



AGENDA

WYTHEVILLE PLANNING COMMISSION MEETING

THURSDAY, JANUARY 12, 2023 AT 6:00 PM
COUNCIL CHAMBERS - 150 EAST MONROE STREET
WYTHEVILLE, VA 24382

1. **CALL TO ORDER - Chairman George F. Wittwer**
2. **ESTABLISHMENT OF QUORUM - Chairman George F. Wittwer**
3. **CONSENT AGENDA**
 - A. Minutes of the regular meeting of November 10, 2022
4. **ELECTION OF OFFICERS**
 - A. Chairperson
 - B. Vice-Chairperson
5. **CITIZENS' PERIOD**
6. **OTHER BUSINESS**
 - A. Continued review of the proposed Unified Development Ordinance and its Conditional Uses
 - B. Set a public hearing to consider the request of Ms. Angela Rose for a Special Exception Permit to use property located on the north corner of Tazewell and East Pine Streets, Tax Parcel 41A-1-8-13, as a hair and nail salon, in an R-2 Residential Zoning District
7. **ADJOURNMENT**
 - A. Additional Attachments - Council Actions



MINUTES

WYTHEVILLE PLANNING COMMISSION

THURSDAY, NOVEMBER 10, 2022 AT 6:00 PM
COUNCIL CHAMBERS - 150 EAST MONROE STREET
WYTHEVILLE, VA 24382

1. **UNAPPROVED MINUTES**

RE: ATTENDANCE

MEMBERS PRESENT

- Chairman George Wittwer
- Vice-Chairman Bradley Tate
- Vice-Mayor Cathy Pattison
- Mr. Brad Litton
- Mr. John Jones
- Mr. David Schmidt
- Ms. Lisa Anderson

OTHERS PRESENT

- Assistant Town Manager Elaine Holeton
- Town Clerk Sharon G. Corvin
- Planning Director John Woods
- Assistant Town Engineer Billy Anderson
- Police Officer Kyle Counts
- Police Officer John Oglesby
- Denise Clay
- Rose Stark
- Louie Hatmaker
- Logan Morrison
- Jerry Humphreys
- Jo Ann Chase
- Larry Henderson
- Debra D. Dillow
- Linda Plumb
- Leslie Woodzell
- Eric Eanes
- Carla Eanes
- David Buck
- Terri Woods
- John Manuel
- Kerry Eans
- Glenda Crockett-Eans
- R. Willie
- E.R. Hughes, III

RE: CALL TO ORDER

Chairman Wittwer called the meeting to order.

2. RE: ESTABLISHMENT OF QUORUM

Chairman Wittwer established that a quorum of Planning Commission members was present.

3. RE: CONSENT AGENDA

A. Chairman Wittwer presented the consent agenda consisting of the minutes of the regular meeting of September 8, 2022. He inquired of the Commission if there were any additions or corrections to the consent agenda or if there was a motion to approve the consent agenda, as presented.

Motion made by Mr. Jones, Seconded by Ms. Anderson.
Voting Yea: Mr. Litton, Mr. Jones, Vice-Mayor Pattison, Vice-Chairman Tate, Chairman Wittwer, Mr. Schmidt, Ms. Anderson

4. RE: SUBDIVISION REQUEST

A. Chairman Wittwer advised that the next agenda item is to consider the application request of Mr. Jacob Hunter Gamble for the subdivision of property owned by Mr. Phill Toblemann, which is located at 435 West Union Street, in an R-3 Residential Zoning District. Assistant Town Engineer Billy Anderson provided information to the Commission regarding the application. He stated that there is one dwelling under construction on Lot A of the requested properties. Assistant Town Engineer Anderson noted that no additional building permit applications have been received for construction on Lot B, Lot C or Lot D. He commented that this property has access to public utilities, and distribution or extension will not be required. Assistant Town Engineer Anderson stated that Staff anticipates that all parcels will be served with utilities from an existing main line on West Union Street and South Sixth Street. He advised that Staff recommends all sewer connections be installed to the rear of the property, within the existing utility easement of the parent property. A brief discussion was held regarding public utilities serving the requested properties. Assistant Town Engineer Anderson commented that reserving an easement across Lots A and B to provide access for future home construction on Lot B will be stipulated before a building permit is issued. Mr. Schmidt inquired if the sewer line of Lot D is across the back of the property, and where could a home be built in regard to the sewer line location. Assistant Town Engineer Anderson stated that the property meets setback requirements, allowing enough room for a home. Mr. Schmidt stated that previous flooding has occurred in the area and inquired about the stormwater runoff and the current drainage system. Assistant Town Engineer Anderson stated that he believes the drainage system is sufficient, however, it may need more frequent cleaning. He stated that he would have to speak with Public Works Director Peeples to confirm this. Vice-Mayor Pattison inquired of Assistant Town Engineer Anderson why he changed Mr. Gamble's application from a minor subdivision to a major subdivision. Assistant Town Engineer Anderson stated that minor subdivisions are approved by

Administration, and major subdivisions are approved by the Planning Commission and Town Council. Further Discussion was held regarding the subdivision request of Mr. Gamble for property located at 435 West Union Street.

5. RE: RECOMMENDATION TO TOWN COUNCIL - GAMBLE SUBDIVISION REQUEST

- A. Chairman Wittwer advised that the next agenda item is the recommendation to Town Council regarding the request of Mr. Jacob Hunter Gamble for the subdivision of property owned by Mr. Phil Toblemann, which is located at 435 West Union Street, in an R-3 Residential Zoning District. He inquired if there was any discussion regarding the application request, or a motion for a recommendation to approve the request of Mr. Jacob Hunter Gamble for the subdivision of property located at 435 West Union Street with a stipulation that requires a blanket sewer easement for Lot A to serve Lot B, located in the center of lateral connections in the back of Lot A.

Motion made by Mr. Litton, Seconded by Mr. Jones.

The motion was approved with the following voting results, by roll call vote: Voting Yea: Mr. Litton, Mr. Jones, Vice-Mayor Pattison, Vice-Chairman Tate, Chairman Wittwer, Mr. Schmidt, Ms. Anderson

6. RE: CITIZENS' PERIOD

Chairman Witter advised that the next agenda item is Citizens' Period. He inquired if anyone wished to address the Commission during Citizens' Period.

Mr. Logan Morrison was recognized and stated that his parents reside at 1080 Cove Road in Wytheville, and he believes that they are the reason why everyone has attended this meeting. He stated that they have not submitted a zoning application for a slaughterhouse, nor has there been any intention to build a slaughterhouse on their property. Mr. Morrison advised that he would like for any means of harassment toward his parents to end, whether it is through Facebook, social media, petitions, etc. He stated that this issue has previously been resolved, and he is not sure where this information came from. Mr. Morrison advised that he wanted to make his comment and reiterate that there is no intention of a slaughterhouse being in town. Chairman Wittwer thanked Mr. Morrison for attending the meeting.

Ms. Denise Clay was recognized and stated that resides at 545 Tremough Drive in Wytheville. She noted that before she makes comments regarding this matter, she would like to wish the United States Marine Corps a happy 247th birthday and acknowledge any veteran attending the meeting for their service. Ms. Clay stated that she attended the meeting due to her family serving the Town as a Councilmember and Mayor. She presented a brief overview of her background, ties with healthcare and human hazards. Ms. Clay noted she understands from the last meeting that the Town has considered changing the A-1 Zoning District to include slaughterhouses, and that this was confirmed through emails from Planning Director Woods. She stated that in September of 2021, the Town Manager Freeman, Town Attorney Clayton and Planning Director Woods were communicating with John Matthews from the Joint Industrial Development Authority (JIDA) and Mr. Logan Morrison regarding putting a slaughterhouse at the corner of Madison and Sixth Avenue, which is an M-1 Industrial Zoning District. Ms. Clay advised

that she emailed each of the Commissioners a copy of the communications that she obtained through the Freedom of Information Act (FOIA). She noted that the primary mission of the Planning Commission is to advise and assist the Town Council in promoting the orderly development of the town. Ms. Clay stated that she urges the Commission to consider that putting slaughterhouses in a town or city will decrease property values, and the smell will impact the number of customers for hotels and restaurants, which decreases the Town's revenue. Ms. Clay continued to discuss the reasons why a slaughterhouse should not be put in town. She advised that form-based planning had been mentioned earlier, and that form tends to come before function. Ms. Clay advised that function should always take precedence over form. She stated that she would like for the Commission to confirm whether or not they plan to permanently table the discussion regarding slaughterhouses. She then thanked the Commission for their time. Chairman Wittwer thanked Ms. Clay for her comments.

Mr. Louie Hatmaker was recognized and stated that he resides at 545 Tremough Drive in Wytheville. He stated that Ms. Clay had gone over everything that he wished to address, however, he reiterated that there is documentation of correspondence from Town staff. Mr. Hatmaker stated that he does not know why the Town spent so much money on the beautification of the streets if they want to put a slaughterhouse within town limits. He noted that a slaughterhouse would be detrimental to the town. Mr. Hatmaker commented that the Commissioners are looking at him and paying attention to his statements, but he did not feel as if they gave Ms. Clay the same respect. Mr. Hatmaker stated that most of the Commissioners were looking down at the desk during the time that she was speaking, and he found that to be very inconsiderate. He stated that he is not opposed to slaughterhouses, however, he does not believe they should be inside of town limits. Mr. Hatmaker advised that he does not want to move out of Wytheville and wants this to be his last place of occupancy, but if the Town were to allow a slaughterhouse in town limits, he would then move. Chairman Wittwer thanked Mr. Hatmaker for his comments.

Chairman Wittwer inquired if there were any others who wished to address the Planning Commission during Citizens Period. There being none, he proceeded with the agenda.

7. RE: OTHER BUSINESS

A. RE: GENERAL STATUS UPDATE - UNIFIED DEVELOPMENT ORDINANCE

Chairman Wittwer advised that the next agenda item is the general status update regarding the Unified Development Ordinance (UDO). Planning Director Woods noted that he would like to thank the citizens who attended the meeting and participated in this process. He stated that some citizens have attended the meeting due to concerns regarding rumors of a proposed slaughterhouse in the Town of Wytheville. Planning Director Woods explained that the review process of the current Zoning Ordinance began in March, and Staff found multiple issues with the existing ordinance. He noted that possibly creating an R-4 Residential Zoning District was one of the first topics discussed. Planning Director Woods stated that a subdivision located on Route 21, known as Old Stage Crossing, was never completed due to the economic struggles of development. He advised there is now a proposal to continue development with different plans than originally designed, and these plans do not meet any of the current zoning requirements for lot sizes, setbacks, etc. Planning

Director Woods advised that in order for this project to move forward, Staff is considering an R-4 Residential Zoning District. Discussion continued regarding the review of the current Zoning Ordinance and the creation of an R-4 Residential Zoning District. Planning Director Woods stated that a UDO has a very clear way of organizing zoning regulations the general public can understand what is allowed, where it is allowed, etc. He noted that the Town is leaning toward a full rewrite of the Zoning Ordinance that was written in 1969 and has around 108 amendments. Planning Director Woods advised that Staff received the approval of the Town Council to develop a UDO that repeals and replaces the current ordinance. He stated that during the August Planning Commission meeting, he presented a document introducing a future format categorizing all land use types. Planning Director Woods commented that Staff believes this format will be much easier for people to find allowed uses within zoning districts, however, an individual noticed that agricultural processing facilities was an allowed land use. He stated that these facilities were listed to only be allowed in Agricultural and Intense Industrial Zoning Districts with a Special Exception Permit. Planning Director Woods advised that any application for such facilities would require that the Planning Commission hold a public hearing and vote to recommend that the Town Council approve or deny the application. He then discussed the development of the articles for the UDO. He stated that once there have been opportunities for citizens to voice their concerns on the UDO, the Planning Commission will conduct one or more public hearings before approving the UDO. Director Woods noted that once the Planning Commission completes this process, the Town Council will review the UDO and make the final decision. He stated that the current Subdivision Ordinance and Zoning Ordinance are separate and create issues with new development, and that Staff is working to combine the two ordinances. Further discussion was held regarding the transition to a Unified Development Ordinance. Director Woods stated that he would like to confirm that there is not, nor has there been, any application submitted to operate any type of meat processing facility in Town limits since he was appointed as Director of Planning. He noted that in September 2021, an individual contacted the Joint Industrial Development Authority (JIDA) seeking an opinion regarding a butcher facility and possible location in an M-1 Industrial Zoning District. Planning Director Woods stated that Town Manager Freeman provided a response indicating that this is not a permitted use in town. He advised that to his knowledge, there have been no further inquiries or applications received regarding this matter, and he considered the request closed. Planning Director Woods noted that based on public comments regarding slaughterhouses, Town staff recommends that land use described as agricultural production facilities, including dairy farms, intensive livestock facilities, slaughterhouses, etc., not be an allowed land use within the Town of Wytheville limits. He stated that a revised land use table removing the items discussed was provided to the Commissioners and citizens.

Assistant Town Manager HOLETON addressed the audience stating that the remainder of the meeting will be discussion regarding the rewrite of the Subdivision Ordinance, and that Planning Director Woods has removed slaughterhouses from the land use table, and there will not be any more discussion regarding slaughterhouses.

B. RE: DISCUSSION REGARDING SUBDIVISION ORDINANCE REWRITE

Chairman Wittwer advised that the next agenda item is the discussion regarding the rewrite of the Subdivision Ordinance. Assistant Town Manager Holeton stated this is the first presentation of the Subdivision Ordinance since the beginning of the transition to a UDO. She commented that she has spoken with Planning Director Woods and Assistant Town Engineer Anderson regarding the direction of the Subdivision Ordinance. Assistant Town Manager Holeton noted that the Subdivision Ordinance was adopted on June 8, 1970, and it has been amended 14 times. A brief discussion was held regarding the amendments and general context of the Subdivision Ordinance. Assistant Town Manager Holeton advised that the Virginia Code requires the governing body of every locality to adopt an ordinance to assure the subdivision and development of land. She stated the legislative function of the Subdivision Ordinance refers to Special Exception Permits, rezonings, etc., and that they are legislative in nature due to the review process before approval. Assistant Town Manager Holeton advised that the ministerial function means requirements of the law or policy have been satisfied and approval is required. She commented if a developer meets the requirements in the ordinance, there is an obligation and responsibility to approve those requests. Assistant Town Manager Holeton noted that the purpose for this revision is to clarify subdivision classification types, to make the ordinance easier to navigate, create emergency vehicle navigation, etc. She advised that Staff plans to only have three subdivision classification types including boundary line vacation/adjustment, single division and multiple lot division. Vice-Chairman Tate inquired if it would be possible for the public to have access to a map viewing of existing vacated alleys. Assistant Town Manager Holeton noted that is a possibility, and to start the process, Staff would need to develop a spreadsheet containing information from title searches of previously vacated alleys. She then reviewed the definitions and types of subdivision plats that will be included in the Subdivision Ordinance rewrite. Vice-Chairman Tate noted that the Town may encounter some cemetery parcels due to churches becoming one entity and splitting the cemetery where it can still be maintained. He stated that Staff may consider including Boundary Line Agreements, where a surveyor can create a plat for a Boundary Line Agreement note when landowners dispute their property lines. Assistant Town Manager Holeton inquired of Vice-Chairman Tate if he would be willing to present more information regarding Boundary Line Agreements at a future meeting. Vice-Chairman Tate stated that he would be happy to give a presentation on this matter.

C. **RE: SPECIAL EXCEPTION PERMIT TRAINING**

Chairman Wittwer advised that the next agenda item is to conduct Special Exception Permit Training. Assistant Town Manager Holeton noted that the Special Exception Permit (SEP) application process and principles are based on enabling authority in the Code of Virginia. She stated that there is no authority for localities to base land use decisions off of the landowner. Assistant Town Manager Holeton commented that, previously, the Town has been issuing the SEP to specific landowners, with the condition that if the ownership of the land transfers, the new landowner must apply for a new SEP. She stated that Town Attorney Clayton looked into this matter, and it was the consensus of Staff and Council that a SEP should no longer be issued to a specific landowner due to vested rights. Assistant Town Manager Holeton noted that the Code of Virginia explains vested rights for individuals based on an affirmative

government action, meaning that an individual made an investment and has the right to transfer it to another individual. Assistant Town Manager Holeton then reviewed the 10 best practices for SEPs to the Commissioners. She stated that any application must be evaluated by reasonable standards based on the Zoning Principles, which are health, safety and welfare. Assistant Town Manager Holeton advised that the Planning Commission can recommend a denial if it is unsafe or if there are health considerations. She noted that a listing of why the application was denied would be needed, if the Commission did decide to recommend denying a SEP application. Assistant Town Manager Holeton stated that even if the Commissioners were to recommend approval of an application, she would also suggest giving a reason why it should be approved. She commented that an applicant in disagreement with the final decision of the Town Council may make an appeal to the Circuit Court within 30 days. Vice-Chairman Tate stated that he would like to commend Town Attorney Clayton on her find with Special Exception Permits running with the land, and that he approves of the change regarding not issuing permits to specific landowners.

D. RE: DISCUSSION REGARDING OUTDOOR WOODBURNING FURNACES

Chairman Wittwer advised that the next item on the agenda is the discussion regarding outdoor woodburning furnaces. Planning Director Woods noted that Staff has received a request from a property owner to install an outdoor woodburning boiler to heat a home near the corner of Church Street and Withers Road. He stated that Staff is not aware of any similar boilers that have been permitted in town. Planning Director Woods stated that this type of unit is designed to operate all hours during the colder months, or year-round to heat water. He commented that this specific use is not listed in the existing Zoning Ordinance, meaning it is not currently allowed in Town as a listed use. He noted that the units are built with regulators allowing certain amounts of air into the fire box to control water temperature. Planning Director Woods advised this could create large amounts of smoke, which could create problems for the neighboring property owners. A brief discussion was held regarding the effects of the woodburning boiler request. Ms. Leslie Woodzell was recognized and stated that she resides at 380 West Madison Street in Wytheville. She stated that there is a facility with an outdoor furnace across the street from where she lives. Planning Director Woods noted that the furnace is located in an Industrial Zoning District. Ms. Woodzell noted that it is across the street from a Residential Zoning District, and she has complained about the furnace before. She stated that it is very disturbing and penetrates the home. Mr. Litton inquired how different localities view these types of furnaces or boilers. Planning Director Woods noted that these boilers and furnaces are more common in rural locations with not many close neighbors. Vice-Chairman Tate inquired if there were any distance regulations regarding the home and the location of the furnace. Mr. R. Willie was recognized and stated that he resides at 105 East Withers Road. He stated that he was not told if there were any regulations, however, the ones he is aware of have been installed at various distances. Planning Director Woods stated some of these furnaces have devices that help to reduce smoke and inquired if the proposed boiler is equipped with those options. Mr. Willie advised that he was not for sure, however, manufacturers have worked toward eliminating smoke on new types. Vice-Chairman Tate inquired about possible setback requirements that would help with the dispersal

of smoke from the furnace. Mr. Willie stated that there is a house across the street from their residence and a house behind their residence on the corner of Church and Jefferson Street. A discussion was held regarding smoke dispersal and the possible location of the furnace. Mr. Litton noted that the technology of these furnaces has evolved and now they are emissions regulated. He stated that he knows others who have these furnaces and he does not believe they put out more smoke than a standard chimney. Planning Director Woods inquired if Mr. Willie could discuss the smoke reducing equipment with the manufacturer. Mr. Willie stated that he will speak to the manufacturers about this issue. Further discussion was held regarding outdoor woodburning furnaces.

E. RE: DISPENSING WITH DECEMBER 8, 2022, PLANNING COMMISSION MEETING

Chairman Wittwer advised that the next item on the agenda is to consider dispensing with the December 8, 2022, Planning Commission meeting due to the Christmas holidays. He inquired if there was a motion to dispense with the December 8, 2022, meeting.

Motion made by Vice-Mayor Pattison, Seconded by Ms. Anderson.
Voting Yea: Mr. Litton, Mr. Jones, Vice-Mayor Pattison, Vice-Chairman Tate, Chairman Wittwer, Mr. Schmidt, Ms. Anderson

8. RE: ADJOURNMENT

A. Chairman Wittwer inquired if there was a motion to adjourn the Planning Commission meeting. Mr. Jones stated that he would like to address the comment made by Mr. Hatmaker. He noted that he has served on the Planning Commission for more than 30 years and served on the Town Council for 18 years. Mr. Jones stated that, like Ms. Clay, he also served in the military to include a tour in Vietnam. Mr. Jones advised that Mr. Hatmaker is probably the first person in those 30 years to accuse the Commission of not listening. He stated that he may not have looked at Ms. Clay the whole time she was speaking, however, he did hear what she said and agrees with her. Mr. Jones commented that the Commission normally receives their meeting information and spends time before the meeting reviewing that information but, this time, it was given to the Commissioners at this meeting, and he was looking at it. He stated that he does not like to hear that the Commission is not listening to citizens. Mr. Hatmaker apologized to the Commission for his remarks, and that he served in the military for 24 years and was involved in every conflict from Vietnam to Desert Storm.

There being no further business to be discussed, a motion was duly made, seconded and carried to adjourn the meeting (8:01 p.m.).

George F. Wittwer, Chairman

Sharon G. Corvin, CMC, Town Clerk

**WYTHEVILLE
PLANNING
COMMISSION**



**AGENDA ITEM
INFORMATION**

Meeting Date:	January 12, 2023
Subject:	Election of Officers - Chairperson

SUMMARY:

It will be necessary for the Planning Commission to elect a Chairperson for the year 2023. Customarily, the Vice-President is elected as the Chairperson, however, Mr. Bradley Tate’s term expires on March 2, 2023. It is Ms. Lisa Anderson’s turn to serve as the Chairperson for 2023.

Recommended Action

Action will be by way of a motion and vote of the Planning Commission.

**WYTHEVILLE
PLANNING
COMMISSION**



**AGENDA ITEM
INFORMATION**

Meeting Date:	January 12, 2023
Subject:	Election of Officers – Vice-Chairperson

SUMMARY:

It will now be necessary for the Planning Commission to elect a Vice-Chairperson for 2023. Nominations could be taken at this time, or, by custom, it is Mr. David Schmidt’s turn to serve as the Vice-Chairperson.

Recommended Action

Action will be by way of a motion and vote of the Planning Commission.

Upon election of the new Vice-Chairperson, it has been customary for the Chairperson to pass the gavel to the newly elected Chairperson who will preside over the remainder of the meeting.

Unified Development Ordinance – Article 8 Special Provisions for Conditional Uses

- Purpose
- Accessory Dwelling Units
- Artisan Industrial and Artisan Food Production
- Bed and Breakfast Inns
- Dog Parks
- Urban Livestock
- Home Occupations
- Homestays
- Outdoor Hydronic Heaters and Forced-Air Furnaces
- Shipping Containers and Semi-Trailers
- Solar Energy Facilities
- Temporary Family Health Care Structures
- Wind Energy Systems
- Wireless Telecommunications Systems

Conditional Uses Still to be Considered

- Adult Oriented Businesses
- Assembly Halls
- Banks (in business-residential zoning districts)
- Campgrounds
- Cannabis Lounges (These are not currently legalized, but appear to be coming in the near future)

- Cemeteries
- Commercial Kennels
- Condominiums (in historic residential district)
- Cottage Neighborhoods (in business districts)
- Day Care, Preschools and Private Schools (in business-residential zoning districts)
- Family Day Homes
- Farm Stands
- Food Trucks
- Funeral Homes (in business-residential zoning districts)
- Hotels and Motels (in business-residential zoning districts)
- Indoor Target Ranges
- Intense Commercial Agriculture
- Intense Recreation
- Junk Yards
- Medical Offices and Clinics (in agricultural and business-residential zoning districts)
- Multi-plex Housing (in business districts)
- Nursing Homes (in business districts)
- Open Air Sales on Public Sidewalks (in downtown)
- Payday Loan Service and Pawn Shops (in business-residential zoning districts)
- Professional Offices (in business-residential zoning districts)
- Public Utilities Moderate (in agricultural or business-residential zoning districts)
- Rural Village Residential
- RV Parks

- Single-Family Dwellings in Business Zones
- Skills Games (These are not currently legalized, but a court case is pending that may change the status)
- Temporary Uses
- Towing Facilities
- Townhouses (in historic residential district)
- Veterinary Clinics

Article 8. Special Provisions for Conditional Uses

8.1. Purpose

- A. To allow selected land uses conditionally by-right in identified zone districts which are shown as Conditional Use, and reflected as such on The Town of Wytheville Land Use Table. Special Provisions for Conditional Land Uses are regulatory guidelines that provide safeguards to ensure that these permitted uses can operate in harmony with the surrounding neighborhood by following the standards shown in this Article. In such cases where a Special Exception Use Permit is required per the Town of Wytheville Land Use Table for the use in a particular zoning district, and said use is a Conditional Land Use in other zoning districts, the provisions of this chapter must be met in addition to any conditions required as part of the Special Exception Use Permit.
- B. To allow for essential land uses and services within the Town of Wytheville while providing assurances that those uses will enhance and protect the quality of life of the citizens of Wytheville and enjoyment of the community as a safe and healthy environment.
- C. Special provisions for Conditional Uses allow for administrative review of land use and site development proposals to assure that those proposals are appropriate and compatible with surrounding land uses.
- D. The standards reflected in this article shall be in addition to all other standards for this use and more specifically in addition to any guidance listed for the zone district that applies.
- E. A Change of Use Application is required when the new use of any existing site or structure is or includes any of the Conditional Land Uses shown in this Article. An application for change in use shall be submitted prior to establishment of the new use. The applicant shall show that the requirements or special provisions listed in this Article can be met, prior to 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 provide more housing choices in residential districts.
- 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. 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 detached or an integral part of a primary dwelling.
- 3. In a R-1, or R-1H zoning district, 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 of a structure containing a primary dwelling unit and accessory dwelling unit.
 - b. Conversion of space within an existing dwelling.
 - c. New construction of space added to an existing structure.
 - d. Conversion of an existing accessory structure, such as a garage or shed, for use as an accessory dwelling unit.
- 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 Unified Development Ordinance is first approved.
- 6. Parking: An accessory dwelling unit shall require a minimum of one onsite parking space. The parking space may be provided on site in addition to required parking spaces for the primary dwelling, or on street if room is available along the street frontage of the parcel.
- 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 code, 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. Additional Standards for Attached Accessory Dwellings

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. Additional Standards for Detached Accessory Dwellings

1. The finished floor area of a detached accessory dwelling 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.

8.3. Artisan Industrial and Artisan Food Production Uses

A. Purpose

1. To create opportunities for development of artisan industrial, artisan food production, and intense 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. General Standards

1. 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.
2. Sales may be conducted as a retail component, wholesale, business to business, business to government, or entirely online. However, sales activities shall be an accessory use to the artisan industrial use.
3. 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.
4. 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 staked higher than the opaque fence.
5. 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.
6. 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.
7. 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.

C. Conditional Use Development Standards

1. Artisan industrial and artisan food production uses, when located in zoning districts that allow the use only with a conditional use permit, 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. Intense artisan industrial uses, when located in zoning districts that allow the use only with a conditional use permit, 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.

8.4. Bed and Breakfast Inns

A. Purpose

1. To regulate Bed and Breakfast Inns that offer transitory lodging or sleeping accommodations to the public, for compensation and offering at least one meal per 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.

C. Development Standards

1. 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.
2. No more than ten (10) guest sleeping rooms shall be provided in a Bed and Breakfast Inn.
3. No cooking shall be allowed in guest rooms.
4. 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, Site Development Standards, Section ____.
5. 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, Site Development Standards, Section ____.
6. Approval of Bed and Breakfast Inn use does not constitute approval for the installation or construction of a new dwelling unit.

7. 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.
8. 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, a landscaped buffer yard of ten (10) feet is required from said residential in accordance with Article 7, Site Development Standards, Section _____.
 - b. When a Bed and Breakfast Inn is located adjacent to a residential zoning district, a landscaped buffer yard of twenty (20) feet is required in accordance with Article 7, Site Development Standards, Section _____.
 - c. A minimum of 1,000 square feet of useable outdoor yard space shall be provided for use by residents and guests.
9. 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 Development Standards

1. For bed and breakfast establishments located in residential 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 sleeping room.

8.5. Dog Parks

A. Dog Park Standards (Note: We are considering shifting this to require a Special Exception Permit)

1. A dog park may have other amenities including benches for humans, shade for hot days, parking close to the site, water, a pond for swimming and a separate enclosure for smaller dogs. Individual regulations and requirements for users may be established by the sponsoring entity or owner.
2. A dog park shall have at minimum of a four-foot-high fence for any dog exercise area that is exclusively for small dog use exercise areas and six-foot-high fence for any dog exercise area that may be used by large dogs.
3. Dog parks shall be equipped with a double-gated entry and exit, adequate drainage, covered containers for disposal of dog waste.
4. An operations and maintenance plan shall be submitted and if approved by the administrator shall be followed for the permit to remain valid. The plan shall include provisions for disposal of dog waste and trash is required
5. Facilities that are open to the public shall provide for ADA accessibility.

8.6. Urban Livestock

A. Purpose

1. To regulate the grazing of livestock for agricultural production, the keeping of horses, and certain non-traditional pets.
2. For the purpose of this ordinance, this use definition shall not apply to livestock in Agricultural Zone Districts.

B. Standards

1. 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.
2. Grazing of animals 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.
3. 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.
4. 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.

C. Conditional Use Standards

1. 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 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.) Only animals owned by the owner or occupant of the subject property are allowed. Boarding of animals subject to this provision is not permitted.

8.7. Home Occupations

A. Purpose

- 1. To guide 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.

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 business license appropriate to any permitted home occupation must be secured.
- 4. Activities related to the home occupation must be entirely contained within the main dwelling and involve no outside storage or work.
- 5. No persons other than the immediate family residing in the dwelling shall be engaged in such occupation.
- 6. 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 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.
- 7. 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.
- 8. 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.

9. On site retail sale of items not produced as part of the home occupations is prohibited. A residential dwelling shall not be used as a retail showroom or display area that would typically be visited by patrons.
10. No advertising of any type, including telephone book listings, shall make use of the street address or invite potential customers to visit the site.
11. No signs shall be erected other than those expressly allowed in the underlying zoning district by the sign ordinance (See Article 7, Site Development Standards, Section ____).
12. 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.
13. If accessory buildings, such as garages or garden sheds, are utilized, they shall comply with all other provisions of the Zoning Ordinance and shall be of similar character as the residential unit and the adjacent neighborhood.
14. There shall be no group instruction, group assembly or group activity on the premises.
15. A day care service that includes the keeping of more than five children (which does not include children residing in the home) cannot be considered as a home occupation. Please see the Town of Wytheville Land Use Table for areas where Day Care Services are allowed.
16. Repair services for large items, including, but not limited to, automotive or 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.
17. 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.
18. 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 Zoning 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.

8.8. Homestays

A. Purpose

1. 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 not to exceed 30 consecutive days.

B. Homestay Development Standards

1. 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.
2. The following regulations shall apply to a Homestay:
 - a. 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 is also required. Maintenance of a business license constitutes registration of the homestay.
 - b. Each homestay must have a host. For homestays located in a residential zoning district where homestays are permitted, the host is a responsible adult who is a primary resident of the dwelling offered for homestay lodging. For a homestay located in a commercial zoning district where residential uses are permitted, the host must be available to respond to guest needs whenever a guest is using the homestay. The host has the burden of demonstrating compliance with these regulations.
 - c. Rooms shall be a minimum of 120 square feet and shall have reasonable access to full bath facilities. Campers, 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 or on the property in conjunction with the Homestay use unless a site plan showing the location of said parking has been approved by the Zoning Official.
 - e. A Certificate of Occupancy for the use must be issued by the Building Official for each Homestay.
 - f. 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, appropriate egress and appropriate code-conforming heat, light, and ventilation. The Town of Wytheville reserves the right to inspect each Homestay site to ensure compliance with all building code and Town of Wytheville regulations.
 - g. Homestay hosts shall keep a detailed record of their rentals and shall pay lodging taxes to the Town.
 - h. Signs for the Homestay shall be limited to the signage allowed within the underlying zoning district as indicated in the Sign Ordinance found in Article 7, Site Development Standards, Section ____.
 - i. The Homestay host shall be responsible for complying with the Town's Noise Ordinance and shall enforce the ordinance standards.

- j. 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.
- k. 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.
- l. The name and phone number of the host shall be conspicuously posted within 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.
- m. The principal guest of a Homestay shall be at least eighteen (18) years of age.
- n. The maximum number of adult guests in a Homestay shall be six (6).
- o. A registration may be suspended or cancelled for the following reasons:
 - 1.) Failure to collect and/or remit the lodging tax to the Town.
 - 2.) The receipt of more than three (3) violations of applicable state or local laws, ordinances, and regulations.
- 3. Homestays are permitted to operate year-round.
- 4. 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.

C. Conditional Use Development Standards

- 1. The following conditions apply to homestays located in residential zoning districts where homestays are permitted as a conditional use:
 - a. Homestays are allowed only as an accessory or secondary use of an owner-occupied 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.
 - b. The maximum number of guest sleeping rooms shall be three (3) and there shall be at least one (1) bathroom per sleeping room.
 - c. No obvious exterior changes to the dwelling shall be made as a result of the homestay operation.
 - d. 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.

- e. Each homestay must have a host who is a responsible adult who is a primary resident of the dwelling offered for homestay lodging.
- f. Failure of any homestay host to maintain his or her principal place of residence at the dwelling unit used as a homestay is grounds for the homestay registration to be suspended or cancelled.
- g. Potential additions to this regulation.
 - 1.) Allowing owner to live in an adjoining unit.
 - 2.) Requirement of a management plan demonstrating how impacts on neighbors will be minimized.
 - 3.) Require posting of the noise ordinance.
 - 4.) Require a telephone land line.
 - 5.) Require compliance with outdoor burning ordinance.
 - 6.) Require \$1,000,000 in liability insurance.
 - 7.) Exclude accessory structures (yurts, tents, treehouses, sheds, etc.)
 - 8.) Yearly zoning permit and fee payment.

8.9. Outdoor Hydronic Heaters and Forced-Air Furnaces

A. Purpose

- 1. 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 Development 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 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. The chimney of any new outdoor wood furnace shall extend at least 2 feet above the peak of any residence not served by the outdoor wood furnace located within 200 feet of such outdoor wood furnace.

6. 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.
7. The units must be separated at from any occupied structure according to the manufacturer's recommendations or building code requirements, whichever is greater.
8. 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.
9. 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, and 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.

8.10. Semi-Trailers

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 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 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. Trailers stored for more than sixty (60) days must conform to the fencing and screening requirements found in Article 7, Site Development Standards, Section ____.
4. In Industrial Districts, both licensed and unlicensed semi-trailers shall be permitted. 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, Site Development Standards, Section ____.
5. No signs shall be permitted on a semi-trailer as per the Town of Wytheville Sign Ordinance as found in Article 7, Site Development Standards, Section _____. Advertising shall not be construed to mean the name and location of the trucking company or business that owns the semi-trailer. 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.

8.11. Shipping Containers

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 same 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, Site Development Standards, Section ____).
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, Site Development Standards, Section ____).

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.

8.12. 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 Land Use Table for zoning districts where each type of solar facility is permitted.

C. Applications, Procedures, and Requirements for Property Owner Scale Solar Collection 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. The inspection may be performed by a certified home inspection professional, a licensed roofing contractor, or a registered engineer.
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 XVI, Section 20 for fencing and screening guidelines.)
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 XVI, Section 20 for fencing and screening guidelines.)
9. Property owner scale solar collection systems are subject to all applicable building, electrical, and plumbing code requirements.

D. Applications, Procedures, and Requirements for Small Power Grid Scale Solar Energy 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 A in section 24-6.1.
2. The signage, noise, and lighting requirements in section 24-7 shall apply to all small power grid scale solar energy facilities.
3. The fencing requirement and the height restriction in section 24-7 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 and height restrictions 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 guidelines for the zoning district where the facility is located (See Section 16-20).
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. The inspection may be performed by a certified home inspection professional, a licensed roofing contractor, or a registered engineer.

5. The setback, lighting, vegetative buffering, and pollinator habitats requirements in section 24-7 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 guidelines 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 D of section 24-6.
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

1. In addition to materials required for a conditional use permit application under section 24-5, applications for large power grid scale solar energy facilities shall, unless otherwise provided herein, include the following information:
 - a. **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.
 - b. **Site Plan:** The site plan shall include the following information:
 - 1.) Property lines, minimum required setback lines under this article, and any proposed setback lines that exceed the minimum requirements.
 - 2.) Existing and proposed buildings and structures, including preliminary location(s) of the proposed solar equipment.

- 3.) Existing and proposed access roads, 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 requirements; provided, however, these requirements shall not exceed VDOT requirements for other types of projects in the underlying zoning district.
 - 4.) 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).
 - 5.) Fencing as required under this article and other methods of ensuring public safety.
 - 6.) 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.
 - 7.) Existing wetlands, woodlands and areas containing substantial woods or dense vegetation.
 - 8.) 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.
- c. **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.
- d. **Decommissioning Plan and Security:** The decommissioning plan shall include the following information:
- 1.) 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 section 24-8. 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.
 - 2.) **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.

- 3.) The decommissioning plan, cost estimates, and all updates of those plans and estimates shall be sealed by a professional engineer.
- e. **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.
- f. **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.
- g. **Stormwater Management Plan:** A stormwater management plan must be approved by the department of environmental quality prior to any land disturbing activity.
- h. **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.
- i. **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 section 24-5.
- j. **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

1. The following requirements apply to large power grid scale solar energy facilities:
 - a. **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.
 - b. **Signage:** All signage on the site shall comply with the Town sign ordinance, as adopted and from time to time amended.
 - c. **Noise:** Noise levels from the facility shall comply at all times with the Town noise ordinance, as adopted and from time to time amended.
 - d. **Setbacks:** The project area shall be set back a distance of at least 75 feet from all public rights-of-way and main 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.
 - e. **Fencing:** The project area shall be enclosed by security fencing not less than six feet in height and equipped with an appropriate 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.

- f. **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.
- g. **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.
- h. **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.
- i. **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.
- j. **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 under subsection 24-8.2 or as scheduled by the owners or operator under subsection 24-8.3, 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 handle 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

1. 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

1. 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.

8.13. Temporary Family Health Care Structures

A. Purpose

1. 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:
 - a. Is primarily assembled at a location other than its site of installation;
 - b. 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;

- c. Has no more than 300 gross square feet; and
- d. 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, Site Development Standards, Section _____.

8.14. Small Wind Energy Systems

A. Purpose

- 1. 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

- 1. 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 ([Section 56-594, Code of Virginia](#)), 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:
 - a. 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.
 - b. Small wind energy systems shall not be artificially lighted unless required by the FAA or appropriate authority.

- c. Small wind energy systems shall not have any flags, signs, writing or advertising.
- d. 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.
- e. 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.
- f. 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.
- g. The applicant shall provide information demonstrating that the system will be used primarily to reduce on-site consumption of utility electricity.
- h. 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.
- i. 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 Section 16-20 for general fencing and screening regulations.
- j. 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.
- k. 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.
- l. On-site power or transmission lines to the maximum extent possible shall be placed underground.
- m. The small wind energy system shall be sited to reduce the possibility of shadow flicker.
- n. Small wind energy systems shall not be permitted in overlay **Historic Districts or within five hundred (500)** feet of such districts, only with a special 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.

8.15. Wireless Telecommunications Facilities

A. Purpose

1. To regulate and encourage development of wireless telecommunications facilities that are compatible with the character and heritage of the Town of Wytheville and its environs.

B. Telecommunication Tower Under 50'

1. In accordance with Code of Virginia 15.2-2316.3,.4, 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. Engineered drawings shall be submitted at time of permit to ensure the structure is safe.
4. 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. Telecommunication Tower Over 50'

1. 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.

2. Lighting

- a. No general illumination shall be permitted.
- b. All towers shall be lighted in accordance with Federal Aviation Administration (FAA) requirements.

3. 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.

4. 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 driveways. 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 50 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.

5. Collocation

- a. All telecommunication towers over 50 feet shall provide for at least three sites for collocation.
- b. All applications for telecommunication towers shall provide a collocation study to demonstrate that there is not a suitable alternative collocation 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; and/or
 - 4.) The fees, costs, or other contractual provisions required by the owner of the existing structure for collocation or the engineering costs to adapt an existing structure for collocation are unreasonable given current market rates in the region.
- c. Owners of towers shall provide the Town co-location opportunities as a community benefit to improve radio communication for Town departments and emergency services.
- d. 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 no technologically and structurally suitable space available on the existing structure.

6. 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.

7. Additional Application Materials Required

- a. 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.
- b. A community impact statement and visual impact analysis.
- c. Written documentation that collocation 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.
- d. Documentation from the FAA and FCC showing approval of the tower.
- e. 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.
- f. Elevation drawings showing the height and design of the tower, materials to be used, color, and lighting.
- g. 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 collocation 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.
- h. A notarized affidavit that states the Applicant's willingness to allow collocation 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 collocation agreement is assigned to the successors, heirs, and future owners of the tower.

- i. 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.

D. Additional Issues to Cover

1. Amateur radio antennae (ham radio, broadcast TV, etc.)
2. Telecommunication antennae on existing structures under 20 feet
3. Small cell facilities
4. Micro-wireless site
5. Colocation on existing tower
6. Satellite dishes

DRAFT

12/13/2022

ZEXC-22-3

Special Use Exception Permit Application

Status: Active

Date Created: Dec 5, 2022

Applicant

Angela Rose
salonlabelle08@gmail.com
500 Tazewell St
Wytheville, Va 24382
276-620-9338

Primary Location

500 Tazewell Street
Wytheville, VA 24382

Information Regarding Special Exception Permits

A special exception means a special use, which is a use not permitted in a particular district except by the issuance of a special exception permit granted under the provisions contained herein. The granting of a special exception permit shall be made under suitable regulations and safeguards as may be established by the Town Council who must consider in granting a special exception permit its relation to the public health, safety, morals, and general welfare of the community.

The Planning Commission may recommend, and the Town Council may adopt at its discretion, suitable regulations, safeguards, requirements, or physical conditions or improvements which must be completed within a set timeframe of the granting of the special exception permit; and, if the regulations, safeguards, requirements, or physical conditions or improvements are not met within the set time, the special exception permit will be considered to be revoked and the use in violation of the Zoning Ordinance.

Applications for a special exception permit shall be made to the Zoning Administrator who shall forward them to the Planning Commission for review. The application for a special exception permit shall include all matters of pertinent information that may be required by the Town Council, Planning Commission, and Zoning Administrator in the course of their review.

The Planning Commission shall conduct a public hearing at its discretion in the manner normally prescribed by law and shall forward its recommendation to the Town Council for their review. Likewise, the Town Council shall conduct a public hearing at its discretion on the matter, in a manner prescribed by law, and shall accept, deny, or modify their recommendation in any manner they deem appropriate in their sole discretion.

Acceptance of Terms

Angela Rose
11/28/2022

Applicant Information

Name of Applicant

Angela Rose

Does the applicant own the property where the Special Exception is sought?

Yes

If the applicant is not the owner of the property, a description of the relationship between the applicant and the property owner is required.

Location & Property Information

Select the Zoning District for which the Special Exception is being requested.

R-2 Residential

Zoning Overlays

No, there are no zoning overlays

Acreage of the site

0.358

Can site meet the development standards?

Yes, the site will meet zoning standards

Tax Map Parcel Number(s) of Site

41A-1-8-13

Parcel Street Address or Location

500 TAZEWELL STREET

Special Exception Details

Describe the intended use as it relates to this request. Describe any improvements or structures which are proposed for this property.

Beauty salon

Is grading proposed to meet the end goals?

No, no grading is proposed

Describe proposed new water and sewer connections needed or modifications to water and sewer service.

Existing Sewer and Water

New or improvements to site access?

No, already have good site access


Certification and Signature


Signature

Angela Rose

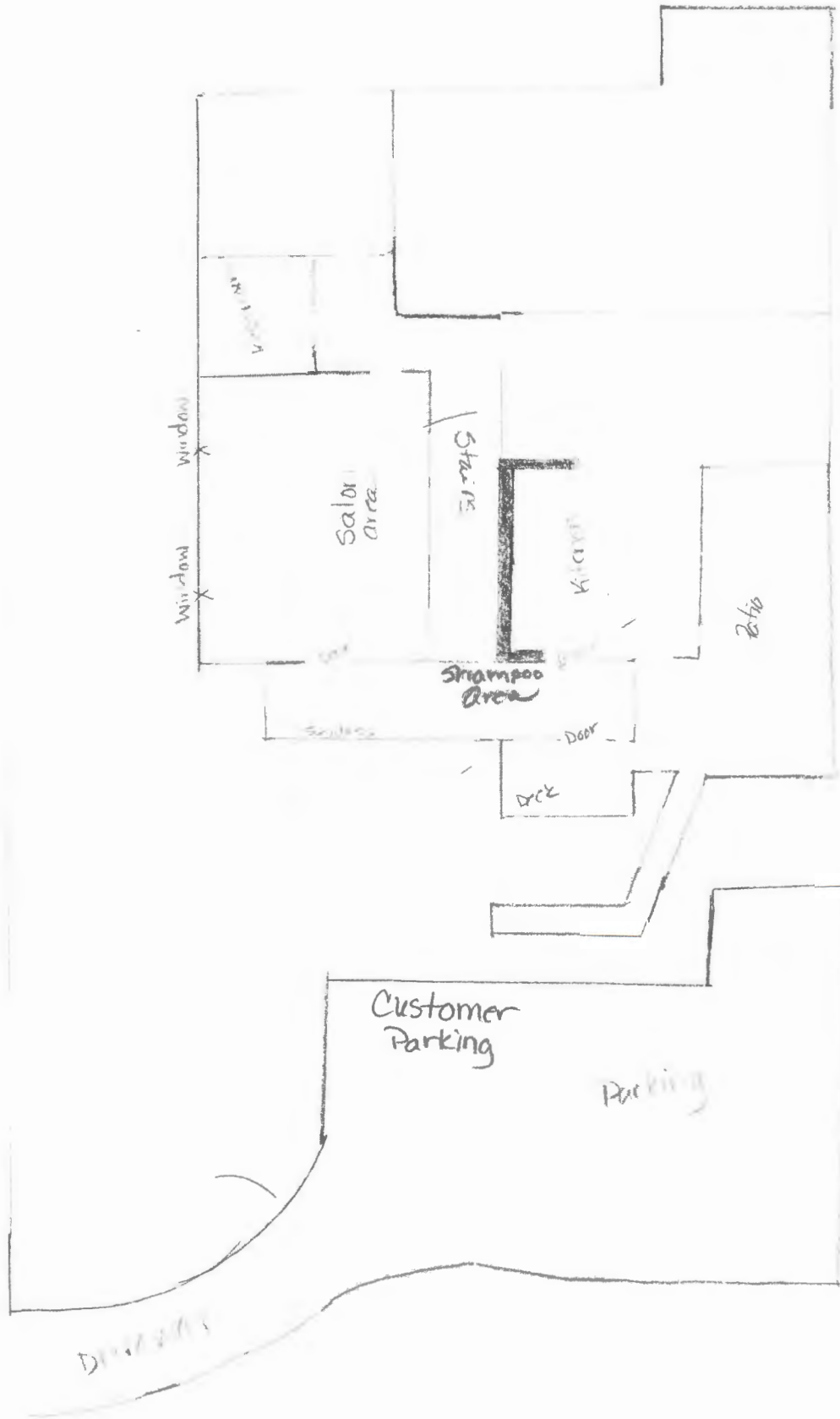
11/28/2022

Attachments

 Site Plan.pdf
Uploaded by Jason Hamm on Dec 5, 2022 at 12:09 pm

 Discription.pdf
Uploaded by Jason Hamm on Dec 5, 2022 at 12:11 pm

Pine Street



Salon LaBelle, LLC. Description

Operate a hair salon. Shampoo, cut, color, perm, and style, hair. Nail care and polish nails. Waxing services.

COUNCIL ACTION LETTER

Staff Assignments and Information

November 14, 2022

Number 557

ACTIONS TAKEN OR DISCUSSED

STAFF ASSIGNMENTS

- | | |
|---|--|
| <ol style="list-style-type: none"> 1. Approved the meeting agenda as presented. 2. Approved the consent agenda consisting of the minutes of the regular meeting of October 24, 2022. 3. Approved the request of Downtown Wytheville, Incorporated to hold a Christmas Parade and Celebration on Saturday, December 3, 2022, beginning at 12:00 p.m. 4. Upon recommendation of the Budget and Finance Committee, approved that the Town engages with the Virginia Municipal League (VML)/Virginia Association of Counties (VACO) Finance to provide the financial services needs for the Lots Gap Water Tank Development Project and authorized the Town Manager and Town Treasurer to execute the documents related to the procurement of these services. 5. Appointed Ms. Sherrie Parks to the Wytheville Redevelopment and Housing Authority (term expires September 8, 2025). 6. Tabled Ordinance No. 1418, an ordinance amending and reenacting Chapter 13. Streets, Sidewalks and Improvements, Article I. In General, by adding Section 13-10. Pedestrians in Roadway, of the Code of the Town of Wytheville, Virginia, until the November 28, 2022, Town Council meeting. 7. Adopted a Resolution accepting a parcel of property (Tax Map 41A-1-32) from William R. Deal and Olyvia A. Deal, husband and wife, Grantors, and Olyvia A. Deal, Grantee, and authorized the Town Attorney to approve the form of the deed and the Mayor to execute the deed. | <ol style="list-style-type: none"> 3. Assistant Town Manager – send approval notice to DTW Executive Director Todd Wolford 4. Town Manager and Town Treasurer – execute the documents 5. Town Clerk – advise by letter 6. Town Clerk – place on next Town Council meeting agenda 7. Town Attorney – approve form of deed |
|---|--|

- 8. Tabled considering a recommendation from the Wytheville Planning Commission regarding the request of Mr. Jacob Hunter Gamble for the subdivision of property owned by Mr. Phil Tobelmann, which is located at 435 West Union Street, in an R-3 Residential District, until the November 28, 2022, Town Council meeting.
- 9. Scheduled a public hearing for the Monday, December 12, 2022, Town Council meeting to consider renewing the Certificate of Public Convenience and Necessity during 2023 for 276 Express, LLC.
- 10. Dispensed with the December 26, 2022, Town Council meeting due to the Christmas holidays.
- 11. Held a closed meeting pursuant to Section 2.2-3711 (A)(7) Consultation with legal counsel regarding possible litigation.

8. **Town Clerk** - place on next Town Council meeting agenda

9. **Chief Deputy Clerk** – send notice to news media

COUNCIL ACTION LETTER Staff Assignments and Information

November 28, 2022

Number 558

ACTIONS TAKEN OR DISCUSSED

1. Approved the meeting agenda with amendments.
2. Approved the consent agenda consisting of the minutes of the regular meeting of November 14, 2022.
3. Upon recommendation of the Budget and Finance Committee, approved for the Town to initiate a partial early implementation of the Compensation Plan by establishing a new baseline wage of \$15.00 per hour for all full and part-time employees, effective January 1, 2023.
4. Adopted Ordinance No. 1418, an ordinance amending and reenacting Chapter 13. Streets, Sidewalks and Improvements, Article I. In General, by adding Section 13-10. Pedestrians in Roadway, of the Code of the Town of Wytheville, Virginia, on first and final reading.
5. Approved setting the Town Council meeting time for 5:00 p.m. through June 26, 2023.

STAFF ASSIGNMENTS

3. **HR Department** - implement new baseline wage for all full and part-time employees
4. **Chief Deputy Clerk** – amend Town Code
5. **Town Clerk** – place Resolution on December 12, 2022, Town Council meeting agenda

COUNCIL ACTION LETTER
Staff Assignments and Information

December 12, 2022 Number 559

ACTIONS TAKEN OR DISCUSSED

STAFF ASSIGNMENTS

- 1. Approved for Councilman Mark Bloomfield to attend the meeting electronically.
- 2. Approved the meeting agenda as presented.
- 3. Approved the consent agenda consisting of the minutes of the regular meeting of November 28, 2022, and the request of Virginia Organizing Wythe County Chapter to close a portion of Main Street to conduct the Dr. Martin Luther King, Jr. March on Sunday, January 15, 2023, at 2:00 p.m.
- 4. Adopted and presented a resolution to the George Wythe High School Girls' Cross Country Team.
- 5. Conducted a public hearing to consider renewing the Certificate of Public Convenience and Necessity during 2023 for 276 Express, LLC for the operation of taxicabs.
- 6. Adopted a resolution setting forth the meeting dates, times and place of the regular meetings of the Wytheville Town Council through June 26, 2023. Town Council regular meeting time was set at 5:00 p.m.
- 7. Tabled considering a resolution recognizing the Cat Shelter Volunteers.
- 8. Approved renewing the Certificate of Public Convenience and Necessity during 2023 for 276 Express, LLC.

- 3. **Assistant Town Manager** – advise Virginia Organizing Wythe County Chapter of application approval
- 7. **Town Clerk** - place on next Town Council meeting agenda
- 8. **Town Clerk** – advise by letter