flowers for use and consumption by the occupants of the premises or for limited off site sales.
165. Home Occupations: The accessory use of a dwelling unit for limited occupational or business purposes. The use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof.

166. Homestay: Use of a residential dwelling (single-family residential dwelling, townhouse, duplex, or condominium) or portion thereof by a host to provide room or space for short term transient rental occupancy of fewer than 30 consecutive days. See also “bed and breakfast.”
167. Hospital: An institution that is built, staffed, and equipped for the diagnosis of disease, the treatment, both medical and surgical, of the sick and the injured, and for their housing during this process. The definition includes facilities for convalescent care, nursing homes.
168. Host: means the person who is the primary resident or responsible person of a homestay unit offered for homestay lodging. In determining compliance with these regulations, the host has the burden of demonstrating that the homestay unit is fully in compliance with the ordinance.
169. Hotels and Motels: Any place offering to the public for compensation transitory lodging or sleeping accommodations, overnight or otherwise, including facilities known by varying nomenclatures or designations as hotels, motels, travel lodges, tourist homes, or hostels and which may include additional facilities and services, such as restaurants, meeting rooms, entertainment, personal services, and recreational facilities.
170. Hybrid system: An energy system that uses more than one technology to produce energy or work (for example, a wind-solar system).
171. Hydrologic and Hydraulic Analysis: Analyses performed by a licensed professional engineer, in accordance with standard engineering practices that are accepted by the Virginia Department of Conservation and Recreation and FEMA, used to determine the base flood, other frequency floods, flood elevations, floodway information and boundaries, and flood profiles.
172. Industrial Uses, Heavy: Facilities of any floor area size intended for production using heavy equipment or processes that generate significant noise, smoke, steam, dust, vapors, and similar nuisances for adjoining uses; or which pose significant risks due to the involvement of explosives, radioactive materials, poisons, pesticides, herbicides, or other hazardous materials in the manufacturing or other process. Examples include automobile graveyards, crushed stone production, brick manufacturing, stone quarries, process plants and similar industrial uses that have the potential to create nuisances for adjoining land uses. The use does not include slaughterhouses, various meat and poultry processing facilities, livestock markets, concentrated animal feeding operations, or other uses which are shown as prohibited within the Town of Wytheville.
173. Industrial Uses, Light: Industrial uses of 20,000 square feet or less and that generate no more than 100 ADT. These facilities are intended for production, processing, warehousing, and assembly plants and are operated so that noise, odor, dust, and glare of such operations are completely confined within an enclosed building. Outdoor activities are limited to those that do not generate noise, odor, dust, or glare beyond property boundaries. Outdoor storage areas are screened from adjoining residential uses and from public streets. Outdoor storage cannot include explosive materials or chemicals. Examples include warehouses and distribution centers, fully enclosed assembly plants, and similar low impact industrial uses.
174. Industrial Uses, Moderate: Facilities intended for production using moderate levels of equipment or machinery that has potential to generate noise, odors, dust that is detectable outside the facility. Outdoor activities are limited to those that do not generate noise, odor, dust, or glare beyond property boundaries. Outdoor storage areas are screened from adjoining residential uses and from public streets. Use of assembly lines and other types of processes to assemble or create products are



typical of this use. The term shall also include industrial uses over 20,000 square feet or plants that generate more than 100 ADT. Examples include automobile assembly or service, autobody work, repair and servicing of tractor-trailers and similar large equipment, blacksmithing, stonework, wholesale fuel distribution and similar industrial uses.

175. Industrialized Building: Means a combination of one or more sections or modules, subject to state regulation, and including the necessary electrical, plumbing, heating, ventilating, and other service systems, manufactured off-site and transported to the point of use for installation or erection, with or without other specified components, to comprise a finished building. For purposes of this definition, a manufactured home is not an industrialized building.
176. Integrated PV: Photovoltaics incorporated into building materials, such as shingles.
177. Intensity: When the context indicates that the term refers to adjoining land uses, the term refers to the magnitude of activity affecting adjoining land uses, such as dwelling unit densities, traffic counts, and similar land use characteristics. The relative intensity levels of various zoning districts are established in Table 7.3 "Zoning District Intensities and Buffer Yard Requirements."
178. Interior Square Footage: The area of the first or primary floor of a structure (Gross Square Feet) as measured inside of the walls of the building (AKA, the building footprint) plus any projecting areas of the building, plus the total of other livable interior space (Net Square Feet) in basements or upper floors of the structure. Note: that when a structure is subdivided into multiple zones or types of space, such as living space, garages, porches, unfinished areas, or other uses, the measurements of each type of space may be considered separately in consideration of space eligibility for reconstruction after a natural disaster or fire event. Reconstruction of square footage may be limited by type of square footage as well as total square footage.
179. Interstate Corridor: An area adjacent to but 660 feet or less from the right-of-way line of any portion of the Interstate highway system, as illustrated on the map available in the Town GIS mapping system.
180. Junk Yard: An establishment or place of business that is maintained, operated, or used for storing, keeping, buying, or selling junk for the maintenance or operation of an automobile graveyard. "Junkyard" includes garbage dumps, sanitary landfills, and automobile graveyards. No junkyard shall be established, any portion of which is within 1,000 feet of the nearest edge of the right-of-way of any National Highway System highway or primary highway or within 500 feet of the nearest edge of the right-of-way of any other highway or public Town maintained street, except with exclusions as listed in Section [§ 33.2-804](#), Code of Virginia.
181. Kennel, Commercial: Any establishment in which for a fee, five (5) or more canines, felines, or hybrids of either are kept for the purpose of boarding, breeding, hunting, training, renting, buying, boarding, selling, or showing.
182. Kennel, Private: The keeping, breeding, raising, showing, or training of four or more dogs over six months of age for personal enjoyment of the owner of the property. See also "dog run."
183. Land Conservation: Tracts of land that are set aside for preservation of open space, nature preserves, farm preservation, ecological preservation, flood zone clear areas and similar environmental preservation purposes. Conservation areas may be established by public acquisition and designation, by the efforts of nonprofit organizations, or by the voluntary designation of conservation areas by property owners.

184. Large Power Grid Scale Solar Energy Facility: A renewable energy project that either: (1) generates electricity from sunlight, consisting of one or more PV systems and other appurtenant structures and facilities within the boundaries of the site, or (2) utilizes sunlight as an energy source to heat or cool buildings, heat, or cool water, or produce mechanical power by means of any combination of collecting, transferring, or converting solar-generated energy. The term applies to, but is not limited to, solar photovoltaic systems, solar thermal systems, and solar hot water systems. The term excludes, however, facilities that meet any of the following criteria: (1) it has a project area equal to or less than one acre, (2) it has a rated capacity equal to or less than 200 kilowatts (kw), (3) it is mounted on or over a building, parking lot, or (4) it utilizes integrated PV only.
185. Laundry Services: An establishment providing laundry cleaning services, dry cleaning, laundromat, or similar services.
186. Lawful Non-Conforming Use: See Non-conforming Use, Lawful.
187. Letter of Map Amendment (LOMA): An amendment based on technical data showing that a property was incorrectly included in a designated special flood hazard area. A LOMA amends the current effective Flood Insurance Rate Map and establishes that a land as defined by metes and bounds or by structure, is not located in a special flood hazard area.
188. Letter of Map Change (LOMC): A general term used to refer to the several types of revisions and amendments to FEMA maps that can be accomplished by letter. They include Letter of Map Amendment (LOMA), Letter of Map Revision (LOMR), and Letter of Map Revision based on Fill (LOMR-F).
189. Letter of Map Revision (LOMR): A revision based on technical data that may show changes to flood zones, flood elevations, floodplain, and floodway delineations, and planimetric features. See also Letter of Map Revision Based on Fill (LOMR-F).
190. Letter of Map Revision Based on Fill (LOMR-F): A determination that a structure or parcel of land has been elevated by fill above the base flood elevation and is, therefore, no longer exposed to flooding associated with the base flood. In order to qualify for this determination, the fill must have been permitted and placed in accordance with the community's floodplain management regulations.
191. Licensed: An individual that is licensed by the Commonwealth of Virginia to practice a profession or trade as indicated by the context of the text.
192. Live Performances: Entertainment provided in person including, but not limited to, musical performances, music played by disc jockeys, public speaking, dramatic performances, dancing, modeling, or comedy performances.
193. Livestock: Any cattle, sheep, swine, goats, horses, mules, or other equines, kept for agricultural production purposes. See also "urban livestock."
194. Livestock Market: A commercial facility that is intended for regular and continual delivery, showing and sale or auction, and shipping of livestock and domestic animals. This shall include all incidental facilities and structures including parking lots, barns, show rinks, bleachers, silos, holding pens, animal waste management system, etc.
195. Live-Work Dwelling: A dwelling unit on its own lot that contains a connected workplace component that is limited as to the percentage of commercial workplace relative to the total size of the unit. The workplace component of the unit will typically include visible commercial characteristics, such as modest signage, which denotes the live-work dwelling as a place of business when viewed from the street but does not overwhelm the residential character of the surrounding neighborhood.

196. Lodge: See also “special interest club.”
197. Lot or Lot of Record: A lot which has been created, exists and shown on a plat recorded in the Clerk's office of the Circuit Court of Wythe County, Virginia. Lots of record shall have an assigned tax map parcel number.
198. Lot, Corner: A lot abutting on two or more streets at their intersection. Of the two sides of a corner lot the front may be deemed to be either of the two sides fronting on streets. See also “corner lot side yard.”
199. Lot, Depth of: The average horizontal distance between the front and rear lot lines.
200. Lot, Double Frontage: A lot having frontage on two (2) streets at the front and rear of the lot. This definition does not include corner lots.
201. Lot, Width of: The horizontal distance between side lot lines. For lots not having a uniform width, the width shall be taken as the width along the front or rear building (whether existing or proposed), whichever is the lesser.
202. Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of [Code of Federal Regulations 44 \(C.F.R.\) 60.3](#).
203. Manufacture or Manufacturing: The processing and/or converting of raw, unfinished materials, or products, or either of them, into articles or substances of different character, or for use for a different purpose.
204. Manufactured Home: A structure, transportable in one or more sections, that in the traveling mode is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air-conditioning, and electrical systems contained in the structure. For floodplain management purposes the term "manufactured home" also includes mobile homes, park models, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. See also “mobile home.”
205. Manufactured Home Park, Existing: A manufactured home park existing at the time of the adoption of this ordinance. When an existing manufactured home park is expanded, it must be brought into compliance with current screening and access requirements. See also “manufactured home park.” For floodplain management purposes the term "existing manufactured home park" also includes facilities for placement of mobile homes, park models, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.
206. Manufactured Home Park: A tract of land developed or to be developed as a unit under single ownership or unified control, which is to be used for the placement of three or more manufactured homes. For floodplain management purposes the term "manufactured home park" also includes facilities for placement of mobile homes, park models, travel trailers, recreational vehicles, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days.
207. Marquee: A permanent structure projecting beyond a building wall at an entrance to a building or extending along and projecting beyond the building's wall and designed and constructed to provide protection against the weather, projecting from and supported by the building and extending beyond the building wall, building line, or right-of-way

line. It includes an attached awning, canopy, or a freestanding covering structure such as a theater entrance, gas station, drive-thru, or carwash canopy.

208. Mean Sea Level: Is an elevation point that represents the average height of the ocean's surface (such as the halfway point between the mean high tide and the mean low tide) which is used as a standard in determining land elevation.
209. Medical Clinic, Psychiatric, or Surgical: A facility providing medical, psychiatric, or surgical services for sick or injured persons exclusively on an outpatient basis including emergency treatment, diagnostic services, training, and administration services to outpatients, employees, or visitors. Includes immediate care facilities where emergency treatment is the dominant form of care provided at the facility, such as pain clinics, emergency care clinics, or urgent care clinics, and scheduled appointment may not be required.
210. Medical Laboratory: A facility that provides testing and laboratory services for patients and their physicians.
211. Medical Office and Clinics: Facilities that provide diagnoses, minor surgical care, and outpatient care on a scheduled and routine basis but that do not provide overnight care or serve as a base for an ambulance service. Medical offices are operated by doctors, dentists, psychologists, or similar practitioners licensed by the Commonwealth of Virginia. Emergency treatment and/or unscheduled appointments are not the dominant type of care provided at this facility.
212. Medical Retail: A retail use with a specialty in medical products. The definition does not include the professional practice of medicine or related services.
213. Mentally or Physically Impaired Person: A person who is a resident of Virginia and who requires assistance with two or more activities of daily living, as defined in Code of Virginia [§ 63.2-2200](#), as certified in a writing provided by a physician licensed by the Commonwealth.
214. Mixed Use Lifestyle Center: A lifestyle center is an open-air, mixed-use, shopping center with a pedestrian-friendly, town-like atmosphere that includes sidewalks, landscaping, ambient lighting, and park benches. Lifestyle centers typically include two to five story buildings that are arranged to place formal storefronts facing each other across a landscaped pedestrian walkway or a low speed two-lane road. The shops and restaurants of the commercial areas are integrated with medium to high density residential uses, and professional offices which may occupy upper floors or adjacent land as a unified development.
215. Mobile Home: A transportable, single-family dwelling unit suitable for year-round occupancy containing the same water supply, toilet facilities, waste disposal and electrical conveniences as a site built home. A mobile home is built prior to the effective date of the Federal Manufactured Housing Construction and Safety Standards Acts of 1974. A mobile home has a body width of not less than eight (8) feet and a body length of not less than thirty-six (36) feet. See also "manufactured home."
216. Multi-Family – 45 Bedrooms/Acre: Any type of multi-family residential development, such as apartments, townhomes, condominiums, lifestyle centers, or similar development patterns with an upper limit on density of 45 bedroom spaces per acre of overall site area exclusive of public rights-of-way. Studio, efficiency and one bedroom units are all treated as one bedroom units for the purpose of calculating bedrooms per acre.
217. Multi-Family – 70 Bedrooms/Acre: Any type of multi-family residential development, such as apartments, townhomes, condominiums, lifestyle centers, or similar development patterns with an upper limit on density of 70 bedroom spaces per acre of

overall site area exclusive of public rights-of-way. Studio, efficiency and one bedroom units are all treated as one bedroom units for the purpose of calculating bedrooms per acre.

218. Multiplex Housing—Up to 4 Units: Multi-family housing on individual parcels where the maximum number of units on each parcel is limited to duplexes, triplexes and fourplexes.
219. Natural Disaster and/or Fire Events: Major disaster as defined by FEMA, or a state designation or a local designation or a singular disaster event relating to a tornado, hurricane, major wind or rainstorm, earthquake, landslide, snowstorm, drought, fire, flood, or explosion. In the regulatory floodplain the FEMA definition shall be used for replacement of structures in the floodplain.
220. New Construction: For the purposes of determining flood insurance rates, structures for which the "start of construction" commenced on or after November 4, 1981, and includes any subsequent improvements to such structures. For floodplain management purposes, new construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures. Such structure is also referred to as "post-FIRM."
221. Non-conforming Lot, Lawful: An otherwise legally platted lot that does not conform to the minimum area or width requirements of this ordinance for the district in which it is located either at the effective date of this ordinance or as a result of subsequent amendments to this ordinance.
222. Non-conforming Structure, Lawful: An otherwise legal building or structure that does not conform with the lot area, yard, height, lot coverage, or other area regulations of this ordinance, or is designed or intended for a use that does not conform to the use regulations of this ordinance, for the district in which it is located, either at the effective date of this ordinance or as a result of subsequent amendments to this ordinance.
223. Non-conforming Use, Lawful: Any use of land and/or characteristics of a use which were in lawful existence before this Unified Development Ordinance was passed or amended and which does not conform to current standards, is considered a lawful non-conforming use. A lawful non-conforming use is a use that exists on the effective date of the ordinance and continues from that date forward in non-conformance status, until it is brought into conformance with current use standards, or the use ceases to exist, in accordance with this ordinance.
224. Nontraditional Pets: See "pets, nontraditional."
225. Nursing Homes: Nursing homes provide medium to long-term medical, health, and personal care, as well as supervision to people who need it.
226. Off-Street Parking Area: Space provided for vehicular parking outside the dedicated street right-of-way. Each off-street parking space shall be not less than nine (9) feet in width or one hundred eighty (180) square feet in area, exclusive of access drives and aisles.
227. On-Frame Modular: Modular structure or industrialized building designed and built with its steel frame to remain under the building to become part of the supporting structure or foundation for the building when placed on site.
228. On-Site Property Management: Management offices for apartment complexes, shopping centers and similar large multi-unit facilities that require an onsite management presence for daily operations.



229. Open: When used in reference to fencing regulations, the term “open” shall mean when the fence or wall is viewed perpendicular to its length from one side, the view through the fence is not fully obstructed. The percentage of solidity must be less than 50% and must be uniform along the length of the fence or wall.
230. Open Air Sales on Public Sidewalk: Periodic use of the public sidewalk for sale of retail goods. This use is limited to traditional downtown storefront areas where storefronts and store entrances are in direct proximity to the public sidewalk.
231. Open Space: Refers to land or water areas left in undisturbed natural condition and unoccupied by any building lots, buildings, structures, streets, driveways, alleys, improved parking, sidewalks, and other improvements. In the context of this ordinance an open space requirement requires that those areas reflected as “open space” on a site plan be kept in a natural condition as determined by this ordinance and/or the Zoning Administrator.
232. Operator: The person or entity responsible for the overall operation and management of the solar energy facility, recycling center, or similar facility, if different than the facility owner.
233. Ornamental Materials: When used in reference to fencing materials, the term shall refer to fencing materials designed and assembled in such a manner that the main purpose is to decorate or enhance the appearance of the fence. Fences consisting of sheet metal, welded or woven wire, or galvanized chain link mesh are excluded under this definition.
234. Outdoor Advertising, Business of: means the installation, use, or maintenance of advertising structures or the posting or display of outdoor advertisements by any person who receives profit gained from rentals or any other compensation from any other person for the use or maintenance of such advertising structures or the posting or display of such advertisements, except reasonable compensation for materials and labor used or furnished in the actual installation of advertising structures or the actual posting of advertisements. "Business of outdoor advertising" does not include the leasing or rental of advertising structures or advertisements used to advertise products, services, or entertainment sold or provided on the premises where the advertising structures or advertisement is located.
235. Outdoor Heating Units: A furnace or similar equipment intended to provide heat for a primary or accessory building, which is located in a separate accessory building from the building to be heated. These units typically burn wood or other fuels that may not be desirable to store or burn within an occupied structure.
236. Outdoor Recreation, Intense: 1. Any outdoor establishment operated as a commercial enterprise (open to the public for a fee), not operated by the municipality and designed for the following type of activities: games and athletics, amusement parks, theme parks, batting and pitching cages, darts, hard and soft courts, miniature golf, radio-controlled vehicles and airplanes, pony rides, waterslides, cultural activities, martial arts, archery, roller or ice skating rinks, skateboarding, picnicking, boating, fishing, swimming, golf driving ranges, and activities incidental to the foregoing, but not including temporary amusement rides and carnivals. Typical uses may include miniature golf, swimming pools, tennis courts, volleyball courts, soccer, baseball fields, go-cart tracks, batting cages, golf driving ranges, golf courses, amusement parks, and similar uses. 2. Any recreational use operated by a public agency or nonprofit organization regardless of whether a fee is charged, which generates significant noise beyond the boundaries of the parcel where the use is located. Examples include dog parks, baseball fields, softball fields, football fields, soccer fields, basketball courts,

and any outdoor athletic activities that encourage spectator gatherings of 100 or more individuals.

237. Payday Loans & Pawn Shops: Establishments providing short term loans at higher interest rates than traditional lending institutions.
238. Person: Any individual, corporation, estate, trust, partnership, joint stock company, association of two (2) or more persons having a joint common interest, or any other entity.
239. Pets, Nontraditional: The keeping of certain unusual pets as specified within this UDO for the purpose of providing companion to a person or family. Describes a pet that is not a domestic feline, domestic canine, and/or other types of small animals, birds, reptiles, aquatic species, customary to residential use and kept humanely and entirely indoors. This definition excludes any species of animal that may be identified as dangerous or having potential to become invasive or otherwise detrimental to the environmental ecosystem. Does not include animals used for the purpose of agricultural production, commercial kennels, or other commercial uses. Does not include any type of poultry, swine (other than documented species of pot-bellied pigs), or bovine species regardless of use. Does not include any illegal animal as determined by federal or state law, including illegally traded or trafficked animals or illegal wildlife.
240. Pets, Traditional: Describes domestic canine, domestic feline, and/or any other type of small animal (under 50 pounds), birds, reptiles, aquatic species, customary and common to residential use and kept humanely indoors. Domestic canines and felines kept humanely indoors or outdoors. Animal with the sole purpose of providing companionship to a person or family. Excludes any type of poultry, swine, or bovine species regardless of use. Does not include any illegal animal as determined by federal or state law, including illegally traded or trafficked animals or illegal wildlife.
241. Photovoltaic or PV: Materials and devices that absorb sunlight and convert it directly into electricity.
242. Physical Rehabilitation or Physical Rehab: Physical rehabilitation centers offer acute care for people who have suffered serious injury, stroke, brain injury, spinal injury, or similar serious illness. Physical rehabilitation centers also offer inpatient rehabilitation.
243. Places of Worship: Buildings or assembly halls created for the purpose of religious worship, including churches, synagogues, mosques, and similar worship centers.
244. Plan: A detailed proposal for constructing a facility, implementing a proposed development, establishing a land use or similar activity. A plan will typically include both graphic and narrative components necessary to complete the proposed work.
245. Planned Unit Development: Form of development characterized by unified site design for a variety of uses and densities. For the purposes of this ordinance may also describe a type of zoning district.
246. Plat: Schematic representation of development or subdivision that establishes how the provisions of the subdivision standards will be delivered and when approved by the local government is recorded to achieve a subdivision.
247. Porch: A covered structure attached to a dwelling with direct access to the interior of the dwelling. The structure is typically open to the outdoors or may be screened as a veranda.
248. Post-FIRM Structures: A structure for which construction or substantial improvement occurred on or after November 14, 1981.
249. Poultry: Any domesticated bird for the purpose of agricultural production.



250. Pre-FIRM Structures: A building for which construction or substantial improvement occurred on or before December 31, 1974, or before the effective date of an initial Flood Insurance Rate Map (FIRM) for the Town of Wytheville.
251. Preliminary Plat: Shall mean preliminary subdivision plat and is separate from a final plat in that all elements are not shown or defined.
252. Premises: A tract of land with the buildings and appurtenances thereon.
253. Primary Use: The principal or dominant use of any lot or parcel.
254. Private Preschools and Child Day Care: A child day program offered to either two or more children under the age of 13 in a facility that is not the residence of the provider or of any of the children in care or to 13 or more children at any location. See Code of Virginia [§ 22.1-289.02](#) and [Chapter 14.1. Early Childhood Care and Education](#) for additional regulations regarding private preschools and various child day care programs.
255. Professional Offices and Services: A venue that is intended for the practice of certain professional services. Examples include but are not limited to law offices, architectural firms, accounting firms, consulting services, marketing specialists and similar professional uses. See also, “banks and financial services.”
256. Project Area: When used in reference to regulations of power grid scale solar energy facilities, it is the area within a site used for the construction and operation of the solar energy facility.
257. Property Owner Scale Solar Collection System: A system, accessory to a principal use, such as a residence or business, consisting of solar panels, modules, and related equipment (e.g., heat exchanger, pipes, inverter, wiring, storage) that collects solar radiation and transfers it as heat to a carrier fluid for use in water heating or space heating and cooling, or that collects solar energy and converts it into electricity. Property owner scale solar collection systems are designed to primarily meet on-site demands but may include the transfer of excess energy to an electric utility grid.
258. Public and Semi-Public Facilities & Schools: Facilities that are managed and maintained for a public purpose. Examples include municipal offices, public schools, libraries, and similar facilities.
259. Public Area: Any public place, public right-of-way, any parking area, or right-of-way open to use by the general public, or any navigable body of water.
260. Public Art: Items expressing creative skill or imagination in a visual form, such as painted murals, or sculpture, which are intended to beautify or provide aesthetic qualities to public areas or areas which are visible from the public realm.
261. Public Maintenance Shop/Yard: A structure or use relating to the locality need for a public works facility and/or other land area used for the purpose of maintaining the public Town maintained streets, utilities, and buildings. May include offices, storage of equipment and materials, repair shop for equipment and temporary collection of recycling and other materials for storage awaiting transfer.
262. Public Maintenance Shops: Maintenance yards for Town or county public works departments, state department of transportation maintenance yards and similar public facilities.
263. Public Parks and Outdoor Recreation: Use of a tract of land for facilities for rest and recreation that is open to the public and maintained as recreational space, but which is unlikely to create significant noise or visual impacts on adjoining properties. Examples include publicly owned and operated parks, picnic areas, playgrounds, indoor/outdoor

athletic or recreation facilities, indoor/outdoor shelters, amphitheaters, open spaces, and other similar uses.

264. Public Utility Uses, Major: Large scale public utility facilities that may have a significant impact on adjoining properties of all types. Examples include large power generation stations, water or sewage treatment plants, large power-grid scale solar power generation stations and similar facilities. Large power grid scale solar energy facilities are included in this definition.
265. Public Utility Uses, Minor: Minor equipment required for the operation of public utilities. Examples include power poles, transformers, water meters, fire hydrants, gas meters, sewer pump stations, and similar structures or features that are required system-wide in various public utility systems. Property owner scale solar collection systems are included in this definition.
266. Public Utility Uses, Moderate: Larger equipment facilities required for the operation of public utilities, which may have a more significant visual or other impact on adjoining land uses. Examples include power substations, natural gas pipeline pump stations, and similar structures. Small power grid scale solar energy facilities are included in this definition.
267. Public Utility: A corporate or municipally owned entity that provides goods or services to the general public. Public utilities may include common carriers as well as corporations that provide electric, gas, water, heat, and television cable systems.
268. Public Water/Sewer System: A water or sewer system owned and operated by a municipality, local government, or by a private individual or a corporation with local and state approval to operate a public system, and subject to special regulations as herein set forth.
269. Public/Semi-Public Facility: A structure or use which may be publicly or privately owned or operated and which is generally open to the public and includes but is not limited to municipal buildings/offices, civic organizations, community centers, public schools, libraries, churches, and other areas of religious assembly, museums, and associated uses of a similar character.
270. Rated Capacity: The maximum capacity of a solar energy facility based on the sum total of each photovoltaic system's nameplate capacity.
271. Recreational Vehicle: A vehicle which is built on a single chassis; four hundred (400) square feet or less when measured at the largest horizontal projection; designed to be self-propelled or permanently towable by a light duty truck; and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use.
272. Recycling Yards: Locations for storage, sorting, compacting, repackaging, or preprocessing of goods for eventual processing into new material or recycled products. Recycling operations shall not include processes or operations that involve smelting, burning, or other chemical reactions or changes, and shall involve operations or processes that are not likely to be dangerous or offensive because of odor, dust, fire, explosion, or other reasons, and which employ processes, operations, or equipment that do not produce objectionable noise, vibration, smoke, gas, waste, or the like.
273. Redevelopment: When used in reference to an individual site or a distinct development project, the term shall mean any construction of new buildings, structures, or land uses on a site with previous or existing uses. The term includes complete or partial replacement of 80% of the square footage of the primary structure(s), and/or grading or site changes that disturb 80% or more of the total square footage of the site from pre-existing conditions. When used in reference to replacement or improvement of an

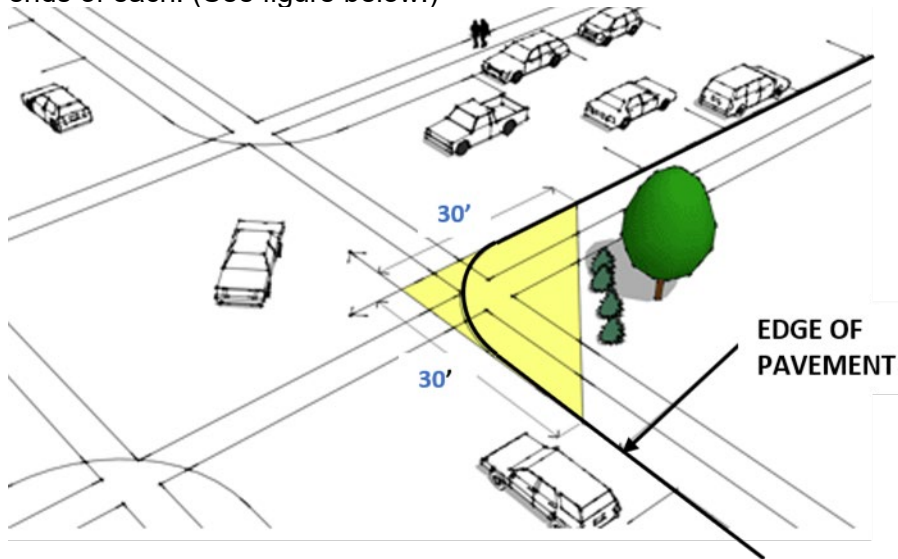
existing parking lot, the term shall be defined as any construction work which removes and replaces the paving and curb and gutter for an area greater than 5,000 square feet. It shall not be construed to mean patching, asphalt overlay, sealing, or marking the pavement for parking lots.

274. Repetitive Loss Structure: A building covered by a contract for flood insurance that has incurred flood-related damages on two (2) occasions in a ten (10) year period, in which the cost of the repair, on the average, equaled or exceeded twenty-five (25) percent of the market value of the structure at the time of each such flood event; and at the time of the second incidence of flood-related damage, the contract for flood insurance contains increased cost of compliance coverage.
275. Residential Accessory Use: Accessory use related to residential structures for human habitation.
276. Restaurant: An establishment where food and drink are prepared, served, and consumed, mostly within the principal building or in an outdoor eating area.
277. Restaurant, Take-Out or Drive-In: An establishment where food and drink are prepared, served, and consumed, mostly off-premises.
278. Retail Petroleum Products: Fuel sales for vehicles and home use, including gasoline, propane, kerosene, fuel oil and similar products.
279. Retail Stores And Shops: Buildings for display and sale of merchandise at retail or for the rendering of personal service, (but specifically exclusive of coal, wood, petroleum based fuels, and lumber yards), such as the following, which will serve as illustration: drug store, newsstand, food store, candy shop, milk dispensary, dry goods and notions store, antique store and gift shop, hardware store, household appliance store, furniture store, florist, optician, music and radio store, tailor shop, barber shop and beauty parlor.
280. Retail Uses, Large: General retail uses larger than 30,000 square feet of floor space.
281. Retail Uses, Medical: Retail uses that specialize in the sale of medical products including pharmacies, medical equipment sales, medical equipment rental, medical oxygen supplies, and similar retail sales.
282. Retail Uses, Moderate: General retail uses of 30,000 square feet of floor space or less.
283. Retail Uses, Neighborhood: Small scale retail establishments of 2,000 square feet or less that are appropriate for locations within easy walking distance of established residential areas. Examples include hair salons, barber shops, nail care, tanning and skin care salons, art studios and galleries, tailors, shoe repair, general retail shops, restaurants, and similar neighborhood appropriate retail uses. (See also, "hair & skin care.")
284. Retaining Wall: A wall or similar structure built or designed to retain or restrain forces of soil or other materials at a grade change to hold the soil or other materials on the up-hill side from slumping, sliding, or falling; a wall or terraced combination of walls used to retain more than 18 inches of materials and not used to support, provide a foundation for, or provide a wall for a building or structure.
285. Right-of-Way Line: A boundary/title line between private property and public land under legal control of the agency having jurisdiction of the alley, street, highway, or similar easement.
286. Rural Village PUD Residential: A form of residential development that preserves open space and/or prime farmland by concentrating development in a medium density cluster of buildings patterned after a rural village or farm complex. The built form of

rural village PUD residential neighborhoods can combine a mix of single-family dwellings with townhouse or condominium style structures which are patterned after the vernacular barns and farm structures found in the rural areas of Wytheville and Wythe County. Rural village PUD residential neighborhoods are always connected to and complimented by adjoining tracts of land that are to be preserved in perpetuity as either farmland or other open space as a means of preserving the historic character of Wytheville and its environs.

287. **Salvage & Recycling Yard:** Any facility that is maintained, operated, or used for the storing, buying, selling, or processing of salvage materials, at which only mechanical processing of solid waste takes place and where no solid waste is disposed of on-site.
288. **Schools, Private Primary & Secondary:** Includes privately owned and operated schools for children and teenagers. The definition excludes preschools, family day homes, and day care facilities which are regulated separately. See Code of Virginia [§ 22.1-289.02](#).
289. **Self-Service Storage Facility:** A building consisting of individual, small, self-contained units that are leased or owned for the storage of business and household goods or contractors' supplies. See also "warehouse-type I."
290. **Semi-Trailer Storage:** Use of one or more semi-trailers for the storage of personal property, equipment, supplies, or similar items for 30 days or more. The use is clearly incidental and secondary to the use of the main building.
291. **Semi-Trailer:** A freight trailer that when attached is supported at its forward end by the fifth wheel device of the truck tractor, which shall include semi-trailer as defined by Virginia Code Section [§ 46.2-100](#), as amended.
292. **Semi-Trailer, Licensed:** A semi-trailer as defined that carries a current motor vehicle trailer license and inspection to be legally towed on public streets and roads.
293. **Setback:** The minimum distance by which the main building or structure line of any building or structure must be separated from the front lot line or from an adjoining parcel.
294. **Shipping Container Storage:** Use of one or more shipping containers for the storage of personal property, equipment, supplies, or similar items for 30 days or more. The use is clearly incidental and secondary to the use of the main building.
295. **Sight Triangle:** Triangular area adjacent to the intersection of any street established by measuring a distance of thirty (30) feet from the point of intersection of two (2) streets along the edge of pavement of each of the intersecting streets and connecting the

ends of each. (See figure below.)



- 296. Sign: Any object, device, display, or structure, or part thereof, visible to the public from any parking area, or right-of-way open to use by the general public, or any navigable body of water, which is designed and used to attract attention to a venue, institution, organization, resource, or location by means involving words, letters, figures, designs, symbols, fixtures, logos, trademarks, colors, illumination, or projected images. The term "sign" does not include public art, architectural elements incorporated into the style or function of a building, holiday displays, or flags of any nation, state, or other geopolitical entity not related to a commercial venue, product, or service. The term "sign" also does not include the display of merchandise for sale on the site of the display.
- 297. Sign Face: The portion of a sign structure bearing the words or images designed to attract attention. See Article 7, Subsection 7.15.G for sign face area calculations.
- 298. Sign Structure: Any structure bearing a sign face.
- 299. Sign, A-Frame: A two-faced sign with supports that are connected at the top and separated at the base, forming an "A" shape not more than four (4) feet high. These are also referred to as "sandwich board" signs. They are included in the term "portable sign."



- 300. Sign, Animated: A sign or part of a sign that is designed to rotate, move, or appear to rotate or move. Such a sign is sometimes referred to as a "moving sign."
- 301. Sign, Awning: A sign placed directly on the surface of an awning.





302. Sign, Banner: A sign of flexible material designed to be installed with attachments at each of four corners or affixed to a framework or flat surface. Banner signs also include feather-type signs. Banners are defined as a temporary sign and subject to the same display time limits.



303. Sign, Billboard: Any sign, advertisement, or advertising structure as defined herein that is owned by a person, firm, or corporation in the business of outdoor advertising.



304. Sign, Canopy: A sign attached or applied to a building canopy.



305. Sign, Chalkboard: A framed, single-faced chalkboard or slate that can be written on with chalk or similar markers.



306. Sign, Changeable Copy: A sign or part of a sign that is designed so that characters, letters, or illustrations can be changed or rearranged manually without altering the face

or surface of the sign. This excludes digital or electronic messaging signage.



307. Sign, Combined Area of: A sign used by more than one tenant or property owner located on the same property on which the sign is installed or on a contiguous property that shares a common drive or accessway. These signs are sometimes known as “pylon signs.”



308. Sign, Directional: A sign that provides onsite directional information for the convenience of the public.



309. Sign, Double Face: A sign that is visible from both sides of the sign structure. If two faces of the sign are not mounted parallel to each other, the sign must be connected at one end with an internal angle of not more than 45 degrees.
310. Sign, Electronic Message: A sign that uses digital technology in combination with a pixelated illuminated screen, such as an LED, digital display, or other video technology, to display a changeable message.



311. Sign, Feather: A lightweight, flexible sign mounted along one edge on a single, vertical, flexible pole the physical structure of which may resemble a sail, bow, or teardrop. Feather signs are defined as temporary signs and subject to the same



display time limits.



- 312. Sign, Flashing: A sign that includes lights that flash, blink, or turn on and off intermittently.
- 313. Sign, Freestanding or Ground-Mounted: Any non-portable sign supported by upright structural members or braces on or in the ground and not attached to a building.



- 314. Sign, Height: The maximum vertical distance from the base of the sign at normal grade to the top of the highest attached component of the sign. Normal grade shall be construed to be the higher of the existing grade of the roadway adjacent to the sign location or the existing grade at the time of the installation of the sign, exclusive of any filling, berming, mounding or excavating primarily for the purpose of mounting or elevating the sign.
- 315. Sign, High Mast: An on-premises pole sign with a height in excess of 35 feet, which is intended to increase visibility along an Interstate highway corridor.



- 316. Sign, Historic: Any sign with cultural significance due to age, connection to significant cultural activities or historical events. Generally, signs that are fifty years old or more

may have historical significance, but newer signs may also be included if connected with significant cultural heritage or community significance as determined by the Zoning Administrator.



- 317. Sign, Illegal: Any sign installed without a required permit, or which otherwise does not comply with any provisions of this article.
- 318. Sign, Illuminated: A sign that is backlit, internally lighted, or indirectly lighted, but does not include a neon type lighting.
- 319. Sign, Internally Illuminated: A sign that is lighted from a source inside of the sign structure normally using a translucent sign face or backlighting.
- 320. Sign, Marquee: A sign attached to and made a part of a marquee or any similar projections from a building, with changeable, fixed, or both types of lettering in use.



- 321. Sign, Minor: A permanent wall or freestanding sign not exceeding six (6) square feet in area, not exceeding eight (8) feet in height, and not internally illuminated.



- 322. Sign, Monument: A sign affixed to a structure built on grade in which the sign and the structure are an integral part of one another; not a pole sign.



- 323. Sign, Neon: A sign containing exposed tubes filled with light-emitting gas.
- 324. Sign, Non-conforming: Any sign which was lawfully installed in compliance with applicable regulations of the Town and maintained prior to the effective date of this article of the zoning ordinance and which fails to conform to standards and restrictions as set forth herein.
- 325. Sign, Off-Premises: A sign that directs attention to a location, venue, or resource not found on the premises on which the sign is installed.
- 326. Sign, On-Premises: A sign that is an accessory use to the primary use of the property.
- 327. Sign, Pole: A sign that is mounted on one (1) or more freestanding poles.



- 328. Sign, Portable: Any durable and moveable sign that may be displayed up to 90 consecutive days, for up to two times within a 12-month period, unless otherwise restricted by this article, which is typically a rigid material such as metal or wood, and not permanently affixed to a building, structure, vehicle, or the ground. It includes, but is not limited to, A-frame signs (or sandwich boards), wall signs that are removed periodically, and removable ground mounted signs.



- 329. Sign, Projecting: Any sign, other than a wall, awning, canopy, or marquee sign that is affixed in a manner that said sign is not flush with the face of a building and said sign is supported only by the building wall on which it is mounted.



- 330. Sign, Public Use: Any sign installed by official representatives of the Town of Wytheville, Wythe County, the State of Virginia, or the federal government and their

respective departments for the public health, safety, welfare, or convenience. Such signs include traffic safety signs, directional signs, wayfinding signs, official public notices, and other similar purposes.



331. Sign, Pylon: A large and tall sign structure with architectural features that hide or beautify structural elements. Typically, these are used as a combined area sign in a shopping area and target traffic on an arterial road or Interstate highway.



332. Sign, Residence: A small sign normally used to identify a single residential dwelling.



333. Sign, Roof: A sign installed or constructed, in whole or in part, upon or above the highest point of a building with a flat roof, or the lowest portion of a roof for any building with a pitched roof.

334. Sign, Temporary – Extended Use: A sign that is not intended for permanent use, but which because of its intended use may be required to be in place for more than 90 days. Examples may include signs located on a property for sale or rent, or signs on properties with an active building permit.



335. Sign, Temporary: A sign neither permanently installed in the ground nor permanently affixed to a building or structure or that may be displayed up to 90 consecutive days, up to two times within a 12-month period. Examples include paper or corrugated



plastic yard signs and banners.



336. Sign, Vehicle or Trailer: Any sign attached to or displayed on a vehicle if the vehicle or trailer is used for the primary purpose of displaying the sign. Any such vehicle or trailer shall, without limitation, be considered to be used for the primary purpose of displaying signage if it fails to display current license plates, inspection sticker, or municipal decal, if the vehicle is inoperable, if evidence of paid-to-date local taxes cannot be made available, or if the sign alters the standard design of such vehicle or trailer.



337. Sign, Wall: Any sign attached to a wall or painted on or against a flat vertical surface of a structure, fence, or retaining wall. A marquee (including an awning or canopy) and projecting sign shall be counted as a wall sign for the wall of the structure for which it is attached, unless otherwise provided herein.



338. Sign, Window: Any sign, except temporary signs, visible outside the window and attached to or within 18 inches in front of or behind the surface of a window or door.



339. Single-Family Dwelling: For the purpose of this ordinance, a single-family dwelling, when described as a land use, is a detached dwelling that is either site-built construction or modular (industrialized building) construction, on a permanent conventional foundation, and designed for a single household. The use excludes on-frame modular homes, manufactured homes, and mobile homes that are intended for use by a single household, as well as duplexes, triplexes, and other forms of multi-family housing units. However, a single-family dwelling may include an accessory

dwelling unit as defined herein on the same parcel subject to the requirements for a conditional use permit. See also “manufactured home,” “mobile home,” and “on-frame modular home.”

340. Site: The referenced location of a parcel, development, or other proposed project as it relates to the ordinance.
341. Site Owner: The person or entity that owns all or a portion of the site, if different than the facility owner.
342. Site Plan: The proposal for a development or a subdivision as shown to scale graphically with the proposed and current site development elements as required by this ordinance and shown on the plan. May be further defined as a conceptual plan, minor site plan or major site plan in accordance with this ordinance.
343. Site Plan, Major: Major site plans require a plan set seal which shall be stamped by a licensed professional.
344. Site Plan, Minor: Minor site plans do not require a professional seal and can be hand drawn by the applicant.
345. Small-cell Telecommunications Site: Wireless facility that meets both of the following qualifications: (i) each antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or, in the case of an antenna that has exposed elements, the antenna and all of its exposed elements could fit within an imaginary enclosure of no more than six cubic feet and (ii) all other wireless equipment associated with the facility has a cumulative volume of no more than twenty-eight (28) cubic feet, or such higher limit as is established by the Federal Communications Commission. The following types of associated equipment are not included in the calculation of equipment volume: electric meter, concealment, telecommunications demarcation boxes, back-up power systems, grounding equipment, power transfer switches, cut-off switches, and vertical cable runs for the connection of power and other services.
346. Small Power Grid Scale Solar Energy Facility: A solar energy facility that: (1) has a project area of one acre or less; (2) has a rated capacity of 200 kw or less; (3) is mounted on or over a building, parking lot, or (4) utilizes integrated PV only.
347. Small Wind Energy System: A wind energy conversion system consisting of a single wind turbine, a tower and associated control or conversion electronics, which will be used primarily to reduce on-site consumption of utility power.
348. Social Club: See “special interest club.”
349. Social Service Institutions: Certain facilities that provide services to services to families or individuals experiencing challenging life circumstances. Examples include drug rehabilitation centers, homes for troubled youth.
350. Solid: When used in reference to fencing regulations, the term “solid” shall mean when the fence or wall is viewed perpendicular to its length from one side, no break or opening may be seen. The percentage of solidity must be uniform along the length of the fence or wall.
351. Special Flood Hazard Area: The area that will be inundated by the flood event having a 1-percent chance of being equaled or exceeded in any given year. The 1-percent annual chance flood is also referred to as the base flood or 100-year flood.
352. Special Interest Club, Social Club, or Lodge: A Building, Structure, or grounds, or portion thereof, which is owned by or leased to private organizations, Social Clubs, or non-profit associations for meeting, recreational, or social purposes. The use of such premises is typically restricted to the members of these organizations and their guests.

353. Start of Construction: When used in reference to floodplain management regulations the term shall be defined as follows: For other than new construction and substantial improvement, under the Coastal Barriers Resource Act (P.L. - 97-348), means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, substantial improvement, or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of the construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
354. Stoop: A platform at the door of a building as a place for waiting before entering. It may have steps and be covered or uncovered. A stoop shall not be deemed to exceed six (6) feet by six (6) feet.
355. Story: That portion of a building, other than the basement, included between the surface of any floor and the surface of the floor next above it. If there is no floor above it, the space between the floor and the ceiling next above it.
356. Street, Arterial: A busy public thoroughfare that provides connections between the Town and other regions and has been designated as an arterial street in the transportation element of the Town of Wytheville Comprehensive Plan.
357. Street, Collector: A moderately busy public street that connects local streets to arterial streets and has been designated as a collector street as part of the Town of Wytheville Comprehensive Plan.
358. Street, Private: A privately-owned, deeded right-of-way reserved to provide access to multiple parcels. Private streets are residential in nature, have an identified traveled way and connect a lot or structure to a public street or other private streets. New private streets (2024 and later) are defined as serving more than 3 lots but less than 10 lots and cannot serve more than 30 new residential units or be over 1000 linear feet in length, or else a public street must be constructed. Service to less than three lots is considered a private driveway. Standards for new private streets are provided in the UDO, which must be met when designing and constructing new private streets. Historic private streets may not have been built to any design standard and may have been constructed without Town oversight or control. Some private streets were previously county streets and came into the Town when the Town annexed county land. Private streets and affiliated land areas are owned, operated, and maintained by one or more private entity that uses the street to access the lot(s). The Town will not maintain or control private streets. Private street access easements are typically shown on a plat or described in a legal instrument and the traveled way is used to travel over the parent parcel. Maintenance of private streets shall be the responsibility of one or more private entities who use the private street and affiliated areas. For new private streets access easements shall be dedicated and shared maintenance agreements shall be in place in accordance with this ordinance. See also “access drive” and “driveway, private.”



359. Street, Public Town Maintained: Land area and/or traveled way identified and shown as a recorded easement or right-of-way on a plat and/or shown as dedicated for public use. Public streets maintained by the Town must be constructed to design standards, inspected as complete and accepted into the public maintenance inventory by action of the Town Manager or by resolution of the Town Council as part of the Urban Maintenance Inventory process. Historic public streets may have been accepted into the Town's public street inventory by the Byrd Act of 1932, by annexation, or by VDOT designation as a public street to be maintained by the Town. Public streets and related rights-of-way, are owned, operated, and maintained by the Town, unless it is considered a public street not maintained by the Town as shown in this document. Most public streets are listed in the Urban Maintenance Inventory for urban street maintenance funds provided by VDOT, however, at the discretion of the Town Council, the Town may maintain public streets not shown on the VDOT Urban Maintenance Inventory in rare or occasional instances. New subdivision streets shall meet public street design and construction standards, be inspected, and accepted by the Town Manager and must intend to be listed in the Urban Maintenance Inventory for VDOT maintenance funds. See also "street, public," "street, public unimproved," and "street, public under-development."
360. Street, Public Unimproved: A right-of-way that was created as part of an older subdivision plat or prescriptive easement, but which has not been improved for public access. Town maintenance of such rights-of-way is limited to normal maintenance as undeveloped land. See also "street, public under-development."
361. Street, Public: A road, street or thoroughfare or other right-of-way that is owned by the Town of Wytheville or that is maintained by VDOT. The definition includes any portion of the public right-of-way regardless of the level of improvement provided. See also "street, public Town maintained," "street, public unimproved," and "street, public under-development."
362. Streets, Public Under-Development: Land area and/or traveled way identified by a recorded easement or right-of-way on a plat and shown as dedicated for public use. These streets may not have been fully constructed or completed and therefore did not receive a final acceptance by the Town Manager or receive a formal resolution of acceptance into the VDOT Urban Maintenance Inventory by the Town Council. These streets provide public right-of-way passage to use the land area as a traveled way, however, the developer or private entity responsible for the development is responsible for the repair, replacement and maintenance of the roadway until such time that the roadway and affiliated transportation infrastructure is complete, inspected and accepted by the Town Manager to be listed as a public street maintained by the Town and/or accepted as public street to be maintained by resolution of the Town Council. See also "street, public unimproved."
363. Structure: For general use, anything constructed or erected, the use of which requires a permanent location on the ground, or attachment to something having a permanent location on the ground. For floodplain management purposes, a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.
364. Structural Replacement: The construction of a new structure to perform the same function as an existing structure, which can no longer adequately serve its purpose. This definition does not include replacement of interior finishes or systems. See also "substantial damage."
365. Subdivision: When used in reference to the process of creating separate parcels of land, the term means the division of a parcel of land into two or more lots or parcels for the purpose of transfer of ownership or building development, or, if a new street is

created in such division, any division of a parcel of land. The term refers to the process of creating a subdivision for the purpose of recordation of any division of land into two or more lots or parcels, a plat of such division shall be submitted for approval in accordance with [§ 15.2-2258](#). The term includes re-subdivision and replat. When appropriate to the context, the term shall relate to the land subdivided.

366. Substantial Damage: When used in relation to floodplain management regulations, damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
367. Substantial Improvement: When used in relation to floodplain management regulations, any reconstruction, rehabilitation, addition, or other improvement of a structure, taking place during a period of five (5) years, the cumulative cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes repetitive loss structures or structures that have incurred substantial damage regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or any alteration of a historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.
368. System Height: With regard to a small wind energy system, the tower height plus the blade length.
369. Temporary Family Health Care Pod: A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person as defined in Code of Virginia [§ 15.2-2292.1](#)
370. Temporary Use: A land use, structure, or special event established for a limited duration with the intent to discontinue such use, structure, or event upon the expiration of the time period.
371. Terrace: A level paved or planted area, usually adjoining a building.
372. Theaters: An indoor venue for an audience to view live performances such as concerts, plays, comedy, or similar and for the presentation of recorded performances such as movies and videos.
373. Tower Height: With regard to the small wind energy system, the height above grade of the fixed portion of the tower, excluding the wind turbine itself. With regard to telecommunications towers and antennae, the measured elevation difference between the highest point on the tower and natural grade at the base of the tower.
374. Tower, Antenna: Any structure that is designed and constructed primarily for the purpose of supporting one or more antennas, including self-supporting lattice towers, guy towers, or monopole towers. The term includes radio and television transmission towers, microwave towers, common-carrier towers, cellular telephone towers, personal communications systems towers, alternative tower structures, and the like.
375. Tower, Wind Energy System: With regard to the small wind energy system, the structure on which the small wind energy system is mounted.
376. Towing & Recovery: An establishment engaged in towing and recovery of vehicles, including incidental services offered by a towing and recovery operator such as vehicle storage.
377. Town: The Town of Wytheville.

378. Townhouse: A multi-family style of home that shares one or two walls with adjacent properties. Each has its own entrance and often a small front lawn and backyard as well. These individual units may be located on independent parcels that are surrounded by common areas that are jointly owned and managed by the owners of the units.
379. Trailer: Any unpowered vehicle capable of being towed by another vehicle. See also “mobile home,” “semi-trailer,” and “tractor-trailer.”
380. Turbine: The parts of the small wind energy system including the blades, generator, and tail.
381. Urban Livestock: For the purpose of this UDO, the term refers to the keeping of certain large animals within the Town of Wytheville in areas other than within the A-1 Agricultural Zoning District. The types of animals allowed to be kept pursuant to the urban livestock provision of this UDO are limited to those specified in the ordinance and subject to the conditions and requirements established herein for each species of animal. See also “livestock.”
382. Utilitarian Style: When used in reference to fencing regulations, the term refers to fences constructed of galvanized chain link mesh, welded or woven wire, wood snow fences, sheet metal, or other similar materials that are designed solely for functionality.
383. Variance: A relaxation of the terms of the zoning provisions of this ordinance where such variance will not be contrary to the public interest and where, owing to conditions peculiar to the property and not the result of the actions of the applicant, a literal enforcement of the ordinance would result in unnecessary and undue hardship. As used in this ordinance, a variance is authorized only for height, area, and size of structure or size of yards and open spaces; establishment or expansion of a use otherwise prohibited shall not be allowed by variance, nor shall a variance be granted because of the presence of nonconformities in the zoning division or district or adjoining zoning divisions or districts.
384. Variation: When used in relation to subdivision standards a relaxation of or exceptions to the general regulations of the subdivision provisions of this ordinance, in cases of unusual situations or when strict adherence to the general regulations would result in substantial injustice or hardship, where such variation is not contrary to the public interest.
385. Veterinary Clinic: An office or clinic intended to provide veterinary care to pets and/or farm animals.
386. Vineyard: See also “winery.”
387. Violation: The act of conducting a use or constructing a structure that is not in compliance with the provisions of this ordinance. When used in reference to compliance with floodplain management regulations, the failure of a structure or other development to be fully compliant with the Town’s floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this ordinance is presumed to be in violation until such time as that documentation is provided.
388. Wall: An entire outside wall of a structure, including wall faces, parapets, fascia, windows, and doors, of one (1) complete side of a building.
389. Warehouse – Type I: Type 1 Warehouses are completely enclosed structures to be used for the purpose of storing wares, merchandise, and personal goods. Sales of stored goods are prohibited from the warehouse.

390. Watercourse: A lake, river, creek, stream, wash, channel, or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.
391. Wayside Stand, Roadside Stand, Wayside Market: Any structure or land used for the sale of agricultural or horticultural produce.
392. Winery: Property devoted to growing fruits for further processing into consumable wine products that include bottling, aging, and may include distribution of the products produced on site, and/or the processing of fruits into consumable wine products including bottling, aging, and distribution of these products. Wineries may include specialty uses such as tasting rooms, sales areas, promotional and special events, etc.
393. Wytheville Historic District: The area designated as a National Historic District as delineated in the Town of Wytheville GIS system.
394. Yard: An open space on a lot other than a court, unoccupied and unobstructed from the ground upward, except as otherwise provided herein.
395. Yard, Front: An open space on the same lot as a building between the front line of the building (exclusive of steps, stoops, and terraces) and the front lot or right-of-way line and extending across the full width of the lot.
396. Yard, Rear: That land area of a lot located to the rear of a main structure or dwelling, lying between the rear-most portion of the main structure, or dwelling and the rear property line. The rear-most portion of the main structure, or dwelling shall include porches, garages, and carports, but does not include terraces or steps.
397. Yard, Side: That land area of a lot located on the side of a main structure or dwelling, lying between the side of the main structure, or dwelling and the side property line. The side of the main structure or dwelling shall be considered to include porches, garages, and carports, but not to include terraces or steps. See also “corner lot side yard.”

### **9.3. Interpretation**

The Zoning Administrator shall have the ability and authority to make determinations of vague, unclear, or conflicting standards in this ordinance. Requests for clarification on any standards, use, definition, and/or any other topic associated with the administration of this ordinance shall be directed to the attention of the Zoning Administrator.

### **9.4. Resources, Guides, and Industry Standards**

When needed for the purpose of interpretation by the Zoning Administrator, any resource, guide, and industry standard that is recognized as reputable in the fields of building, zoning, planning, urban design, engineering, transportation, urban forestry, or other applicable profession, may be used as a supplement to interpret this ordinance. These materials shall only be used to aid in the interpretation and application of these regulations, and shall not be used to modify, contradict, or in any way change the standards and requirements of these regulations. Merriam Webster Dictionary (latest version) may also be used, as needed, to define any term not listed in this ordinance.