



AGENDA

WYTHEVILLE BOARD OF ZONING APPEALS

THURSDAY, MAY 23, 2024 AT 11:00 AM
COUNCIL CHAMBERS, 150 EAST MONROE STREET
WYTHEVILLE, VA 24382

1. **CALL TO ORDER - VICE-CHAIRMAN JOHN MATTHEWS**
2. **ESTABLISHMENT OF QUORUM - VICE-CHAIRMAN JOHN MATTHEWS**
3. **CONSENT AGENDA**
 - A. Minutes of the regular meetings of May 25, 2023, and October 19, 2023 **(requires motion and vote)**
4. **ELECTION OF OFFICERS**
 - A. Chair **(requires motion and roll call vote)**
 - B. Vice-Chair **(requires motion and roll call vote)**
5. **OTHER BUSINESS**
 - A. Consideration to adopt the Board of Zoning Appeals Rules of Procedure, as presented by Assistant Town Manager Elaine Holeton **(requires motion and vote)**
 - B. Review and discussion regarding the future Unified Development Ordinance (UDO) presented by Planning Director John Woods
6. **ADJOURNMENT**

3-A



MINUTES

WYTHEVILLE BOARD OF ZONING APPEALS

THURSDAY, MAY 25, 2023 AT 11:00 AM
COUNCIL CHAMBERS, 150 EAST MONROE STREET
WYTHEVILLE, VA 24382

1. UNAPPROVED MINUTES

RE: ATTENDANCE

MEMBERS PRESENT:

Vice-Chairman John Jones, Jr., John Matthews, Kerry Eans

MEMBERS ABSENT:

Patricia Austin, Charles Johnson, Alternate Member Mark Zammit

OTHERS PRESENT:

Assistant Town Manager Elaine HOLETON, Chief Deputy Clerk Brandi Jones, Planning Director John Woods

RE: CALL TO ORDER

Vice-Chairman Jones called the meeting to order.

2. RE: ESTABLISHMENT OF QUORUM

Vice-Chairman Jones established that a quorum of Wytheville Board of Zoning Appeals members was present.

3. RE: CONSENT AGENDA

- A. Vice-Chairman Jones presented the consent agenda consisting of the minutes of the regular meeting of March 17, 2022. Vice-Chairman Jones inquired if there was a motion to approve the minutes of the regular meeting of March 17, 2022.

Motion made by Mr. Matthews, Seconded by Mr. Eans. Vice-Chairman Jones inquired if there was any discussion on the motion. There being none, the motion was approved with the following voting in favor and there being no opposition: Voting Yea: Vice-Chairman Jones, Mr. Matthews, Mr. Eans.

4. RE: ELECTION OF OFFICERS FOR 2023

A. RE: CHAIRMAN

Vice-Chairman Jones advised that the next agenda item is the election of a Chairman. A motion was made by Mr. Matthews and seconded by Mr. Eans for Mr.

John Jones, Jr. to serve as Chairman of the Board of Zoning Appeals. The motion was approved with the following voting in favor and there being no opposition: Voting Yea: Vice-Chairman Jones, Mr. Matthews, Mr. Eans.

B. RE: VICE-CHAIRMAN

Vice-Chairman Jones advised that the next agenda item is the election of a Vice-Chairman. A motion was made by Mr. Eans and seconded by Vice-Chairman Jones for Mr. John Matthews to serve as Vice-Chairman of the Board of Zoning Appeals. The motion was approved with the following voting in favor and there being no opposition: Voting Yea: Vice-Chairman Jones, Mr. Matthews, Mr. Eans.

5. RE: OTHER BUSINESS

A. RE: DISCUSSION REGARDING THE BOARD OF ZONING APPEALS PROCEDURES AND BYLAWS

Chairman Jones advised that the next agenda item is the discussion regarding the Board of Zoning Appeals procedures and bylaws. Assistant Town Manager Holeton stated that the Board has a copy of the current Board of Zoning Appeals (BZA) Rules for Transaction of Business in their packets, which were created in 1994, and that they need to be updated. She explained that what she would like to suggest, if the BZA would agree, is that Town Staff work on another version of the Rules for Transaction of Business to include the provisions that are in the Town's current Zoning Ordinance to cover what they do as functioning Board members. Assistant Town Manager Holeton stated that if the Board agreed, Town Staff would like to meet in the fall to review the changes to the Rules for Transaction of Business, and, hopefully, adopt the new version so that the BZA has an updated document.

It was the consensus of the Board of Zoning Appeals that Town Staff would update the Board of Zoning Appeals Rules for Transaction of Business and present it to the Board of Zoning Appeals at a meeting to be held in the fall of 2023.

B. RE: ANNUAL MEETING DATE/TIME AND FUTURE MEETING DATES/TIMES

Chairman Jones advised that the next agenda item is the discussion regarding the annual meeting date/time and future meeting dates/times. Assistant Town Manager Holeton stated that Town Staff would like to establish an annual meeting date with the Board of Zoning Appeals (BZA). She commented that it could be held during a specific month of each year so that there is more structure and Town Staff always knows that the BZA is going to meet that month to elect officers, review/edit the Rules of Procedure, set meeting dates/times for applications, etc. Assistant Town Manager Holeton commented that, typically, the way the BZA functions is that they would always meet on their annual meeting date, and they could also schedule a second meeting date in the year to hold a training session so that they are meeting twice a year to keep the Board in practice. She explained that a variance or an appeal application could come into the office at any time, and the BZA members needs to stay up to date with the practice of how the process works. Assistant Town Manager Holeton suggested that the BZA schedule their annual meeting and then

schedule a mandatory fall training session so that there are two meetings each year. She stated that this gives Town Staff another opportunity to update the BZA members on changes to the Zoning Ordinance that may/may not have occurred and anything else in the Town's Planning/Zoning Department that the BZA members may be interested in following. Assistant Town Manager Holeton advised that she recommends that other than the suggested annual meeting and fall training, when applications come in for the Board of Zoning Appeals for a variance or an appeal, she would suggest that they set a day of the week and a time so that Town Staff will know when to schedule these meetings that will work within their work schedules, personal schedules, etc. Discussion ensued regarding dates and times that would work best to schedule the annual meeting, the fall mandatory training meeting and application requests.

It was the consensus of the Board of Zoning Appeals that, each year, the annual meeting be held the third Thursday in May at 11:00 a.m. and there be a mandatory training held the third Thursday in October at 11:00 a.m. It was also the consensus of the Board of Zoning Appeals that the third Thursday of each month at 11:00 a.m. remain the date and time for applications submitted to the Board of Zoning Appeals to be heard.

C. RE: UNIFIED DEVELOPMENT ORDINANCE - PRESENTATION BY PLANNING DIRECTOR JOHN WOODS

Chairman Jones advised that the next agenda item is the presentation of the draft Unified Development Ordinance (UDO) by Planning Director John Woods. Planning Director Woods stated that some of the members had seen the UDO prior to this meeting, therefore, he would try to go through the draft quickly. He noted that each member was given a draft copy to refer to following the meeting if they had any questions or concerns. Planning Director Woods reviewed the highlights of the proposed UDO with the Board of Zoning Appeals members. Discussion was held regarding a previous Planning Commission meeting where a citizen was concerned about the reduction of the minimum size of residences particularly in the R-1 and R-2 Residential Zoning Districts. Vice-Chairman Matthews inquired about the timeline of the UDO. Planning Director Woods stated that there are two steps to the ordinance, however, Town Staff hopes to have the guiding language in place by January 1, 2024. Assistant Town Manager Holeton noted that Town Staff is considering assembling focus groups to refine the document to fit the community, which would, hopefully, include members of the BZA and other Town Boards, Commissions, etc. Planning Director Woods inquired if there were any other questions or comments regarding the UDO.

6. RE: ADJOURNMENT

There being no further business, a motion was made, seconded, and carried to adjourn the meeting (11:42 a.m.).

John W. Jones, Jr., Chairman

Brandi N. Jones, Chief Deputy Clerk



MINUTES

WYTHEVILLE BOARD OF ZONING APPEALS

THURSDAY, OCTOBER 19, 2023 AT 11:00 AM
COUNCIL CHAMBERS, 150 EAST MONROE STREET
WYTHEVILLE, VA 24382

1. **UNAPPROVED MINUTES**

RE: ATTENDANCE

MEMBERS PRESENT:

Vice-Chairman John Matthews, Ms. Patricia Austin, Mr. Kerry Eans, Mr. Charles Johnson, Alternate Member Mr. Mark Zammit

MEMBERS ABSENT:

Chairman John Jones, Jr.

OTHERS PRESENT:

Assistant Town Manager Elaine Holeton, Chief Deputy Clerk Brandi Jones, Planning Director John Woods, Deputy Clerk Lauren Bedwell

RE: CALL TO ORDER

Vice-Chairman Matthews called the meeting order.

2. **RE: ESTABLISHMENT OF QUORUM**

Vice-Chairman Matthews established that a quorum of Wytheville Board of Zoning Appeals members was present.

3. **RE: ANNUAL TRAINING**

Vice-Chairman Matthews advised that no action would be taken during the meeting. He explained that the meeting would only consist of annual training for the Board of Zoning Appeals.

A. RE: RULES OF PROCEDURE

Assistant Town Manager Elaine Holeton advised that the Wytheville Board of Zoning Appeals (BZA) has an existing Rules of Procedure. She noted that it was approved in 1994. Assistant Town Manager Holeton explained that Town Staff wanted to review the document and make sure that it was updated and current with the Code of Virginia. She continued explaining how the BZA's service is directly related to the Code of Virginia. Assistant Town Manager Holeton stated that the other reason Town Staff wanted to revise the Rules of Procedure was to develop a format that was

universal to all Town Boards, Committees, etc. She explained that over the next few years, all the Town's Boards, Committees, etc. will start to develop into this standard format. Assistant Town Manager Holeton stated that the standard format that the BZA will review at this meeting reflects what the Town Council has developed as a similar format for the Council. She proceeded to review the draft Board of Zoning Appeals Rules of Procedure with the BZA members. Discussion was held regarding when the BZA is required to meet. Clarification was given to the members regarding how to handle situations when they arise during a case, who the case can and cannot be discussed with, when the case is allowed to be discussed, tabling an item during a meeting because the Board does not have enough information to vote comfortably until another meeting after gathering more information, etc. Ms. Austin remarked that, as the Board thinks of ideas, the ideas should be included somewhere in a manual or process guide so that the Board is consistently following the same process and creating transparency. Assistant Town Manager Holeton stated that, if the other members agree with Ms. Austin, Town Staff will add a section to Article VI - Communications that lays out this workflow for the next draft of the Rules of Procedure. It was the consensus of the Board of Zoning Appeals to add this information to the proposed Rules of Procedure. Vice-Chairman Matthews requested that Assistant Town Manager Holeton review the expectations of communication, once a case becomes public information following the meeting and the minutes become public knowledge. He inquired if she could elaborate on what the expectation is about Board member responses if they were to be asked to comment on the case. Assistant Town Manager Holeton stated that this was the first time she has been asked to review what to say or not say following a meeting, and this is a great question. She explained that, from her perspective, the actions of the Board are within the Council Chambers and minutes are taken, which are public information. Assistant Town Manager Holeton remarked that if comments were within what the minutes would reflect, members would be fine, however, she would not suggest disclosing any information that was not discussed during the meeting or presented during the meeting. She advised that members can always state to someone inquiring about a case that they would rather not comment on the case and refer them to Town Staff for a comment. Assistant Town Manager Holeton stated that once the Rules of Procedure are adopted at the May 2024 meeting, the final version will be emailed to each Board of Zoning Appeals member, and it will be posted on the Town's website. Assistant Town Manager Holeton commented that she would request the members continue reviewing the draft, and if there are any questions or comments, to please email her or Chief Deputy Clerk Jones prior to the May 2024 meeting.

B. RE: VARIANCE APPLICATION PRESENTATION

Assistant Town Manager Holeton advised that the next item on the agenda is the presentation regarding variance applications for the Town of Wytheville Board of Zoning Appeals (BZA). She noted that the Board received two cheat sheets which will be included in all future packets when there is a variance or appeal request so that the Board will always have the sheets with them when reviewing a case. She noted that with variance requests, the Board will never be asked to make a use determination. She commented that the burden is on the applicant to prove to the

BZA that they have a unique situation which is why they are not required to follow the Zoning Ordinance for the zoning district that they are applying for the variance. Assistant Town Manager Holeton continued to review the variance application process with the Board. She remarked that if Boards strictly applied the Code of Virginia, there would probably be very few variances ever approved in Virginia. Assistant Town Manager Holeton commented that she has worked for two jurisdictions before coming to work for the Town of Wytheville, and she understands that the Board members are Town citizens who understand how hard it is to deny someone who applies for a variance if the applicant is not a negative impact to the community. She stated that her advice to the Board would be that if there is an application and there is no negative impact on the community and the Board feels there is a reasonable reason for the request, then it is probably safe to grant the variance request. Assistant Town Manager Holeton noted, however, when there is a request, and the applicant simply does not want to spend the extra money to do what they are required to do to comply with the Zoning Ordinance, then the variance request should be denied. She explained that one of the good things about not meeting a lot and not having a lot of variance requests means that the Zoning Ordinance is working and there are professional staff capable of doing their jobs. Assistant Town Manager Holeton remarked that she has worked in communities where applications are received for the same variance requests which tells staff that the ordinance needs to be reviewed because there are too many people having challenges with the same rule. Assistant Town Manager Holeton advised the Board that the majority of the attending meeting members are needed to approve a variance and referenced the cheat sheet. She stated that she would request the Board members to contact Town Staff if they had any questions or comments regarding the cheat sheet. Assistant Town Manager Holeton inquired if there were any questions or comments regarding the variance application process. There being none, she proceeded with the agenda.

C. RE: APPEAL APPLICATION PRESENTATION

Assistant Town Manager Holeton advised that the next item on the agenda is the presentation regarding appeal applications for the Town of Wytheville Board of Zoning Appeals (BZA). She inquired of the BZA members as to which members had sat for an appeal process. It was noted that all BZA members had heard an appeal. Assistant Town Manager Holeton advised that when she was the Zoning Administrator at another locality, she was the subject of two appeals, which are not fun when you are in that position. She explained that the appeal process is in the Code of Virginia for a reason, which is to make sure Zoning Administrators are being held accountable. Assistant Town Manager Holeton continued to explain the process of an appeal to the BZA members including who they would contact as far as Town staff with questions, formulating motions, public hearing requirements, agenda workflow, etc. She explained the process of the applicant appealing the BZA's decision, which is filed through the Circuit Court of Wythe County within 30 days of the case being heard. Vice-Chairman Matthews inquired of Assistant Town Manager Holeton in other instances where a case may be filed with the Circuit Court, what the responsibility of the BZA members would be. He inquired if the members may be required to speak during the hearing. Assistant Town Manager Holeton stated that

she has never had an appeal filed with the Circuit Court properly for it to go any further, however, she thinks once the BZA makes its ruling, and the appeal is filed through the Circuit Court, everything is then handled through the Town's Attorney. She remarked that the BZA members would not be requested to testify, etc. because the Town's Attorney would file a motion, etc., on the members' behalf. She commented that all the minutes, recordings, etc. would be sent over to the court for the case. Assistant Town Manager Holeton inquired if there were any questions or comments regarding the appeals applications. There being none, she proceeded with the agenda.

D. RE: UNIFIED DEVELOPMENT ORDINANCE (UDO) PRESENTATION

Assistant Town Manager Holeton explained that Planning Director John Woods was scheduled to present the draft Unified Development Ordinance (UDO) to the Board of Zoning Appeals (BZA), however, he was unable to attend the meeting. She stated that the UDO is a working draft that Town staff began working on over a year and a half ago. Assistant Town Manager Holeton noted that the current Zoning Ordinance is over 50 years old. She remarked that Town Staff decided to do a complete rewrite of the ordinance, which is why it is taking so long to complete. She commented that the current Zoning Ordinance has approximately 50 pages, and the new Unified Development Ordinance (UDO) has over 300 pages. Assistant Town Manager Holeton stated that the challenge with the current ordinance is that it is very vague, but the new UDO will be very clear, and there will be hyperlinks within the document on the website. She explained that the Subdivision Ordinance will be included in the same document to easily reference items. Assistant Town Manager continued to review the draft UDO with the BZA members, and the public input focus groups she would like for the members to join in the future. She noted that Town Staff would train the members about the zoning district standards at a future meeting. Assistant Town Manager Holeton inquired if there were any questions or comments regarding the draft UDO. She stated that if the members had questions or comments, they could contact Town Staff. Vice-Chairman Matthews thanked Assistant Town Manager Holeton for reviewing this information with the members.

4. RE: ADJOURNMENT

There being no further business to be discussed, a motion was made, seconded and carried to adjourn the meeting. (11:49 a.m.)

John R. Matthews, Vice-Chairman

Brandi N. Jones, Chief Deputy Clerk

4-A

**WYTHEVILLE
BOARD OF
ZONING
APPEALS**



**AGENDA ITEM
INFORMATION**

Meeting Date:	May 23, 2024
Subject:	Election of Officers - Chair

SUMMARY:

It will be necessary for the Board of Zoning Appeals to elect a Chair for the year 2024. Nominations could be taken at this time, however, it is customary for the Vice-Chair to be elected as the Chair. If the practice continues, it will be Mr. John Matthews' turn to serve as the Chair.

Recommended Action

A motion and roll call vote of the Board of Zoning Appeals is required.

4-B

**WYTHEVILLE
BOARD OF
ZONING
APPEALS**



**AGENDA ITEM
INFORMATION**

Meeting Date:	May 23, 2024
Subject:	Election of Officers – Vice-Chair

SUMMARY:

It will be necessary for the Board of Zoning Appeals to elect a Vice-Chair for the year 2024. Nominations will now be taken for the position of Vice-Chair.

Recommended Action

A motion and roll call vote of the Board of Zoning Appeals is required.

5-A

**WYTHEVILLE
BOARD OF
ZONING
APPEALS**



**AGENDA ITEM
INFORMATION**

Meeting Date:	May 23, 2024
Subject:	Board of Zoning Appeals Rules of Procedure

SUMMARY:

Please find attached the 2024-25 Wytheville Board of Zoning Appeals Rules of Procedure to be considered for adoption.

Recommended Action

If the Board of Zoning Appeals desires to approve the Rules of Procedure, it will require a motion and vote of the Wytheville Board of Zoning Appeals.

**TOWN OF WYTHEVILLE
BOARD OF ZONING APPEALS
RULES OF PROCEDURE**

Be it resolved that the Board of Zoning Appeals (BZA) does hereby accept and adopt these Rules of Procedure in order to facilitate its powers and duties in accordance with provisions of Title 15.2, Code of Virginia of 1950, as amended.

INTRODUCTION

These Rules of Procedure were designed and adopted for the benefit and convenience of the Board of Zoning Appeals (BZA). Their purpose is to help the Board conduct its affairs in a timely and efficient manner. They incorporate the general principles of parliamentary procedure found in *Robert's Rules of Order Newly Revised* and applicable Virginia laws. The Rules of Procedure do not create substantive rights for third parties or participants in proceedings before the BZA. Further, the Board reserves the right to suspend or amend the Rules of Procedure whenever a majority of the Board decides to do so. When the Rules of Procedure do not address a procedural issue, the Board may consider the most recent edition of *Robert's Rules of Order* for guidance. The failure of the Board to strictly comply with the Rules of Procedure shall not invalidate any action of the Board.

ARTICLE I. PURPOSE AND BASIC PRINCIPLES

1.1 Purpose of Rules of Procedure

- A. To enable the Board to transact business fully, expeditiously and efficiently while affording every opportunity to citizens to witness the operations of government;
- B. To protect the rights of each individual Board member;
- C. To preserve a spirit of cooperation among Board members; and,
- D. To operate in accordance with the enabling statutes of the Code of Virginia.

1.2 Basic Principles Underlying Rules of Procedure

- A. The business of the Board should proceed in the most efficient manner possible;
- B. The Rules of Procedure must be followed consistently;
- C. Actions should be the result of a decision on the merits and not a manipulation of the procedural rules;
- D. Only one subject may claim the attention of the Board at one time;
- E. Each item presented for consideration is entitled to full and free discussion;
- F. Every member has equal rights to participate and vote on all issues;
- G. Every member must have equal opportunity to participate in decision making;
- H. The will of the majority must be carried out, and the rights of the minority must be preserved; and,
- I. The Board must act as a body.

ARTICLE II – TITLE, ESTABLISHMENT AND POWERS

- 2.1 **Title.** The official title of this Board shall be the Town of Wytheville Board of Zoning Appeals. As referenced in this document, shall also be known as the “Board” or “BZA.”
- 2.2 **Establishment.** This Board of Zoning Appeals for Town of Wytheville established pursuant to Article § 15.2-2308, Code of Virginia, has adopted these Rules of Procedure in order to facilitate its powers and duties in accordance with the provisions of Title 15.2, Chapter 22, Code of Virginia. The Bylaws and Rules of Procedure can be amended, as needed, and updated accordingly by the Board of Zoning Appeals.
- 2.3 **Powers.** The BZA shall have the powers and duties set forth in § 15.2-2309 Code of Virginia, including related provisions of § 15.2-2308 – 2312, and those powers enumerated in the Unified Development Ordinance or Zoning Ordinance for the Town of Wytheville.
- 2.4 **Validity.** If any word, clause, sentence, article, section, subsection or other part or parts of these Rules of Procedure shall be held by a court of competent jurisdiction to be unconstitutional or otherwise invalid, such unconstitutionality or invalidity shall not affect any of the remaining parts of these Rules of Procedure, nor shall it affect any application of these Rules that may be given effect without the unconstitutional or invalid parts, and to this end, all provisions of these Rules are hereby declared to be severable.

ARTICLE III – MEMBERS AND APPOINTMENT TO SERVE

- 3.1 **Members.** The Board of Zoning Appeals shall consist of five (5) members, who shall all be citizens of the Town of Wytheville.
- 3.2 **Sole Membership.** Members of the Board shall hold no other public office except that one member thereof may be a member of the Town’s Planning Commission.
- 3.3 **Term.** The standard and regular term of office for BZA members shall be five (5) years each. Appointments to fill vacancies shall be for the unexpired portion of the term.
- 3.4 **Term Limits.** There are no term limits. Members may be reappointed to succeed themselves for another term. A member whose term expires shall continue to serve until his successor is appointed and qualifies.
- 3.5 **Attendance.** Members shall make every effort possible to attend meetings. At such a time that a Board member knows of a potential absence, they shall let the Chief Deputy Clerk know as far in advance as possible.
- 3.6 **Conflict of Interest.** Members have a responsibility to determine whether they

have a conflict of interest and, when needed, act in accordance with the State and Local Government Conflict of Interests Act § 2.2-3100 et seq. Code of Virginia. Any Board member may request a “Conflict of Interest Opinion Letter” from the Commonwealth Attorney prior to hearing an application at a Board of Zoning Appeals Meeting. The request shall be made in the manner described in Section 2.2-3121(B) of the Code of Virginia.

- 3.7 **Resignation.** A Board of Zoning Appeals member who chooses to resign shall submit a written correspondence to the Town Clerk indicating the decision to resign and the effective date of resignation. Any member who misses more than three (3) consecutive meetings and who has failed to respond to either the Chief Deputy Clerk or the Chair regarding the absences, has by their actions indicated that they are no longer interested in serving and this action shall be considered a resignation.
- 3.8 **Removal.** Any member may be removed for malfeasance, misfeasance or nonfeasance in office, or for other just cause, by the court that appointed him/her, when a hearing is held in accordance with the Code of Virginia § 15.2-2308. E.
- 3.9 **Application to Serve.** Any person who desires to serve on the BZA shall complete the Town of Wytheville Application. The application to serve on a Town Board or Committee is available on the Town website. <https://www.wytheville.org/index> Upon such time that a BZA vacancy exists or an appointment is required, the Town Clerk shall compile the received applications for the seat and prepare the applications for the Town Council’s consideration.
- 3.10 **Appointments.** The official appointment to serve on the BZA is made by the Wythe County Circuit Court Judge. The Circuit Court has traditionally made appointments based upon the recommendation of the Town Council. The Circuit Court, however, has the statutory authority to appoint any citizen willing to serve.
- 3.11 **Recommendation from Council.** When a recommendation has been provided by the Town Council the following shall occur: The Town Clerk will direct the Town Attorney to file a petition in the Wythe County Circuit Court seeking appointment of the recommended appointee. If there is no recommended appointee, the Town Council will direct the Town Attorney to file a petition advising the Circuit Court that a vacancy exists and requesting that the Circuit Court appoint an individual of the Court’s choosing.
- 3.12 **Onboarding.** At such time that the court order for a new appointment or re-appointment on the BZA arrives, the Town Clerk shall notify the new member of the appointment and when needed, schedule a new member orientation and any onboarding activity which may be needed prior to service on the Board.

ARTICLE IV – OFFICERS

- 4.1 **Election.** Election of officers for the Board of Zoning Appeals shall occur every

year at the Organization Meeting. The term shall be one year. The Board shall elect a Chair and a Vice-Chair, and the nomination of officers shall be made from the floor. A candidate receiving a majority vote of the membership of the Board present, after voting shall be declared elected. The Secretary/Clerk to the Board of Zoning Appeals shall be assigned at the direction of the Town Clerk.

- 4.2 **Duties.** Duties of elected officers are determined by the Board of Zoning Appeals and subject to change as needed and determined by the Board. The guidance below conveys the typical activities associated with each role.
- 4.3 **Chair.** The Chair shall preside at all meetings and hearings of the BZA, appoint Committees as necessary, administer oaths and compel the attendance of witnesses, decide all points of order or procedural questions and maintain order within the meetings, call special meetings when needed and cancel meetings when needed. When needed by the staff, assist with agendas and correspondence.
- 4.4 **Vice-Chair.** The Vice-Chair shall act in the absence or inability of the Chair to act.
- 4.5 **Clerk to the BZA.** The Clerk to the BZA shall keep the minutes and records of the BZA's proceedings, including the date, time and location of the meeting. Record members absent or present. Compose a summary of the discussion, matters proposed, deliberated and decided. Record votes taken and outcomes. Compile meeting minutes for review and approval. Maintain all BZA records and applications. Coordinate with Town staff who are presenting or preparing for meetings. Prepare and be responsible for the publishing of advertisements relating to meetings and public hearings in accordance with State law. Send out public hearing and other types of notices required by these Rules of Procedure, applicable to Town Ordinances and the Code of Virginia. Prepare BZA packets and communicate official correspondence for the BZA. Notify the Town Clerk of any vacancy on the BZA. Maintain records of the BZA membership. A member of Town staff shall serve as the Clerk and shall be appointed to serve by the Town Clerk.

ARTICLE V – MEETINGS, AGENDAS, APPLICATIONS BEFORE THE BZA

- 5.1 **Meeting Location.** Meetings shall be held at the Town Municipal Office, Town Council Chambers, 150 East Monroe Street, Wytheville, VA 24382. The mailing address is P.O. Box 533. Contact phone is 276-223-3353. If required, the Chair may determine, prior to a meeting, that the location shall be changed, and the change of location shall be advertised in any required public notices for the meeting and posted on the building the day of the meeting.
- 5.2 **Open Meetings.** Meetings of the BZA shall be open to the public, unless a closed meeting is scheduled by the Chair, and approved by the Town Attorney, prior to the meeting and qualified in accordance with the Virginia Freedom of Information Act. Records of the meeting shall be available to the public in accordance with the Virginia Freedom of Information Act (FOIA), § 2.2-3707 et seq. Code of Virginia.

- 5.3 **Organizational Meeting.** The BZA will hold an organizational meeting in May of each year to review and approve the Rules of Procedure, set the regular meeting day and time for the following year and elect officers for the following year. In the event of inclement weather or unforeseen circumstances, the organizational meeting can be rescheduled, and operations shall continue until the organizational meeting can be held.

- 5.4 **Regular Meetings.** The BZA regular meeting day is the third Thursday of the month at 11:00 a.m. The regular meeting day shall be considered at the organizational meeting and can be amended at that time upon consideration and a vote of the Board. Regular meetings will only be held when an application has been submitted for consideration or when it has been determined by the Chair that a meeting is required. If the Chair, or Vice-Chair in their absence, finds and declares that weather or other conditions are such that it is hazardous for members to attend the meeting, a continued meeting shall be scheduled for the following Thursday at the same time and in the same place. In the event a meeting date falls on a Town Holiday, the meeting shall be postponed to the next available Thursday at the same place and time. In the event a meeting is postponed, the members and the press shall be notified, and all hearings and other matters previously advertised shall be conducted at the continued meeting and no further advertisement is required. (Section 15.2-2309.8, Code of Virginia, 1950, as amended.)

- 5.5 **Training Meeting.** Where possible, the BZA may convene each year for a planned training event. The preferred training month is October but may occur at any time at the discretion of the Chair. The training meeting shall be used to update the BZA on Zoning Ordinance amendments, laws and topics related to planning and zoning and/or related changes to the Code of Virginia that may affect the BZA.

- 5.6 **Continued Meetings.** If the BZA determines that a meeting shall be continued to either allow for additional time or research for a particular matter under consideration or for any other reason, the BZA may recess and continue a meeting or lay an item on the table for continued discussion at a future meeting. No further public notice shall be necessary for such a continuation or reconvened meeting.

- 5.7 **Special Meetings.** Special meetings of the BZA may be held at the call of the Chair and at such other times as a quorum of the BZA may determine, provided that notice of such meeting is given to each member, and to the public, pursuant to the Virginia Freedom of Information Act (FOIA), § 2.2-3707 et seq. Code of Virginia.

- 5.8 **Public Hearings.** Public hearings shall be held after public notice has been given. (Section 15.2-2204 and 15.2-2312, Code of Virginia, 1950, as amended.) The Town of Wytheville Public Hearing Policy shall be used to facilitate public hearings before the BZA.

- 5.9 **Meeting Agenda.** The meeting agenda shall be determined by the Chair in

consultation with the Clerk to the BZA. The meeting agenda shall consist of the consent agenda and other business that needs to be heard. The general order in the hearing of any application shall be Staff Report, Applicant or Appellant Report Opening of the Public Hearing for public comment, Public Comments, Closing of the Public Hearing and Time for discussion among the Board. Any person can be called back up to the podium by the Chair to answer questions or give additional testimony when called and recognized by the Chair. The Chair reserves the right to allow or disallow further comment or testimony after the Public Hearing has ended.

- 5.10 **Applications.** The application deadline for an item to be considered by the BZA shall be the 15th day of the month for the item to be heard at the next month's regular meeting date. The applicant shall utilize the Town of Wytheville application portal at <https://www.wytheville.org/index> to submit the application. At such time that a complete application is received by Town Staff, the staff will include the item on the next BZA agenda that meets the Public Hearing Policy. The application will be included in the BZA packet for consideration.
- 5.11 **BZA Meeting Packet.** The Clerk to the BZA shall prepare the BZA meeting packet. The packet shall consist of the agenda, the previous meeting minutes and supporting information for items under consideration. The packet shall be delivered to the BZA members at least five (5) days prior to the meeting date.
- 5.12 **Records.** Records associated with the activities of the Board of Zoning Appeals shall be kept in the Office of Planning and Zoning, and/or the assigned file storage location for Town records. The Town Clerk shall be notified of any Freedom of Information Act requests and/or other requests for meeting minutes and applications heard by the Board of Zoning Appeals. Requests for information shall be processed in accordance with the Town Freedom of Information Act Policy.
- 5.13 **Abstaining.** Any member has the right to abstain from participating in a meeting agenda item and/or voting on an application before the Board, when they have determined that they have a Conflict of Interest in accordance with the State and Local Government Conflict of Interest Act. When abstaining, and prior to the Board taking up the agenda with respect to which the member has a conflict, the member shall state that they are abstaining from the discussion and/or the vote, and the basis for the decision to abstain. The terms "actual conflict of interest" or "perceived conflict of interest" shall be used when announcing the right to abstain.
- 5.14 **Certiorari to Review Decision of Board.** Any person or persons jointly or severally aggrieved by any decision of the Board may file a petition with the Wythe County Clerk of Court within 30 days of the final decision of the Board. Code of Virginia § 15.2-2314 shall be used to process this request.

ARTICLE VI - COMMUNICATIONS

- 6.1 From Code of Virginia § 15.2-2308.1. Boards of Zoning Appeals, ex parte

communications, proceedings.

- A.** The non-legal staff of the governing body may have ex parte communications with a member of the Board prior to the hearing but may not discuss the facts or law relative to a particular case. The applicant, landowner or his agent or attorney may have ex parte communications with a member of the Board prior to the hearing but may not discuss the facts or law relative to a particular case. If any ex parte discussion of facts or law in fact occurs, the party engaging in such communication shall inform the other party as soon as practicable and advise the other party of the substance of such communication. For purposes of this section, regardless of whether all parties participate, ex parte communications shall not include (i) discussions as part of a public meeting or (ii) discussions prior to a public meeting to which staff of the governing body, the applicant, landowner or his agent or attorney are all invited.
- B.** Any materials relating to a particular case, including a staff recommendation or report furnished to a member of the Board, shall be made available without cost to such applicant, appellant or other person aggrieved under § 15.2-2314, as soon as practicable thereafter, but in no event more than three business days of providing such materials to a member of the Board. If the applicant, appellant or other person aggrieved under § 15.2-2314 requests additional documents or materials be provided by the locality other than those materials provided to the Board, such request shall be made pursuant to § 2.2-3704. Any such materials furnished to a member of the Board shall also be made available for public inspection pursuant to subsection G of § 2.2-3707.
- C.** For the purposes of this section, "non-legal staff of the governing body" means any staff who is not in the office of the attorney for the locality, or for the Board, or who is appointed by special law or pursuant to § 15.2-1542. Nothing in this section shall preclude the Board from having ex parte communications with any attorney or staff of any attorney where such communication is protected by the attorney-client privilege or other similar privilege or protection of confidentiality.
- D.** Additional Information on Communications. BZA Members shall not discuss any pending applications or prior applications heard and shall only discuss applications during the BZA meeting time. In the event a written or spoken comment is sent to a BZA member, the BZA member shall not reply outside of a meeting, except to notify the speaker that they are unable to discuss the pending or prior applications. All correspondence which is sent to one member, and which is related to a pending application, shall be shared with the Clerk who shall distribute the communication to all members of the BZA. Any person who requests records or information relating to an application or a BZA meeting shall contact the BZA Clerk and submit a FOIA request. BZA members should refrain from sharing information with persons outside of the BZA meeting.

ARTICLE VII - QUORUM AND ACTIONS

- 7.1 **Quorum.** Attendance by at least three (3) members shall constitute a quorum. In the event that a quorum cannot be reached, the Chair reserves the right to reschedule a meeting to the next month or to another date in the same month that shall accommodate convening a quorum and the meeting of any public hearing requirements.

- 7.2 **Required Absence.** No action shall be taken by the Board unless there shall be present at least a quorum, provided, however, that the temporary absence from the meeting room of members sufficient to constitute a quorum shall not be deemed to prevent the hearing of presentations or the discussion of matters submitted. The Clerk shall suggest the absence of a quorum prior to the taking of any action by the Board. Failure of the Clerk, or any member of the Board, to suggest the absence of a quorum shall not be deemed to alter the effect of this rule requiring a quorum as a prerequisite to any action.

- 7.3 **Remote Participation in BZA Meetings.** Board members may participate in meetings of the Committee/Board by electronic means as permitted by Virginia Code §2.2-3708.2 and in compliance with the Town of Wytheville Electronic Participation Policy. This applies to the entire membership and without regard to the identity of the member requesting remote participation or the matters that will be considered or voted on at the meeting.

Whenever an individual member wishes to participate from a remote location, the law requires a quorum to be physically assembled at the primary or central meeting location, and there must be arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location.

When such individual participation is due to an emergency or personal matter, such participation is limited by law to two meetings or 25 percent of the meetings of the public body per member each calendar year, whichever is fewer.

A Board member wishing to participate from a remote location in a meeting of the Board shall notify the Chair on or before the date of the meeting that the member is unable to attend, identify with specificity the nature of the personal matter. The Clerk shall record in the minutes the specific nature of the personal matter and the remote location from which the absent member participated.

During a disaster and/or declared state of emergency from the Governor, and it is impracticable or unsafe for a quorum of the BZA to assemble in one location then the Board may conduct its meetings electronically to assure the continuity of its government. (See Code of Virginia §2.2-3708.2(A)(3), §44-146.17, §15.2-1413, and §44-146.21.)

- 7.4 **Voting.** Votes shall be taken on all motions made and seconded. Roll call votes are required for applications and/or appeals heard by the Board of Zoning Appeals. After the vote, the Chair shall state the results of the vote.
- 7.5 **Restating the Question.** The Chair shall restate the question prior to the taking of a vote, however, the Chair may request that another member restate the question if in the Chair's opinion that will expedite the decision thereof.
- 7.6 **Unanimous Consent.** Where no formal action is required, and no objection is heard, a request from a member shall be deemed a request of the Board without further action, when such request is made at a meeting with a quorum present.
- 7.7 **Tie vote.** A tie vote fails. No tiebreaker is appointed. Failed votes resulting from the lack of a quorum due to Virginia Conflict of Interest Act actual abstentions may, in rare circumstances, be permitted to move forward pursuant to Virginia Code Sec. 2.2-3112(D).
- 7.8 **Second, discussion, vote.** A second to a primary or substitute motion is required to formally discuss and/or vote upon the motion.
- 7.9 **Motion to rescind.** A motion to rescind may be made for the intent to change an action voted upon at an earlier meeting. The motion to rescind may be made by any member of the Board. If advance written notice is provided in the agenda of the intent to make a motion to rescind, then a simple majority in favor is required for it to be successful. If no advance written notice is provided, then it shall succeed only if two-thirds (2/3) of the Board members present vote in favor of the motion to rescind.
- 7.10 **Abstention from Casting Vote:** All members of the Board present shall vote upon all questions that a vote must be taken, unless excused by the Board (unless the member has an immediate personal or financial interest in the matter). Requests by a member to abstain from voting or to announce the intention not to vote because of personal or other financial interest shall be made to the presiding officer prior to the placing of the matter before the Board for a vote. The BZA need take no further action to allow the abstention in the case of a member's personal or other financial interest in the matter, consistent with the requirements of the Virginia State and Local Government Conflict of Interests Act.

A member may also abstain from a vote without further action if the member believes that voting upon a matter may create the appearance of a conflict of interest. The member shall state the specific reason that the member believes the appearance of a conflict of interest exists.

Additionally, a member may abstain from a vote to approve meeting minutes without further action if the member did not attend the meeting for which minutes

approval is being considered.

The Board shall consider a request to abstain from a vote for other reasons and may grant the request if a majority of the members present (excluding the member requesting the abstention) votes in favor of granting the request.

ARTICLE VIII - ORDER IN THE CONDUCT OF BUSINESS

- 8.1 **Persons Addressing the Board.** The time for addressing the Board will be monitored, and the Board shall limit the speaking time at its discretion. Insofar as is practicable, people addressing the Board shall furnish the Clerk and members of the Board with a written copy of their remarks.

- 8.2 **Applicant Testimony.** In the hearing of any application or appeal, the Board of Zoning Appeals shall offer an equal amount of time in the hearing on the case to both the applicant/appellant or other person aggrieved, and Town staff presenting the application or basis for decision. The applicant may appear in his own behalf at the public hearing or be represented by counsel or an agent.

- 8.2 **Public Hearings.** In those instances where persons are addressing the Board, without having first been placed on the agenda, these persons shall limit their remarks as follows:
 - 1. Person speaking for himself or his immediate neighborhood - Five (5) minutes.
 - 2. Person speaking for an organization whose membership is representative of an entire group – Seven (7) minutes.
 - 3. Person speaking for an organization whose membership is representative of the entire town – Ten (10) minutes.

- 8.3 **Recognition.** Shall be given by the Chair, or the Vice-Chair in the Chair’s absence. No person shall address the Board without having first been recognized and coming forth stating their name and address. When all public testimony has concluded, and the Board is considering and discussing the matter, no person shall thereafter be recognized to address the Board unless requested to do so by the Chair.

- 8.4 **Cumulative or Repetitive Testimony.** Shall not be permitted on any matter, and persons of the same position as a previous speaker shall state their name and the position with which they agree.

- 8.5 **Questions.** By Board members, shall be reserved insofar as possible for the end of a presentation to avoid interrupting the speaker, disrupting the time-keeping process and duplicating ground the speaker may cover.

8.6 **Discussion and Debate by the Board.** Shall be conducted following the presentation of testimony on the item of business pending. Members shall not speak to the item until recognized by the Board, members shall not speak more than ten minutes at one time, nor more than twice upon the same question, without the permission of the Board. A member who has spoken to the item shall not again be recognized until each other member desiring to speak shall have an opportunity to speak. After the Board shall have acted, any member shall have the right to state a protest against the action, and his/her reasons therefore, for a time not to exceed two (2) minutes. Members of the audience shall not be allowed to address the BZA unless clarification is requested by the Chair.

ARTICLE IX - DECORUM

9.1 **Decorum of Board Members.** Shall be maintained in order to expedite the disposition of the business before the Board. Questions and remarks shall be limited to those relevant to the pending business. Members shall not converse with other members or with other persons in any manner having a disturbing effect on the conduct of business. Consultation with staff about the meeting is permitted, as necessary. Members shall address all remarks to the Chair as the presiding officer.

9.2 **Decorum of Other Person(s).** Shall be maintained by the Chair, who may request such assistance as appears necessary. Persons addressing the Board shall limit their remarks to those relevant to the pending items and to answering questions. They shall address the Board as a whole, unless answering an individual member's questions. The Chair, or Vice-Chair in the Chair's absence, shall call the speaker to order, if out-of-order remarks or other indecorous conduct persists, and may order the speaker from the lectern. The order with gavel, if not heeded, will then cause a Wytheville Police Officer to carry out the order. Persons whose allotted time to speak has expired shall be warned by the Chair, or the Vice-Chair in the Chair's absence, to conclude in one minute, after which such person shall leave the lectern, unless he is asked to remain to answer questions from the Board. No persons in attendance shall be allowed to voice remarks except as recognized by the Chair. Groups in the audience creating an atmosphere detrimental or disturbing to the conduct of the meeting will be asked to leave by the Chair. Taping of the meeting shall be permitted from the rear of the Council Chambers.

ARTICLE X – FREEDOM OF INFORMATION ACT REQUESTS

For the purposes of complying with Freedom of Information Act (FOIA) requests for Board of Zoning Appeals public records, the Town shall be considered the custodian for Board member public record transmissions including those sent and received through the Town's email network.

A. Upon the expiration of their term in office, a Board member shall provide electronically copies of all their public records other than those sent and received

through the Town network and related to the transaction of public business on a thumb drive provided by the Town Information Technology Department. This thumb drive will be provided to the Town's FOIA Officer. The Town's FOIA Officer will use the copies to fulfill all further FOIA requests for BZA member emails and will maintain the copies in accordance with the Virginia Public Records Act. For purposes of this Memorandum, "public business" encompasses those matters over which the Board has supervision, control, jurisdiction or advisory power.

- B.** Board members shall comply with the Library of Virginia's Records Retention Schedule pursuant to the Virginia Public Records Act.

Adopted this 23rd day of May, 2024.

Typed Name, Chair

Attest:

Brandi N. Jones, Chief Deputy Clerk

Adoption/Revision Dates:
Adopted May 23, 2024

5-B

**WYTHEVILLE
BOARD OF
ZONING
APPEALS**



**AGENDA ITEM
INFORMATION**

Meeting Date:	May 23, 2024
Subject:	Unified Development Ordinance (UDO) Presentation

SUMMARY:

Planning Director John Woods will review the proposed Unified Development Ordinance (UDO) with the Board members and allow time for discussion following the presentation.

Recommended Action

No action required.

UNIFIED DEVELOPMENT ORDINANCE UPDATE

STAFF REPORT

UNIFIED DEVELOPMENT ORDINANCE TIMELINE

- As of May 2024, the first draft of the new Unified Development Ordinance is undergoing final revisions in preparation for a public comment period.
- Focus groups will be invited to review and comment on the proposed ordinance.
- The full document will be posted for public review and comment.



UNIFIED DEVELOPMENT ORDINANCE TIMELINE

- During May and June of this year the first draft will be posted for public review and comment.
- While the first draft is posted, focus groups will be invited to perform targeted reviews of the ordinance from relating to their area of interest.
- Potential focus groups include organizations such as the Chamber of Commerce, the Joint Industrial Development Authority of Wythe County, Downtown Wytheville, and residents of targeted neighborhood areas.



UNIFIED DEVELOPMENT ORDINANCE TIMELINE

- The public input phase will repeat as needed to identify significant public concerns and facilitate modifications to the proposed ordinance before the Planning Commission makes a recommendation to Town Council and before Council adoption of the ordinance.



Unified Development Ordinance

Town of Wytheville, Virginia



CONCEPTUAL FRAMEWORK

- Subdivision and Zoning Ordinance components will be combined into a single searchable document.
- Proposed articles include:
 1. Title, Purpose, Authority, Jurisdiction
 2. Administration & Enforcement
 3. Applications and Review Process
 4. Subdivision Standards
 5. Zoning Districts
 6. Land Uses and Land Use Table
 7. Site Development Standards
 8. Standards for Conditional Uses
 9. Definitions

UDO ARTICLE 1: TITLE, PURPOSE, AUTHORITY, JURISDICTION

- Article 1 establishes the following:
 - Establishment of authority for the adoption of the Unified Development Ordinance.
 - A framework for interpretation of the ordinance.
 - The basis in enabling legislation in the Code of Virginia for enforcement of the ordinance.

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UDO ARTICLE 2: ADMINISTRATION & ENFORCEMENT

- Article 2 establishes the following:
 - The roles of those that administer the ordinance.
 - The responsibilities of applicants
 - Procedures for addressing violations of the ordinance.
 - Penalties and enforcement procedures
 - Standards for the decision and approval process.

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UDO ARTICLE 3: APPLICATIONS AND REVIEW PROCESS

- Article 3 establishes the following:
 - Instructions for learning how fees established by Town Council apply to each permit type.
 - Standards for record retention.
 - Application types and procedures.
 - Instructions for making an application
 - Procedures for Board of Zoning Appeals applications.
 - Procedures for development sureties.
 - Clarification of the relationship between various codes and other Town ordinances.

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UDO ARTICLE 4: SUBDIVISION STANDARDS

- Article 4 establishes the following:
 - Subdivision standards.
 - Subdivision and site plan violations and enforcement procedures.
 - Standard for development of lots on record.
 - Classification of subdivision review types.
 - Procedures for modifying a plat.
 - Procedures for subdivision variation approval.
 - Requirements for plat preparation.
 - Provisions for street and alley vacation.

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UDO ARTICLE 5: ZONING DISTRICTS

- Article 4 establishes the following:
 - Standards for residential, business, medical, industrial and mixed-use zoning districts.
 - Standards for overlay zoning districts including the Entrance Corridor Overlay District, Small-Lot Small-Home Overlay District, Floodplain Overlay District and Planned Unit Development Overlay Districts

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UDO ARTICLE 6: LAND USES

- Article 6 provides a concise table of land uses for each zoning district.
- The process of refining the proposed land use table has continued throughout the process.
- As public comment has been heard regarding the UDO and other unrelated zoning issues, the proposed land uses have been adjusted to reflect those public concerns.
- The land use table will continue to be refined based on comments from focus groups and public comment.

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Section 5, Item B.

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Key: ■ Permitted Use, □ Conditional Use, * Allowed by Special Exception Permit Only																
Land Use	A-1	R-1	R-2	R-3	R-4	RA	EL-1H	EL-1L	RB-1	RB-2	RV	MA	MA	B-1	B-2	B-3
Accessory Uses																
Accessory Structures & Uses	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Home Occupations	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Shipping Container Storage	■															
Outdoor Heating Units	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Age Restricted Uses																
Craft Brewery or Distillery														■	■	■
Special Interest Club														*	*	*
Production Brewery/Distillery																■
Adult Uses														*	*	
Agricultural																
Cultivation	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Beekeeping	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Chicken Keeping	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Nontraditional Pets	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Livestock and Poultry	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Urban Livestock	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Commercial Greenhouses	■															■
Agritourism Venues	■															■
Private Kennels	■															■
Commercial Kennels	■															■
Civic & Institutional																
Assembly Halls & Lodges	*													*	*	*
Public Parks & Outdoor Recreation	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Intense Outdoor Recreation	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*	*
Theaters														■	■	■
Places of Worship	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Cemeteries	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Private For-profit Schools														■	■	■
Public & Semi-Public Facilities	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Public Maintenance Shop/Yard																■
Conservation																

Table 6.1: Permitted Uses by Zoning District																
Key: ■ Permitted Use, □ Conditional Use, * Allowed by Special Exception Permit Only																
Land Use	A-1	R-1	R-2	R-3	R-4	RA	EL-1H	EL-1L	RB-1	RB-2	RV	MA	MA	B-1	B-2	B-3
Land Conservation	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Industrial																
Artisan Food Production	■								■	■	■	■	■	■	■	■
Artisan Industrial	■								■	■	■	■	■	■	■	■
Intense Artisan Industrial									■	■	■	■	■	■	■	■
Light Industrial									■	■	■	■	■	■	■	■
Moderate Industrial																■
Heavy Industrial																*
Towing and Recovery																*
Junk Yard or Salvage & Recycling																*
Lodging																
Bed and Breakfast Inn	■								■	■	■	■	■	■	■	■
Homestay	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Campgrounds & RV Parks	*															
Hotels & Motels														■	■	■
Professional, Medical & Veterinary																
Medical Offices & Clinics	*								■	■	■	■	■	■	■	■
Assisted Living & Physical Rehab	*								■	■	■	■	■	■	■	■
Hospital														■	■	■
Medical Laboratory														■	■	■
Retail Uses, Medical														■	■	■
Veterinary Clinic														■	■	■
Professional Office									■	■	■	■	■	■	■	■
On-Site Property Management									■	■	■	■	■	■	■	■
Residential																
State Authorized Group Home	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Single-Family Dwelling	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Accessory Dwelling Unit	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Duplex or Two-Family Homes	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■	■
Multiplex Housing – Up to 4														■	■	■
Multiplex Housing – 5 to 12 Units														■	■	■
Townhouse or Condominium														■	■	■

UDO ARTICLE 7: SITE DEVELOPMENT STANDARDS

- Article 7 provides the site development standards that guide development in all zoning districts.
- Site development processes covered include:
 - Street addresses.
 - Sight visibility at intersections.
 - Trash enclosures.
 - Fencing.
 - Landscaping
 - Lighting.
 - Parking standards.
 - Retaining walls.
 - Signs.
 - Streets and access.
 - Required yard areas.

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UDO ARTICLE 8: STANDARDS FOR CONDITIONAL USES

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