



AGENDA

WYTHEVILLE PLANNING COMMISSION MEETING

THURSDAY, AUGUST 10, 2023 AT 6:00 PM
COUNCIL CHAMBERS - 150 EAST MONROE STREET
WYTHEVILLE, VA 24382

1. **CALL TO ORDER - CHAIRMAN JOHN W. JONES, JR.**
2. **ESTABLISHMENT OF QUORUM - CHAIRMAN JOHN W. JONES, JR.**
3. **CONSENT AGENDA**
 - A. Minutes of the regular meeting of July 13, 2023 **(requires motion and vote)**
4. **CITIZENS' PERIOD**
5. **OTHER BUSINESS**
 - A. Presentation of the draft Unified Development Ordinance (UDO) Special Provisions for Conditional Uses, by Planning Director John Woods
 - B. Presentation of the draft Unified Development Ordinance (UDO), Subdivision Requirements, by Assistant Town Manager Elaine Holeton
6. **ADJOURNMENT**
 - A. Additional Attachments - July 2023 Council Actions

3-A



MINUTES

WYTHEVILLE PLANNING COMMISSION MEETING

THURSDAY, JULY 13, 2023 AT 6:00 PM
COUNCIL CHAMBERS - 150 EAST MONROE STREET
WYTHEVILLE, VA 24382

1. UNAPPROVED MINUTES

RE: ATTENDANCE

MEMBERS PRESENT:

Chairman John Jones, Jr., Vice-Chairman Brad Litton, Vice-Mayor Cathy Pattison, Mr. George Wittwer, Ms. Lisa Anderson, Mr. Keith Jones

MEMBERS ABSENT:

Mr. David Schmidt

OTHERS PRESENT:

Assistant Town Manager Elaine HOLETON, Chief Deputy Clerk Brandi Jones, Planning Director John Woods, Kathy Laster, Don Laster, Denise Clay, Audrey Bellan, Others

RE: CALL TO ORDER

Chairman Jones called the meeting to order.

2. RE: ESTABLISHMENT OF QUORUM

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

3. RE: CONSENT AGENDA

Chairman Jones presented the consent agenda consisting of the minutes of the regular meeting of June 8, 2023. He inquired if there was a motion to approve the consent agenda as presented.

Motion made by Mr. K. Jones, Seconded by Mr. Wittwer.

Voting Yea: Chairman Jones, Vice-Chairman Litton, Vice-Mayor Pattison, Mr. Wittwer, Ms. Anderson, Mr. K. Jones.

4. RE: CITIZENS' PERIOD

Chairman Jones advised that the next agenda item is Citizens' Period. He inquired if anyone wished to address the Commission during Citizens' Period. There being none, he proceeded with the agenda.

5. **RE: OTHER BUSINESS**

A. **RE: PRESENTATION OF THE DRAFT UNIFIED DEVELOPMENT ORDINANCE (UDO), SPECIAL PROVISIONS FOR CONDITIONAL USES**

Chairman Jones advised that the next item on the agenda is the presentation of the draft Unified Development Ordinance (UDO), Special Provisions for Conditional Uses, by Planning Director John Woods. Planning Director Woods discussed Section 8.3 - Adult Uses, and the changes that have been made to this section. Mr. Keith Jones inquired if the Planning Commission members could get a copy of the map that Planning Director Woods reviewed during the Adult Uses discussion. Planning Director Woods noted that he will email the Commissioners a copy of the map. Assistant Town Manager Holeyton stated that a Special Exception Permit will be necessary for anyone interested in the establishment of an Adult Use. She advised that the likelihood of a Special Exception Permit being granted for this use is rare, however, Adult Uses are protected by the first amendment. Assistant Town Manager Holeyton gave the Planning Commissioners a document regarding how communities can deal with Adult Uses and reviewed it with them. Mr. Keith Jones inquired if Staff was reasonably confident that the restrictions on a Special Exception Permit would stand up in a legal challenge, if needed. Planning Director Woods stated that there are a lot of other communities who use this approach when dealing with Adult Uses, and that it is better to have an ordinance in place. Assistant Town Manager Holeyton advised that since the 1970's, there have been several Supreme Court cases where the Secondary Effects Doctrine covers this matter and it still stands today.

Planning Director Woods briefly discussed the Special Provisions and Conditional Uses for skill games and cannabis lounges. He advised that these are two uses that can be of concern to the community, and he stated that Staff is still performing research on these uses.

Ms. Anderson inquired of Planning Director Woods regarding if a Special Exception Permit would be necessary to operate adult homes for special needs day cares. Planning Director Woods commented that the Town cannot regulate those types of uses. He noted that those types of uses are protected by the State Code. Planning Director Woods explained that for facilities that have up to eight (8) individuals housed, the Town must treat it as a single-family home. Assistant Town Manager Holeyton stated that Section 15.2-2286 of the Virginia State Code covers the protected uses and that localities cannot require a Special Exception Permit. She commented that group homes, temporary living facilities, etc. are covered in this section.

Planning Director Woods stated that he would like to discuss Section 8.18 - Wireless Telecommunications Facilities, of the draft UDO. He advised that the current ordinance is not in compliance with the State or Federal Code. Planning Director Woods commented that the new wireless 5G technology functions differently than the old-style cell phone towers. He stated that the new 5G networks function best when there are a lot of smaller cell phone towers. Planning Director Woods remarked that if a small cell phone facility is installed on an existing structure, the Town has very little

room to regulate these kinds of installations, based on Federal regulation. Discussion continued regarding the installation of wireless communication facilities.

Ms. Audrey Bellan was recognized and stated that she resides at 105 Freedom Lane in Wytheville. She addressed the Planning Commission regarding the Town's telecommunications towers, researching where and how the towers are located throughout town and communicating the different locations of the towers with citizens. Ms. Bellan noted that she believes there may also be some health risks associated with these towers. She suggested marking the towers so that their location is not a mystery and so it would be helpful for citizens to determine how far away they would like to be from the towers.

Chairman Jones inquired if any of the Planning Commission members had any questions or comments. There being none, he proceeded with the agenda.

B. RE: PRESENTATION OF THE DRAFT UNIFIED DEVELOPMENT ORDINANCE (UDO), SUBDIVISION REQUIREMENTS

Chairman Jones advised that the next item on the agenda is a presentation of the draft Unified Development Ordinance (UDO), Subdivision Requirements, by Assistant Town Manager Elaine Holeton. Assistant Town Manager Holeton advised that the Town's current subdivision standards were established around the 1960's, and that Staff is attempting to modernize the new subdivision standards. She stated that the subdivision standards will be combined with zoning language, because the UDO will be an ordinance that includes both the Zoning Ordinance and the Subdivision Ordinance. Assistant Town Manager Holeton commented that the subdivision standards provides a checklist for developers for future subdivisions. She continued to discuss the subdivision standards in further detail with the Planning Commission. Assistant Town Manager Holeton remarked that Staff received an email from a citizen who was concerned that the Planning Commission would be discussing lot sizes and/or square footage requirements at this meeting. She stated that she would like to reiterate that the Commission would not be discussing those two items at this meeting. Assistant Town Manager Holeton advised that lot sizes and square footage of houses are not allowed to be placed in the Subdivision Ordinance, however, they will be addressed in the Zoning Ordinance.

6. RE: CITIZENS' PERIOD

Chairman Jones advised that at his discretion, he was revisiting Citizens' Period because Ms. Audrey Bellan has stated that she would like to address the Planning Commission.

Ms. Audrey Bellan was recognized and stated that she resides at 105 Freedom Lane. She discussed her concerns with the Commissioners regarding the Wytheville Redevelopment and Housing Authority (WRHA) and the way day to day operations are handled with maintenance, office management, etc. at the Freedom Lane Housing Complex where she resides. Vice-Mayor Pattison inquired if Ms. Bellan has addressed her concerns to the Housing Authority staff. Ms. Bellan stated that it is very hard to contact someone from the Housing Authority and that she only has access to lower-level management. She advised

that the Planning Commission has a better ability to contact the WRHA, and that is why she chose to attend the meeting to discuss her concerns.

7. RE: ADJOURNMENT

There being no further business to be discussed, a motion was made, seconded and carried to adjourn the meeting. (7:01 p.m.)

John W. Jones, Jr., Chairman

Brandi N. Jones, Chief Deputy Clerk

5-A

8.4. Agritourism Venues

A. Purpose

1. To guide development of agritourism venues, such as wineries, farm-based event venues and similar uses.

B. Development Standards

1. A parking analysis is required showing the anticipated parking needs for the facility or special event. See Article 7, Section 7.7.F for more information on parking analysis requirements.
2. Permanent paved parking facilities, including those paved with crushed stone or gravel, shall be set back from adjoining residential uses by a minimum of 100 feet, and shall be screened from view from both public rights-of-way and adjoining residential dwellings.
3. Parking for special event style uses not exceeding two months duration or four months per year may provide parking in temporary parking facilities. Temporary seasonal parking facilities located on grassy surfaces or on reinforced grass pavers are exempt from landscape screening requirements.

8.6. Child Day Care Centers and Private Preschools

A. Purpose

1. To guide development of Child Day Care Centers and Private Preschools.

B. Development Standards

1. The private preschool or child day care center must comply with all Town of Wytheville and Code of Virginia requirements, including obtaining a Zoning Permit in accordance with Article 3, Section 3.3 of this Ordinance, a Town Business License, and a State Child Day Center License in accordance with the Code of Virginia prior to establishing the use.
2. An outdoor play and exercise area must be provided on the lot where the private preschool or child day care center is located. The outdoor play and exercise area must meet the following standards:
 - a. The minimum size of the outdoor play and exercise area is 75 square feet for each child permitted in the outdoor play and exercise area at any given time.
 - b. The play and exercise area must be completely enclosed by a managed care safety fence as outlined in the Town of Wytheville Fence Ordinance found in Article 7 Section 7.4 of this Ordinance, so that children are safely contained inside, and that all persons entering the outdoor play and exercise area are within direct line of sight from the private preschool or child day care center classroom areas.
 - c. The outdoor play and exercise area must not be located within the minimum required front yard but may extend into the minimum required side and rear yards.
 - d. The outdoor play and exercise area must be safely segregated from parking, loading, or service areas (such as dumpster pads or delivery sites).
 - e. No outdoor play and exercise area is required on-site if the children have access to a public or similar neighborhood park that meets each of the following conditions:
 - 1.) The private preschool or child day care center is located within 1,000 feet of an existing park or outdoor play and exercise area of at least 2 times the size required for the private preschool or child day care center.
 - 2.) The park or outdoor play and exercise area may be accessed without crossing an arterial or collector street.
3. Parking areas and vehicular circulation patterns must meet the following standards:
 - a. Parking areas must be designed to enhance the safety of children as they arrive at and leave the facility.

- b. A designated area for the drop off/pick up of children, providing at a minimum 1 parking space per 20 children, must be located in proximity to the private preschool or child day care center building in such a way that provides safe and clearly designated access to enter or exit the facility. Such parking spaces may be used to meet the off-street parking requirements of Article 7, Section 7.7 of this Ordinance.

C. Additional Development Standards for Residential Business Zoning Districts

- 1. Minimum lot sizes and setbacks shall match the requirements for the type of building form listed in the Development Standards Table for the underlying zoning district. If the proposed use requires additional onsite parking, additional land area will be required for the use to be allowed. If there is not sufficient land area available on the parcel to accommodate all of the required amenities and spatial requirements of this section, then the use is not permitted.
- 2. Hours of operation may be restricted as part of the Conditional Use Permit to protect the quality of life in adjoining residential uses.
- 3. Neighborhood Character: The exterior building form, styling and materials shall be compatible with the character of the neighborhood. In neighborhoods where the predominant architectural form is that of a single-family residence, the form and footprint of the building shall share similar characteristics with existing residential structures in the neighborhood. Likewise, in areas where the dominant form of architecture is small multiplex housing, buildings should be of a similar form. In areas where existing buildings have a mix of forms, preference may be given to forms that enhance the historic character of neighborhood.
- 4. Use of decorative or porous pavement is encouraged.
- 5. Parking: Parking areas shall be screened to minimize views from adjacent streets. Screening may be accomplished with any combination of the following methods.
 - a. Landscape plantings.
 - b. Landscaped earthen berms.
 - c. Decorative fencing that meets front yard fencing regulations found in Article 7, Section 7.4.
 - d. Locating parking in a rear yard. Rear yard parking must be screened from adjoining residential uses existing when the new business is established. Access to rear yard parking from an alley is preferred.

8.7. Clinics and Medical Offices in A-1 Agricultural Zoning District

A. Purpose

1. To guide development of Medical Clinics and Medical Offices in the A-1 Agricultural Zone.

B. Development Standards

1. Minimum lot size is 2 (two) acres.
2. Public sewer service is required.
3. Parking: Parking areas shall be screened to minimize views from adjacent streets and residential dwellings. Screening may be accomplished with any combination of the following methods.
 - a. Landscape plantings. See Article 7, Section 7.5 for landscape standards.
 - b. Landscaped earthen berms.
 - c. Decorative fencing that meets front yard fencing regulations found in Article 7, Section 7.4.
 - d. Location of parking in a rear yard. Rear yard parking must be screened from adjoining residential uses existing when the new business is established. Access to rear yard parking from an alley is preferred.
 - e. Maintaining a setback of at least 50 feet from the adjacent right-of-way and providing an appropriate landscape treatment as outlined in Article 7, Section 7.5 of this Ordinance.
4. A minimum setback of 100 feet is required from any existing residential dwelling.

8.10. Funeral Homes in RB-2 Residential Business Zoning District

A. Purpose

- 1. To guide the development of funeral homes that are compatible with neighborhood character in the RB-2 Residential Business Zoning District.

B. Development Standards

- 1. Funeral homes shall have a minimum of 100 feet of frontage on a designated arterial street.
- 2. Minimum lot for a funeral home in the RB-2 zoning district is 2 acres.
- 3. Neighborhood Character: The exterior building form, styling and materials shall be compatible with the character of the neighborhood.
- 4. Use of decorative or porous pavement is encouraged.
- 5. Parking: Parking areas shall be located behind the front line of the primary building and screened to minimize views from adjacent streets and adjoining properties. Screening shall conform to the parking area landscaping standards found in Article 7, Section 7.5 of this Ordinance.
- 6. Screening and landscaping shall not block sight triangles for driveways, alleys, and street corners.

8.12. Greenhouses, Large Commercial in A-1 Agricultural Zone

A. Purpose

1. To guide the development of commercial greenhouses of 20,000 square feet or larger in the A-1 Agricultural Zoning District.

B. Development Standards

1. Commercial greenhouses located in the A-1 Agricultural Zoning District shall be separated from adjoining residential uses by a basic buffer yard as described in Article 7 Section 7.5 of this Ordinance.
2. A parking analysis is required showing the anticipated parking needs for the facility or special event. See Article 7, Section 7.7.F for more information on parking analysis requirements.
3. Permanent paved parking facilities, including those paved with crushed stone or gravel, shall be set back from adjoining residential uses by a minimum of 100 feet, and shall be screened from view from both public rights-of-way and adjoining residential dwellings.

8.13. Kennels

A. Purpose

1. To guide development of facilities for the care and housing of pets such as dogs and cats, or other nontraditional pets as allowed by this Unified Development Ordinance.

B. General Standards for All Kennels

1. No kennel may be located in a required front yard.
2. Nothing in this section shall exempt dog owners and/or caregivers from compliance with applicable noise standards found in the [Code of the Town of Wytheville Chapter 3, Article 2 – Cats and Dogs](#).

C. Dog Runs

1. Enclosures for three (3) or fewer dogs are allowed in all agricultural and residential districts. The enclosure must be set back ten (10) feet from any exterior property line, and fifty (50) feet from any existing residential building located on an adjacent lot that is zoned exclusively for residential use.

D. Private Kennels (Housing 4 or More Dogs)

1. Private kennels are permitted only in the A-1 Agriculture Zoning District subject to the development standards herein.
2. Kennels must be located five hundred (500) feet from the lot line of any property zoned or used for residential purposes.
3. If the structure is soundproofed (dogs cannot be heard off the property), the setback can be reduced to two hundred (200) feet.
4. If the kennel is proposed to be located closer than two hundred (200) feet from adjacent residentially zoned property or use, soundproofing of the structure and a Special Exception Permit are required.

E. Commercial Kennels

1. Commercial kennels are permitted in the A-1, M-1, and M-2 Zoning Districts subject to the conditions herein and are allowed only by Special Exception Permit in the RA Residential Artisan and B-2 Business Zoning Districts. Commercial kennels are prohibited in all other zoning districts.
2. Kennels must be located five hundred (500) feet from the lot line of any property zoned or used for residential purposes.
3. If the structure is soundproofed (dogs cannot be heard off the property), the setback from adjacent residentially zoned property or use can be reduced to two hundred (200) feet.
4. Kennels must be a minimum of forty (40) feet from any adjacent property line of properties zoned for business or industrial use.

- 5. If the kennel is proposed to be located closer than two hundred (200) feet from adjacent residentially zoned property or use, soundproofing of the structure and a Special Exception Permit are required.

8.14. Light Industrial Uses in RA Zoning District

A. Purpose

1. To provide for certain light industrial uses that are compatible with an artisan residential lifestyle in the RA Residential Artisan Zoning District.

A. Uses Allowed

The following business types are allowed in the RA Residential Artisan Zoning District under the conditions listed in Section C below.

1. Light industrial uses that do not emit noise, obnoxious odors, dust or smoke that are detectible from adjoining parcels are generally permitted.

B. Prohibited Uses

The following uses are prohibited in the RA Residential Artisan Zoning District.

1. Uses that emit obnoxious odors of any kind.
2. Uses that exhaust waste or dust created by industrial operations into the air.
3. Uses that create loud noises audible from adjacent properties for extended periods. Uses such as machine shops, nailing operations or similar uses that produce prolonged loud noise are not allowed.
4. Mining or extracting.
5. Filling, or soil-stripping operations
6. Manufacturing processes that require hazardous, flammable, or explosive chemicals and compounds.
7. Uses that allow treated or untreated sewage or industrial waste to be discharged into any surface water or onto open ground.

C. Development Standards

1. No operation shall produce heat or glare perceptible from any property line of the lot on which the industrial use is located.
2. Only oil, natural gas, or electricity shall be used as fuel industrial for industrial processes or for space heating.
3. All site uses shall conform to the most recent **Town of Wytheville Noise Ordinance.**
4. Minimum lot sizes and setbacks shall match the requirements for the type of building form listed in the Development Standards Table for the RA Residential Artisan Zoning District. If the proposed use requires additional onsite parking, additional land area will be required for the use to be allowed. If there is not sufficient land area available on the parcel to accommodate all of the required amenities and spatial requirements of this section, then the use is not permitted.
5. Hours of operation may be restricted as part of the Conditional Use Permit to protect the quality of life in adjoining residential uses.

6. Neighborhood Character: The exterior building form, styling and materials shall be compatible with the character of the neighborhood.
7. Use of decorative or porous pavement is encouraged.
8. Parking: Parking areas shall be screened to minimize views from adjacent streets. Screening may be accomplished with any combination of the following methods.
 - a. Landscape plantings.
 - b. Landscaped earthen berms.
 - c. Decorative fencing that meets front yard fencing regulations found in Article 7, Section 7.4.
 - d. Locating parking in a rear yard. Rear yard parking must be screened from adjoining residential uses existing when the new business is established. Access to rear yard parking from an alley is preferred.
9. Screening of Materials and Storage: All raw materials, finished products, machinery, and equipment, including company-owned or -operated trucks and motor vehicles, within an entirely closed building or a minimum of 6-foot-high screen fence that conforms to the standards of the Town of Wytheville Fence Ordinance found in Article 7, Section 7.4 of this Ordinance.
10. Buffer Yards: When a new light industrial use is established next to an existing residential use or any adjoining residentially zoned area, a full buffer yard shall be provided along the common property boundary with the existing residential use. If outdoor storage of materials or equipment is involved in the use, the buffer yard shall be a full buffer yard with architectural screen. See Article 7, Sections 7.4 for screening requirements and Section 7.5 for buffer yard specifications.
11. Screening and buffer yard landscaping shall not block sight triangles for driveways, alleys, and street corners.

8.15. Live/work Dwellings

A. Purpose and Applicability

1. To guide development of dwellings that allow business and/or creative uses that are compatible with residential character in transitional neighborhoods near existing commercial areas and along arterial streets. This use differs from a home occupation in that more nonresident employees and client/customer visitation is allowed.
2. This Section applies to live/work dwellings where allowed as a conditional use.

B. Development Standards

1. **Owner or Tenant Occupancy:** A minimum of 1 individual who is the owner or an employee of the work component of the live/work dwelling must occupy the live/work dwelling as their primary place of residence.
2. **Floor Area:** The live/work unit is permitted to be not greater than 3,000 square feet in area.
3. **Maximum Number of On-Site Employees:** When located in RA, RB-1, RB-2, or BMX zoning districts, in addition to the occupant, no more than 2 individuals who are employees of the live/work dwelling may be on the premises at any time. When located in the B-1, B-2, B-2 DT, DTB-1, DTB-2, or DTB-3 zoning districts, in addition to the occupant, no more than 5 individuals who are employees of the live/work dwelling may be on the premises at any time.
4. **Permitted Residential vs Commercial Use Areas:** The area designated for residential purposes must occupy at least 50% of the gross floor area of the live/work dwelling.
5. **Configuration of Work Area:** The work area of the live/work dwelling shall be limited to the first or main floor only.
6. **Signage:** Signage shall comply with the standards set in *Table 7.13: Signs in Residential Business Districts* as found in this Unified Development Ordinance.
7. **Parking:** An employee permitted to work on-site pursuant to subsection 8.12.B.3 above requires 1 off-street parking space in addition to the minimum off-street parking requirements for a residence under Article 7, Section 7.7 of this Unified Development Ordinance. Any other need for parking generated by a live/work dwelling must be met solely by off-street parking located either onsite, in an available public parking lot or through a shared parking agreement.

C. Permitted Uses and Limitations.

1. **Permitted Uses:** Permitted uses for the work component are limited to Commercial, Education, or Agriculture uses permitted within the underlying zoning district as a principal use unless otherwise noted in this section.

2. **Permitted Use Limitations:**
 - a. Uses that involve group instruction, education, or assembly are limited to no more than eight (8) persons at any time in addition to the normal staff for the principal commercial use.
 - b. Storage or warehousing of material, supplies, or equipment must be within a fully enclosed structure. Storage within the structure of the live/work dwelling shall not exceed 10% of the area dedicated as workspace or 5% of the entire structure.
 - c. Excluding the storage or warehousing of material, supplies, or equipment in an accessory structure, the work component must not operate in any yard, garage, or accessory structure.
 - d. No equipment, vehicle, or process may be used that creates excessive noise, vibration, glare, fumes, odors, or electrical interference.
 - e. No explosive, toxic, combustible, or flammable materials in excess of what would be allowed incidental to normal residential use can be stored or used on the premises.
 - f. The requirements for shipping and receiving of materials in connection with the business must not create excessive noise or traffic.
 - g. Only 1 vehicle used in connection with the work functions of the live/work dwelling is allowed to be parked or stored on the premises. The vehicle must not be a bus, truck, van, trailer, or any other vehicle over 6,000 pounds as listed on the vehicle registration form.
 - h. No visible evidence of the conduct of the live/work dwelling is permitted other than signs permitted pursuant to *Section 7.9 Signs* in this Unified Development Ordinance.
3. **Non-Permitted Uses:** Non-permitted uses include the following and similar uses:
 - a. All animal service uses.
 - b. Uses with drive-through facilities.
 - c. All dry cleaning services.
 - d. Outdoor heating units.
 - e. Intense artisan industrial uses.
 - f. Automotive sales or service uses.
 - g. Moderate or large-scale retail uses.
 - h. Moderate or large-scale medical uses.
 - i. Special Interest Clubs.
 - j. Nontraditional pets.
 - k. Fuel sales or distribution of flammable or hazardous materials.
4. **Conversion:** The work component of the live/work dwelling may be converted to residential use only subject to a Change of Use Permit and

inspection for building code compliance. The residential component must remain residential and cannot be converted to a commercial use. However, if the area designated as a work component has been converted to residential use, that portion may be converted back to a work area through the Change of Use Permit process and reinspection for building code compliance.

- 5. **Transfer of Property:** No portion of the live/work dwelling may be rented or sold separately.

8.18. Multi-Family Uses in the RH Residential Historic Zoning District

A. Purpose and Applicability

1. To guide development of multi-family dwellings in a way that is compatible with and sensitive to the historic character of the surrounding historic neighborhood..
2. This Section applies to multifamily dwellings including duplexes, triplexes, fourplexes, condominiums, townhouses, and other similar small multifamily dwellings located within the RH Residential Historic Zoning District.

B. Development Standards

1. The maximum number of dwelling units within a multifamily structure on a single parcel or in an attached townhouse/condominium structure is 4. No accessory dwelling units are allowed above the maximum of four units.
2. Overall density, measured by the average number of bedrooms per acre, shall not exceed the density of developed parcels in the adjoining blocks. For the purposes of calculating density, studio units shall be counted as one-bedroom units.
3. Minimum lot sizes, setbacks, yard requirements, and lot coverage shall match the requirements for the type of building form listed in the Development Standards Table for the respective multifamily use (duplex, triplex, townhouse, etc.) found in the development standards for the R-2 Residential Zoning District. If the proposed use requires additional onsite parking, additional land area will be required for the use to be allowed. If there is not sufficient land area available on the parcel to accommodate all of the required amenities and spatial regulations of this section, then the use is not permitted.
4. Neighborhood Character: The exterior building form, styling and materials shall be compatible with the character of the neighborhood.
5. Multiplex, townhouse, and condominium structures shall be patterned after the existing structures in the neighborhood. Building form may reflect the character of the existing neighborhood in any of the following ways:
 - a. Use of a building style that mimics the large stately homes in the neighborhood.
 - b. Use a varied setback for the units to provide spatial variety and change that reflects the varied setbacks along the adjoining street frontage.
 - c. Use of building materials that reflect the historic patterns in the neighborhood. Vinyl siding, drivit stucco, and similar modern materials should be avoided.
6. Parking: Parking areas shall be located in rear yard areas to minimize views from adjacent streets. Parking areas that can be seen from a public right-of-way shall be screened from view. Screening may be accomplished with any combination of the following methods.
 - a. Landscape plantings. See Article 7, Section 7.5 for parking area landscape requirements.

- b. Landscaped earthen berms.
 - c. Decorative fencing that meets front yard fencing regulations found in Article 7, Section 7.4.
7. Screening and buffer yard landscaping shall not block sight triangles for driveways, alleys, and street corners.

8.18. Professional Offices and Services in Residential-Business Zoning Districts

A. Purpose

1. To provide for orderly development of professional office and service businesses in transitional residential neighborhoods.
2. To guide compatible development form for businesses in a mixed-use neighborhood with a residential character and lifestyle.
3. To identify types of office and professional service businesses that are compatible with existing residential uses in neighborhoods that are adjacent to existing business districts and busy streets.

B. Uses Allowed

The following business types are allowed in Residential Business Zoning Districts under the conditions listed in Section C below.

1. Banks and financial services in the RA, RB-1, and RB-2 Residential Business Zoning Districts.
2. Medical offices and clinics, with or without medical training as an accessory use in the RB-1, and RB-2 Residential Business Zoning Districts.
3. Professional offices, such as attorney's office, architectural firms, accounting firms and similar uses in the RA, RB-1, and RB-2 Residential Business Zoning Districts.
4. Medical business offices such as medical billing and coding in the RA, RB-1, and RB-2 Residential Business Zoning Districts.
5. Substantially similar businesses as determined by the Zoning Administrator.

C. Development Standards

1. Minimum lot sizes and setbacks shall match the requirements for the type of building form listed in the Development Standards Table for the underlying zoning district. If the proposed use requires additional onsite parking, additional land area will be required for the use to be allowed. If there is not sufficient land area available on the parcel to accommodate all of the required amenities and spatial requirements of this section, then the use is not permitted.
2. Hours of operation may be restricted as part of the Conditional Use Permit to protect the quality of life in adjoining residential uses.
3. Neighborhood Character: The exterior building form, styling and materials shall be compatible with the character of the neighborhood. In neighborhoods where the predominant architectural form is that of a single-family residence, the form and footprint of the building shall share similar characteristics with existing residential structures in the neighborhood. Likewise, in areas where the dominant form of architecture is small multiplex housing, buildings should be of a similar form. In areas where existing buildings have a mix of forms, preference may be given to forms that enhance the historic character of neighborhood.

4. Residential use of upper floors is encouraged to enhance the residential character of the neighborhood.
5. The street facing façade of the principal structure shall have at least one (1) street-oriented entrance and contain the principal windows of the store.
6. Use of decorative or porous pavement is encouraged.
7. Parking: Parking areas shall be screened to minimize views from adjacent streets. Screening may be accomplished with any combination of the following methods.
 - a. Landscape plantings.
 - b. Landscaped earthen berms.
 - c. Decorative fencing that meets front yard fencing regulations found in Article 7, Section 7.4.
 - d. Locating parking in a rear yard. Rear yard parking must be screened from adjoining residential uses existing when the new business is established. Access to rear yard parking from an alley is preferred.
8. When a new professional office or service use is established next to an existing residential use, a basic buffer yard shall be provided along the common property boundary with the existing residential use.
9. Screening and buffer yard landscaping shall not block sight triangles for driveways, alleys, and street corners.

8.19. Retail and Personal Services in Residential Business Districts

A. Purpose

1. To provide for orderly development of small-scale retail and personal service businesses in transitional residential neighborhoods.
2. To guide compatible development form for businesses in a mixed-use neighborhood with a traditional neighborhood residential character and lifestyle.
3. To identify types of retail and personal service businesses that are compatible with existing residential uses in neighborhoods that are adjacent to existing business districts and busy streets.

B. Uses Allowed

The following business types are allowed in Residential Business Zoning Districts under the conditions listed in Section C below.

1. Hair salons, barber shops, nail care, tanning, and skin care salons.
2. Art studios, art galleries.
3. Tailors, shoe repair.
4. Retail shops of 2,000 square feet or less with product offerings that are not likely to generate excessive noise, odors, or other nuisances.
5. Small restaurants of 2,000 square feet or less.
6. Substantially similar businesses as determined by the Zoning Administrator.

C. Development Standards

1. Minimum lot sizes, setbacks, yard requirements, and lot coverage shall match the requirements for the type of building form listed in the Development Standards Table for the underlying zoning district. If the proposed use requires additional onsite parking, additional land area will be required for the use to be allowed. If there is not sufficient land area available on the parcel to accommodate all of the required amenities and spatial regulations of this section, then the use is not permitted.
2. Hours of operation may be restricted as part of the Conditional Use Permit to protect the quality of life in adjoining residential uses.
3. Retail and personal service businesses located in residential business districts must have at least 25 feet of frontage on a designated arterial or collector street. If there is no frontage on a qualifying street, the use is not allowed.
4. Neighborhood Character: The exterior building form, styling and materials shall be compatible with the character of the neighborhood. In neighborhoods where the predominant architectural form is that of a single-family residence, the form and footprint of the building shall share similar characteristics with existing residential structures in the neighborhood. Likewise, in areas where the dominant form of architecture is small multiplex housing, buildings should be of a similar form. In areas where existing buildings have a mix of forms, preference may be given to forms that enhance the historic character of neighborhood.

5. Residential use of upper floors is encouraged to enhance the residential character of the neighborhood.
6. The street facing façade of the principal structure shall have at least one (1) street-oriented entrance and contain the principal windows of the store.
7. Use of decorative or porous pavement is encouraged.
8. Loading areas shall be located in such a way as to minimize the impact on the surrounding neighborhood. Screening shall be provided to screen and diffuse noise impacts on adjacent residences. A basic buffer yard is required when a loading area is located adjacent to an existing residential use or residential zoning district.
9. Parking: Parking areas shall be screened to minimize views from adjacent streets. Screening may be accomplished with any combination of the following methods.
 - a. Landscape plantings.
 - b. Landscaped earthen berms.
 - c. Decorative fencing that meets front yard fencing regulations found in Article 7, Section 7.4.
 - d. Locating parking in a rear yard. Rear yard parking must be screened from adjoining residential uses existing when the new business is established. Access to rear yard parking from an alley is preferred.
10. No more than twenty (20) percent of the floor area may be devoted to seating facilities for consumption of food prepared on the premises.
11. When a new retail use is established next to an existing residential use in the RA, RB-1, or RB-2 zoning district, a basic buffer yard shall be provided along the common property boundary with the existing residential use.
12. Screening and buffer yard landscaping shall not block sight triangles for driveways, alleys, and street corners.

8.20. Schools, Primary and Secondary, Private

A. Purpose

- 1. To provide for orderly development of private, for-profit, primary and secondary schools.

B. Use Approvals

- 1. In addition to the requirements of this section, primary and secondary private schools are subject to the to a Special Exception Permit in the RA, RB-1, RB- 2, and MA Zoning Districts.

C. Development Standards

- 1. The minimum lot area is 5 acres.
- 2. On-site housing for staff or faculty employed by the private school and/or for students attending the private school is permitted as an accessory use.
- 3. Public sewer is required.

8.26. Veterinary Clinics

A. Purpose

- 1. To provide for orderly development of needed veterinary services in locations that are convenient to citizens while maintaining a safe and peaceful environment for the community.

B. Development Standards

- 1. Veterinary clinics located in the B-2, BTS, or MA Zoning Districts shall provide sound proofing of spaces where pets are housed or treated so that barking and similar sounds can not be heard in neighboring buildings.
- 2. Veterinary clinics located in the B-2, BTS, or MA Zoning Districts shall be setback at least 200 feet from any existing residential use or residentially zoned land.

5-B

Presentation of Article 4- Subdivision Standards – Second Draft
August 9, 2023, Town of Wytheville Planning Commission Meeting
By: Elaine Holeton

(Please note that spell check, editing and numbering will occur as
part of the final draft version)

Article 4. Subdivision Standards

1.1. Introduction

1. This article provides guidance on how to subdivide land and/or modify lot lines. The subdivision and site development standards as shown in this Article are hereby considered the Town of Wytheville Subdivision Ordinance.

1.2. Intent

1. It is the intent of this section to create an orderly pattern for the creation and modification of lots in the Town of Wytheville. The term subdivision generally pertains to the division of property for the creation of new lots and/or the modification to existing lot lines. The vacate of plats, vacate of roads and vacate of alleyways are additional items covered in this Article.

1.3. Applicability

1. This article shall apply to all division, redivisions and consolidations of land, the vacation of recorded subdivision plats or parts thereof, and the relocation of boundary lines. The article does not apply to divisions of land resulting from an order entered by a court of equity requiring that land be partitioned, or from the exercise of the power of eminent domain by any public agency.

1.4. Enabling Authority

1. In accordance with Code of Virginia § 15.2-2240 the Town of Wytheville is required to have a Subdivision Ordinance. The Code of Virginia § 15.2-2240 through § 15.2-2279 provides the enabling statutes for the Town of Wytheville’s Subdivision Ordinance. The Code of Virginia § 15.2-2201 enables the Town to define, by the enactment of this ordinance, the definition of subdivision.

1.5. Purpose

The subdivision and site development standards are designed to:

1. Establish an orderly process for new lots to be created, and/or for lots to be modified in size, or located or vacated.
2. Ensure that subdivision lots are created in a manner that compliments the zoning requirements for zone districts and to integrate subdivision design with other types of land development guidelines.
3. Provide guidance on the processes required for the submittal of subdivision plats for review and approval.
4. Ensure that proper legal descriptions, notes, and best practices for plat development and survey techniques are used for orderly development.
5. Encourage design for public health, safety, and wellbeing and to make possible the provision of public services in a safe, adequate, and efficient manner.

6. Provide standards for the design of street access, street development, utility development, drainage and design elements that are essential to creating safe and harmonious communities and neighborhoods.
7. Facilitate the transfer, dedication and/or acceptance of public infrastructure, right of ways and easements by establishing guidelines for these conveyances as part of new subdivision development.
8. Establish guidelines for the vacate of plats, lot lines and other types of vacate processes such as the vacate of public right of ways.

1.6. Acts Prohibited

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

1. No person shall subdivide land without making and recording a plat of the subdivision and without fully complying with the provisions of this article.
2. No plat of any subdivision shall be recorded unless and until it has been submitted to and approved by the duly authorized agent, or governing body of the Town of Wytheville.
3. No person shall sell or transfer any land of a subdivision, before a plat has been duly approved and recorded as provided herein, unless the subdivision was lawfully created.
4. Any person violating the foregoing provisions of this Article shall be subject to a fine of not more than \$500 for each lot or parcel of land so subdivided, transferred or sold and shall be required to comply with all provisions of this article and ordinance. The description of the lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from the penalties or remedies herein provided.
5. No clerk of any court shall file or record a plat of a subdivision required by this article to be recorded until the plat has been approved as required herein. The penalties provided by Code of Virginia 17.1-223 shall apply to any failure to comply with the provisions of this section.

1.7. Role of the Applicant or Developer

1. The owner of the parcel(s) for which a subdivision application is submitted shall be considered the applicant and developer. A landowner can delegate responsibility to another person to serve as an agent on his/her behalf, however, the legal responsibility for adhering to this Ordinance resides with the landowner. It is the responsibility of the landowner, and developer, to meet the requirements of this Article, including the responsibilities associated with providing adequate street access, street design, stormwater infrastructure, utility infrastructure and all other required site elements associated with land development, the subdivision of land and/or modification to lot lines.

1.8. Town Not Obligated

1. Nothing herein shall be construed as creating an obligation on behalf of the Town to construct, maintain or otherwise provide any subdivision improvements required by this ordinance and/or proposed by a developer. The cost of any improvement shall be at the expense of the developer. If the Town Council determines that a project is advantageous to the community at large and is critical to meeting the overall goals of the Town, the Town Council may, at its' own discretion, determine that it is in the community's best interest to assist with specific infrastructure needs which are related to the proposed development. Any such determination by the Town Council shall be communicated to the developer in writing prior to final subdivision plat development and the details of this decision shall be on record as Town Council minutes for any such decision to be valid.

1.9. Approval of Subdivision by Town

1. Any division of property or a modification to a property line of any parcel located in the Town of Wytheville, shall be approved by the Town prior to recordation. Approval shall be shown by the signature of the Subdivision Agent, Town Manager, Mayor of Town Council and/or other town official delegated by the Town Council to act in this behalf and the approval signature shall be shown on the face of the subdivision plat. Prior to final plat approval the Town of Wytheville may require subdivision plat or site plan approvals by other local, state and/or federal agencies, when such approval is related to the project.

1.10. Recordation

1. Subdivision plats shall be recorded at the Wythe County Clerk of Court to officially finalize a subdivision process and to legally establish the proposed subdivision and/or newly created lots.
2. The Subdivision Agent will record any Town approved plat at the Wythe County Clerk of Court. The applicant for subdivision, shall fully cooperate with the agent, who may require forms, signatures, processes, fees and/or other legal instruments which may be required to complete the recordation process and finalize the subdivision.

1.11. Lots on Record

1. For the purpose of this ordinance a "lot on record" is a tract of land which has been assigned a Wythe County Tax Map Parcel Number by the Wythe County Commissioner of Revenue Office. A tax map number is typically assigned to a parcel at the time of the parcel creation and after the recordation of a survey plat/subdivision plat which creates the new parcel(s). The Town of Wytheville is not enabled to assign new tax map numbers and this role is reserved by law to the Commissioner of Revenue. Questions about tax map numbers shall be directed to the Wythe County Commissioner of Revenue Office.

1.12. Mitigation Surveys

1. In some instances, historical issues, court orders, and takings may have created lots that are not usable due to mistakes, improper conveyances, outliers and remnants from historic conveyances. The Town seeks to fix these historic issues, where possible, to create usable lots and physical order. The Subdivision Agent is authorized to approve mitigation surveys that seek to address historic mapping issues and remnant lots that are considered unusable or unable to meet current subdivision standards. The Wythe County Commissioner of Revenue office, the Town Manager and the Town Engineer must also approve these mitigation surveys prior to recordation. Mitigation surveys shall be submitted for recordation only with the approval of the landowner as shown on the face of the plat.

1.13. Town Geographic Information System (GIS)

1. The Town of Wytheville Geographic Information System is maintained by the Engineering Department and is used to reflect “best available data” on parcels for those tax map parcels located in the Town. Not all parcels have a legal survey on file and thus cannot be drawn to legal survey standards. The Town GIS is for reference only. When new lots are created as part of a subdivision and legally recorded, these lots are assigned tax map numbers, and the surveyed lot lines are shown on the Town GIS. Any errors to the Town GIS can be reported to the Engineering Department. To correct an error a legal survey must be presented or prepared by a licensed surveyor and presented to the Engineering Department for correction of the GIS.

1.14. Property Tax Cards and Ownership

1. The Wythe County Commissioner of Revenue office shall be contacted for questions related to Property Tax Cards or property ownership.

1.15. Application Submittal and Review

1. The process for subdivision application review and approval is specified in Article 3 of this Ordinance. The role of the Subdivision Agent, the Planning Commission and the Town Council in reviewing and approving subdivision applications and affiliated processes is covered in Article 2.

1.16. Subdivision Classifications

1. The Town of Wytheville has three (3) subdivision classification types. This includes minor subdivisions, major subdivisions and the vacate of a plat, street or alleyway. Each classification type is outlined below:
 - a. **Minor Subdivision Classification:** This classification includes those subdivision application types that seek to adjust boundary lines between lots on record (Boundary Line Adjustments), vacate boundary lines between lots on records (Boundary Line Vacations), and/or achieve a single division of property (Create Additional Lot) or create a number of new lots that is less than three lots (Create Two Additional Lots). This classification shall not include any project that seeks to install new lateral

main utilities or public streets for town acceptance and/or is reliant on phased development to achieve more than two (2) lots over time. Phased development of over two (2) lots shall be considered a major subdivision classification.

- b. Major Subdivision Classification: This classification includes those subdivision application types that seek to create the addition of three (3) new lots or more. New lots are defined as lots that will have new tax map parcel numbers and does not include the original parent parcel on record. Projects defined as Planned Unit Developments and/or other types of projects that facilitate a planned development with common ownership and/or shared spaces shall also be considered a major subdivision. Any project that seeks to install new public infrastructure to serve the development, such as new utility main line extensions and/or new public streets shall be considered a major subdivision. Projects that are phased to create multiple lots over various phases is considered a Major Subdivision.
- c. Vacate Classification: This classification includes those applications that seek to vacate a plat, street or alleyway.

1.17. Subdivision Variations and Exceptions

- 1. The Town of Wytheville may grant subdivision variations or exceptions to the general regulations of this Article upon reasonable finding that such variation or exception is warranted due to unusual situations or when strict adherence to the general regulations would result in substantial injustice or hardship.
- 2. Upon receiving an application for a subdivision variation or exception, the Planning Commission shall consider the application and make a recommendation to the Town Council. The Town Council shall determine whether a subdivision variation or subdivision exception can be issued. A request for a subdivision variance or exception shall be submitted as a separate application for review. The request shall specify the specific article numbers of this ordinance that the variation or exception is requested of, along with the justification for the request and the decision shall be made and communicated by Town Council, prior to the submittal of the final plat. Application for Subdivision Variation or Exception is covered in Article 3.

1.18. Direct Language from Code of Virginia 15.2-2265

- 1. The recordation of an approved plat shall operate to transfer, in fee simple, to the respective localities in which the land lies the portion of the premises platted as is on the plat set apart for streets, alleys or other public use and to transfer to the locality any easement indicated on the plat to create a public right of passage over the land. The recordation of such plat shall operate to transfer to the locality, or to such association or public authority as the locality may provide, such easements shown on the plat for the conveyance of stormwater, domestic water and sewage, including the installation and maintenance of any facilities utilized for such purposes, as the locality may require. Nothing contained in this article shall affect any right of a subdivider of land heretofore validly reserved. The Clerk of Court shall index in the name of all the owners of property affected by the recordation in the grantor's index

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

2. When the authorized officials of a locality within which land is located, approves in accordance with the subdivision ordinances of the locality a plat or replat of land therein, then upon the recording of the plat or replat in the circuit court clerk's office, all rights-of-way, easements or other interest of the locality in the land included on the plat or replat, except as shown thereon, shall be terminated and extinguished, except that an interest acquired by the locality by condemnation, by purchase for valuable consideration and evidenced by a separate instrument of record, or streets, alleys or easements for public passage subject to the provisions of § 15.2-2271 or 15.2-2272 shall not be affected thereby. All public easements, except those for public passage, easements containing improvements, those that contain private utility facilities, common or shared easements for the use of franchised cable operators and public service corporations, may be relocated by recordation of plat or replat signed by the owner of the real property, approved by an authorized official of a locality, regardless of the manner of acquisition or the type of instrument used to dedicate the original easement. In the event the purpose of the easement is to convey stormwater drainage from a public roadway, the entity responsible for the operation of the roadway shall first determine that the relocation does not threaten either the integrity of the roadway or public passage. The Clerk of Court shall index the locality as grantor of any easement or portion thereof terminated and extinguished under this section.

1.19. Survey Plat Standards

All survey plats regardless of type, shall contain the following minimum information:

1. The text and graphics as required in this Ordinance.
2. The name of subdivision, property owner, developer if different, surveyor or engineer, date of drawing, and number of sheets.
3. The Zoning District in which the property is located.
4. The Magisterial District in which the property is located.
5. The FEMA designated flood zone(s) in which the property is located and the associated Flood Insurance Rate Map, and when applicable any other requirements for floodplain development as required by the National Flood Insurance Program and Federal Emergency Management Agency.
6. A north arrow, legend, title block, reference datum, vicinity map. Plats shall be to scale and shall include a graphic scale and a written scale. Plats shall use a 1 : 2000 standard.
7. Name of existing subdivision in which the lots are located, if applicable.
8. The benchmark from which all measurements are taken (point of beginning).
9. All existing platted and proposed streets with names, numbers, pavement width, and right-of-way or easement widths.
10. Location of any grave or structure marking the location of a human burial.

11. Adjacent property tax map numbers and owners. Show current title reference.
12. All parcels and proposed conveyances to be dedicated for public use or as common space.
13. Curve and line data and dimensions by bearings and distances of boundaries of all proposed and existing lot lines and rights-of-way or easements.
14. Accuracy of not less than one (1) in ten thousand (10,000).
15. Watercourses, their names, and any applicable information, and when applicable drainage districts and mapped dam break inundation zones.
16. Show area of all proposed and existing lots in acreage units. Lots of less than one acre in size shall also be shown in square feet.
17. Linear feet of street/road frontage for all existing and proposed affected lots.
18. Any existing or proposed easements located on the subject property.
19. Any existing and proposed utilities located on the subject property.
20. Existing or proposed onsite septic or onsite well/other water source locations.
21. When needed for the VDH approval of onsite systems, appropriate system information, related contours, and any other information required by the VDH and/or specified in the Town of Wytheville Guidelines for VDH Review of Subdivision Plats.
22. Any existing and proposed development or buildings located on the subject property(s). When setbacks of existing or proposed structures are less than 50 feet to property lines, plat shall show the distance in linear feet for all structures from the building line to any current and/or proposed property lines.
23. The 911 street addresses of related structures shown on the plat. If 911 street addresses have not been designated yet, use TBD and street name.
24. Original seal from the surveyor or engineer certifying the plat; which shall be prepared by a certified professional engineer or land surveyor.
25. When the plat is of land acquired from more than one source of title, the outlines of parent parcels shall be indicated upon the plat. Source of title shall be clearly associated with each parent parcel.
26. Vacated lot lines shall be clearly marked as such. When lots are to be combined this shall be shown and stated on the plat. Combined lots shall ensure that the proposed combination of lots does not violate zone district or other zoning requirements.
27. Vacated plats, easements, right of ways shall be clearly identified and show approval dates of Town Council actions. The process for vacating plats and public right of ways shall be in accordance with this Article 3.
28. Acreage table showing pre-subdivision lot areas of all affected tax map numbers and after subdivision lot areas of all affected tax map numbers.
29. Plat Notes. Notes on the plat shall be accurate. The Subdivision Agent reserves the right to require note corrections or the addition of notes, when

needed to satisfy the intent of this ordinance. At a minimum the following plat notes shall be on the face of the plat;

- a. The shown properties are located in the Town of Wytheville. Proposed development shall meet the requirements of the Town of Wytheville Unified Development Ordinance.
 - b. (Indicate if properties are currently served by public water and/or sewer or onsite water and septic services, if public utilities are proposed please specify as proposed not currently served)
 - c. (Status of street or access) Properties are located on a public street maintained by the Town of Wytheville. (or) Properties are located on a private street and are not maintained by the Town of Wytheville.
30. The plat shall contain any other information, as determined by the Subdivision Agent to meet the intent of this ordinance.

1.20. General Requirements for All Subdivision Types

- 1. **Monuments:** Concrete monuments or iron pins shall be set for all corners, angle points, radial points, and at intermediate points along streets or boundary lines where monuments cannot readily be seen from one another. The monuments shall be installed per Code of Virginia requirements. Any monument removed, moved, or destroyed during the development of any property shall be replaced by the person responsible for the removal or damage.
- 2. **Public and Private Utility Easements:** The proposed area of new conveyances with easement width and type shall be shown as required for the utility and as listed in the Town of Wytheville Water and Sewer Utility Standards or such standards as required for private utilities. Notes on the plat or separate deeds of conveyance shall cover long term maintenance responsibility of the easement areas. Pre-existing public and private utility easements, with associated details shall be shown on the plat with reference to the recorded instruments.
- 3. **Stormwater/ Drainage Infrastructure and Easements:** The area of stormwater/ drainage easements and any areas needed to preserve open space, access and provide maintenance to stormwater management facilities shall be shown on the plat. The minimum width of access and maintenance easements for stormwater pipes, swales and drainage areas shall be 15' wide. Stormwater ponds, BMP areas and open space requirements which are shown and/or related to a required SWM plan, shall be surveyed out and the metes and bounds of the boundaries shall be shown. Notes on the plat or separate deeds of conveyance shall state the long term maintenance responsibility of stormwater infrastructure and areas. Pre-existing or proposed drainage and/ or stormwater easements with associated details shall be shown on the plat with reference to any recorded instruments on file at the Wythe County Clerk of Court.
- 4. **Public Use Access Easements/Right of Ways:** The required width and type of right of way and/or easement for the public use and maintenance of new public streets, sidewalks, and any other public access infrastructure shall be shown on the plat. Notes on the plat or separate deeds of conveyance

shall cover long term maintenance responsibility. Adequate width, type and exclusive or non-exclusive use shall be listed. Any pre-existing access easements, alleys and right of ways shall also be shown on the plat with appropriate detail of these conveyances and reference to the recorded instruments. New right of ways shall only be allowed for public streets, sidewalks and areas which are specifically noted as those areas which are intended for conveyance to the Town and to be maintained by the town in perpetuity.

5. **Temporary Construction Easements:** Temporary easements required for construction and other temporary activities shall be shown on the plat and described as such. If needed, separate agreement documents may be required between the grantee and the grantor.
6. **Professional Seal:** Subdivision plats shall be prepared by a professional engineer or land surveyor registered in the Commonwealth and shall be signed and sealed with original ink indicating as such.
7. **Development Site Plans:** Site plans which are required for any new construction, development or redevelopment shall be in the form of stamped engineered site plans and the plans shall mirror the property conveyance needs as shown on the subdivision plat. In the event that the Subdivision Agent determines that a minor subdivision does not justify the need for an engineered site plan a conceptual plan may be submitted in lieu of an engineered site plan at the time of subdivision review. The key design elements of a site, such as; site access, streets, public and private utilities, stormwater, sidewalks and the development standards required in Article 7 and Article 8 of this ordinance shall be shown as required on the site plan. The Town Code, The Town Water and Sewer Standards, and any applicable local, state and federal guidance for development standards shall be shown. It is the responsibility of the developer to ensure that the site plan can be approved by the Town Engineer, the Town Zoning Administrator and the Town Subdivision Agent, prior to final subdivision plat approval. If state agency approval is required the site plans shall be approvable by those agencies prior to final subdivision approval.
8. **Survey Extents:** Survey extents showing the proposed changes to subject properties, shall be relative to the project when it is reasonable to do so. Remainder of tracts not shown on the survey shall be called out. The Subdivision Agent reserves the right to either require a field survey of an entire property or the showing of the extents of an entire property, when it is needed to indicate that all requirements of this ordinance can be met. If a previously recorded plat is used in lieu of a property survey, the deed book and page shall be referenced, and a sketch of the property boundaries taken from the recorded plat shall be included on the plat. Acreage and square footage changes to tax map numbers must be shown.
9. **Coordinate System:** All plats should be surveyed on the NAD 1983 State Plane Virginia South Coordinate System. For major subdivisions, the surveyor acting on behalf of the developer shall be required, after final plat recordation, to submit the final and approved subdivision in a digital GIS shapefile compatible with the Town GIS system.

10. **Fire Protection:** Any developer of a new subdivision that extends a new main waterline into a new subdivision, constructs a new public street for a subdivision or creates two or more new lots shall be responsible for providing fire hydrants as directed. All site developers of either subdivisions or multi-family, commercial or industrial sites shall consult with the Town Engineer prior to project development to ensure that water quantity and pressure is sufficient for water related fire suppression needs and coordination on new hydrant locations. When required new fire hydrants shall be located at every intersection and every 500' in linear distance thereafter. Hydrant placement in relationship to the street and hydrant/valve types shall meet the requirements of the Town Water and Sewer Standards. New development and/or major subdivisions may be required to locate or upgrade water lines to sufficient size and/or install new hydrants to meet current fire protection standards for the type of proposed development.
11. **Conveyance to the Town:** In accordance with the Code of Virginia 15.2-2265, the recordation of an approved plat shall operate to transfer, in fee simple to the town, any easement indicated on the plat to create a public right of passage over the land. Public passage shall include streets, alleys, sidewalks and any other type of public way. Public use easements shown on the recorded plat for conveyance of stormwater, domestic water and sewage, including the installation and maintenance of any facilities utilized for such purposes as the locality may require, shall also serve to convey these areas to the town. Nothing shall obligate the locality to install or maintain such facilities unless otherwise agreed to by the locality, in writing.
12. **Jurisdictional Lines:** The creation of new lots and/or amendments to lots platted under the provisions of this Ordinance, to the best extent which is possible based on available data, shall draw new lot lines in agreement with jurisdictional boundaries. Proposed changes to those lots which are located in more than one jurisdiction shall be approved by both the Town and the respective adjacent jurisdiction and agreed to by the Wythe County Commissioner of Revenue's office prior to recordation.
13. **Zone District Agreement:** A proposed subdivision must have zone district agreement and a lot shall not be split zoned. If proposed lots are not of the same zone district, a rezone application shall be submitted and approved prior to subdivision plat review and approval. As part of the rezone application, a preliminary subdivision plat, submitted by a licensed surveyor and showing that the boundary line adjustment or vacation can meet all other requirements of this article shall be submitted for consideration. A proffered agreement by the developer, to record the subdivision plat within six months of the rezone approval shall be submitted at the time of the rezone application. If a rezone is approved, the subdivision plat that meets all other requirements of the ordinance can be recorded.
14. **New Access and New Streets:** When new streets and/or new access points are required for a subdivision, the Virginia Department of Transportation (VDOT) Urban Construction and Maintenance Guidance, VDOT Access Management Guidelines and any required Traffic Impact Analysis shall be used to determine the best access points of new streets. In the interest of hazard mitigation planning, adequate travelways to evacuate an area must be installed. The approval of the plat is reliant on the ability of the developer to

meet the needs of this ordinance for site access and transportation infrastructure requirements.

- 15. **Modifications to Existing Access and Existing Streets:** When required as part of a traffic impact study or required in relationship to the approval of a new land development, the modification to existing access points or existing streets located within the parameters of subdivision may apply. Street modifications and access modifications shall meet the standards as determined in this ordinance and affiliated town policies.
- 16. **Erosion and Sediment Control and Stormwater Management:** If the proposed subdivision and type of subdivision development meets the threshold requirement for either a Town Erosion and Sediment Control Plan and Permit and/or a Department of Environmental Quality (DEQ) Stormwater Management Plan and Permit, the preliminary site plans for this type of development must be submitted prior to or at the same time as the preliminary subdivision plat. The DEQ Common Plan of Development is defined as “a contiguous area where separate and distinct construction activities may be taking place at different times on different schedules”. These types of developments will require a SWM Plan and Permit for the proposed land disturbing activity. The DEQ and local E&S and zoning site plan approvals or the ability to achieve site plan approvals shall be required prior to the final subdivision plat approval.

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

- 17. **Karst, Wetlands, Waterways, Floodplains and Unconsolidated Fill.** Development in karst areas, in wetlands, in floodplains and on unconsolidated fill can create hazards for future owners and users of property. The purpose of this section is to highlight the importance of appropriate design when known variables indicate the likelihood of these conditions on a site which is planned for development. The Town of Wytheville is committed to the stewardship of water resources and encourages site design and subdivision planning to minimize impact to this valuable resource. Appropriate planning and development that minimizes the hazards associated with development within close proximity to waterways, floodplains, wetlands and karst terrain shall be used. New development shall be designed to mitigate future hazards such as sinkhole subsidence, flooding and groundwater contamination.

Any major subdivision, multi-family, commercial and/or industrial development which is located within 100 feet of a known waterbody, karst geologic system (sinkholes, caves, sinking creeks), wetland and/or FEMA designated floodplain, and/or located on areas of unconsolidated fill, may be required to provide appropriate geotechnical, hydraulic/hydrologic studies that show how the development can be safely built. Voluntary performance

standards that show how the development can be responsibly located on or near these environmentally sensitive and potentially hazardous areas must be submitted by the developer, at the time of site plan review, to indicate how the development can work within these natural and manmade constraints.

Floodplain development must follow the floodplain zoning overlay standards of this ordinance. Design techniques such as setbacks to waterways/wetlands/karst, designation of common areas/vegetated/natural areas for long term protection of these resources and other measures that reduce impact to these resources are highly encouraged. Development plans shall ensure that the integrity of natural onsite water resources remains largely undisturbed so that natural functions for water protection remain intact. The subdivision agent and/or governing body may approve a variation to any requirement of this ordinance, when it can be shown that such measure is needed by the developer to mitigate hazards and protect water resources.

18. **Offsite Improvements:** Any developer may voluntarily fund off-site improvements associated with a proposed development, when it can be shown to the satisfaction of the Town Engineer and the Town Manager, that the off-site improvements can be safely installed and meet the town specifications and standards for development. The locality may, at its discretion, enter into an agreement with a developer for offsite improvements subject to the requirements of Code of Virginia 15.2-2242.
19. **Public Water and Public Sewer Connection Required:** In accordance with Code of Virginia 15.2-2121, the Town requires that any proposed subdivision lot, must provide public water and public sewer by the extension of and connection to abutting or adjacent public water and public sewer systems. The cost and completion of these connections to proposed lots associated with the subdivision shall be at the expense of the developer. In the event that a connection to public water and/or public sewer is not possible due to limitations of the property by virtue of extreme location, topography, or other geographic constraints, the developer can apply for a subdivision exception of this connection requirement. The request must be made prior to final subdivision plat submittal. If approved, the proposed subdivision must show the ability to provide onsite systems and provide the required Virginia Department of Health (VDH) approval for the use of onsite systems on each proposed new lot.
20. **Required Easements:** Public utility easements (PUE) shall be required for the future connection of the subject property and adjacent properties to public water and public sewer utilities. Easement location and width shall also consider long term maintenance of these utilities, and may require additional easement area in locations with steep terrain, sensitive areas or unusually deep utility line locations. The minimum required PUE width is 15' wide on all exterior lines of the lot, unless it can be shown that adequate easements are in place or service lines and easements are already meeting the needs of the community for public utility to the extent that new public utility easements are unnecessary. The Town Engineer shall have the final say on any decision to exempt a new parcel from the required public utility easement. Additional easements may be required to provide electrical power, telecommunications

and other utilities such as natural gas, when it is the intent of the developer to provide said utilities to new lots/new sites.

- 21. **Public Water and Sewer Utilities:** In providing the extension of on-site public or private water and sewer infrastructure to meet the needs of the subdivision or site plan, the developer shall follow the standards and the specifications of the Town of Wytheville Water and Sewer Standards. In accordance with Code of Virginia 15.2-2121 the design and installation of water and sewer utilities to meet Town standards is a requirement of plat or plan approval. The water source and size of system shall be capable of meeting the needs of the eventual inhabitants. Sewerage systems must be compatible with town conveyance needs, pump stations and requirements for protection of the public sewerage system.

The type of proposed water and sewer public utilities serving the subdivision, the owner of the utility and any notes needed to convey that either private or public water and/or public sewer service is available to serve each lot shall be shown on the plat. The location and type of both proposed and any in place utility infrastructure shall also be shown on the plat or plan, such as other existing lines, meter bases, manholes, cleanouts etc..

- 22. **Onsite Systems:** Subdivision plats with proposed lots that are reliant on onsite wells or onsite septic systems for water and sewer needs, shall meet the Virginia Department of Health requirements for system setbacks, separation distances and other applicable standards for the required operation, health, and safety of onsite systems. Evidence that the Virginia Department of Health (VDH) standards can be met must be submitted prior to subdivision plat review and approval. For any subdivision that proposes the use of onsite systems, the VDH Statement and signature by VDH authority shall be shown on the face of the plat. Additional information on the VDH requirements for the review of subdivision plats is available at the office of the Subdivision Agent.

- 23. **Performance Agreement Required:** For any subdivision project that requires the installation, improvement, construction or maintenance of any physical improvement, such as streets and public utilities, a Performance Agreement on the form prescribed by the town, must be submitted by the developer prior to final plat submittal. The agreement must indicate each type of improvement, the timeline for action and the assurance that the developer is aware of the ordinance requirements and committed to completing the improvements. The items listed on the agreement must match the required site plan and subdivision plat.

- 24. **Surety:** In rare circumstances, the town may consider approving a subdivision plat prior to the installation of infrastructure improvements. As a condition of approval the owner or developer must guarantee the completion of infrastructure and/or site-related improvements, as shown on site plan and survey, and associated with the development. If a request is made by the developer for the locality to approve a plat or plan prior to all improvements being physically installed and inspected to the satisfaction of the Town, the developer can request to post a surety for the remaining improvements. A performance agreement, engineers estimate for remaining improvements,

type of surety and required forms shall be submitted in accordance with the Town of Wytheville Surety Policy.

25. **Other Agreements:** Developers of subdivisions that are reliant on Homeowner Associations or other types of shared space agreements for the management of common areas and critical infrastructure shall develop the appropriate documents in a draft form at the time of subdivision plat review. If the subdivision approval is based on these types of agreements to provide the critical infrastructure or maintenance of critical infrastructure needed of the subdivision, the developer will be required to sign a subdivision performance agreement which obligates the developer to finalize the recording of any homeowners' agreements, bylaws, and/or other documents needed to formally establish the association or legal arrangement within thirty (30) days of the recording of the subdivision plat.
26. **Zone District and Site Development Standards:** It shall be the responsibility of the developer to design new lots, or modification of lots in such a manner that the lots can meet all other zoning requirements of the Unified Development Ordinance. Existing and proposed structure setbacks, lot sizes, and lot frontage requirements as shown for the respective zone district must be met. Landscaping, street lights, parking and other improvements associated with a new subdivision shall meet the development standards of the Unified Development Ordinance.
27. **Lot Identification, Orientation and Arrangement:** The lots shall be numbered or identified on the plat for reference. The arrangement of the lots shall be designed so that the practical installation of access locations, required infrastructure, and intended structures can be physically constructed on the space as it relates to geography and other limiting factors. Preferred orientation shall be to the front street line, unless it can be shown that alternate orientations are needed for reasons outside of the control of the developer and that the layout is arranged in a harmonious manner with the surrounding community and landscape.
28. **Remnants Not Allowed:** Residual tracts that are below a usable minimum lot size shall not be allowed and these areas shall be combined with other lots. Excessive right of way or public easements that have no value to the town or the general public will not be accepted by the Town.
29. **Subdivision and Street Names:** The developer shall submit subdivision names and any new street name for review and consideration by the Subdivision Agent. Proposed names that bear a close resemblance to other established subdivisions or streets and/or names that create unintentional confusion will not be allowed. Street naming guidelines that meet emergency management and industry standards shall be used.

1.21. Plat Statements Required

The following signed statements shall be on every plat submitted for subdivision review and approval.

1. Surveyor's Statement

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

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

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

2. Owner’s Statement

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

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

_____ Owner Name _____ Date

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

3. Town Approval Statement

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

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

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

“The Planning Commission approved this plat at the xx/xx/xx meeting, as shown on the approved meeting minutes.”

4. Water and/or Sewer

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

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

If a plat contains lots that are already connected to or public water and/or

sewer, or the lots are already approved to be connected to public water and/or sewer by the Town Engineer, including all needed easements and right of ways, the completed inspections of said systems and the final approval to connect said systems, the nature of such shall be specified on the plat and a signature line for the Town Engineer to indicate his/her approval shall be shown on the face of the plat.

“Lot ____ as shown herein, have an existing connection to public water and/or sewer” or “Lot _____ as shown herein have been evaluated by the Town Engineer for connection to public water and/or sewer and such connection is possible upon application and required payment for connection/required equipment to connect by the lot owner.”

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

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

1.22. Plat Statements When Required

When applicable to the subdivision, the following statements shall be on the face of the subdivision plat.

1. Private Roadway Statement

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

“Access to the lot(s) shown on this plat is privately owned and maintained and does not meet the standards necessary for inclusion in the system of state highways, will not be maintained by the Virginia Department of Transportation or the Town of Wytheville, and are not eligible for rural addition funds, as defined in § 33.-335, or any other funds appropriated by the General Assembly and allocated by the Commonwealth Transportation Board. Under no circumstances shall Town of Wytheville or VDOT be required to make any improvements or be responsible for any maintenance of the roadway. The private owners shall be entirely responsible for all maintenance, repairs, and improvements. Prior to any future request for addition to the state highway system, the road shall be constructed in full compliance with VDOT and local requirements which are in effect at that time, with funds other than those appropriated by the Town of Wytheville, General Assembly, or Commonwealth Transportation Board.”

2. Shared Use Access Statement

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

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

3. VDH Signature

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

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

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

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

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

(Place VDH signature line and date at the bottom of the statement)

4. Stormwater Management Note.

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

5. Homeowner Association, Restrictive Covenants and other Private Agreements.

If a project/plan or plat is approved by the Town, and based on the intent that either private restrictive covenants, shared use agreements, homeowner’s

association arrangements, etc... are legally established and in place to provide common access, long term maintenance and other established private agreements, a statement shall be placed on the face of the plat that indicates and calls out the respective areas controlled by these agreements and the source of recorded instruments in the Clerk of Court. A statement shall be shown that "Private agreements and/or restrictive covenants are not enforced by the Town of Wytheville and are subject to enforcement by the parties specified in the agreement."

1.23. Streets, Sidewalks, Site Access, and General Transportation Guidelines (This section will be moved to Article 7)

1. **Applicability:** These standards apply to the new development and/or re-development of site access, traffic control, streets, alleys, and transportation networks to include sidewalks, pathways and other forms of travel ways. The agent may specify.
2. **Purpose:** The purpose of the standards is to meet the zoning objectives of Code of Virginia 15.2-2283 to provide for convenience of access, to reduce or prevent congestion in the public streets, to facilitate creating a convenient, attractive and harmonious community, to facilitate the providing of adequate transportation networks and to protect against danger and congestion in travel and transportation.
3. **Relationship to Subdivision and Site Plan Review:** The standards in this article shall be used to design and develop new site access, traffic control, streets, sidewalks and other manners of transportation networks as it relates to the development of subdivisions and site plans for new development or redevelopment of a site. The intent of this Article is to full fill the mandatory and optional subdivision ordinance requirements of Code of Virginia 15.2-2241 and 15.2-2242 for street and transportation standards.
4. **Relationship to VDOT Standards.** It is the intent of this section to specifically state any local standard which is more stringent than a VDOT reference standard. In the event that there is a conflict with any VDOT reference, the listed local standard shall apply. The Town Engineer is enabled to make any interpretation or determination regarding conflicting or contradicting standards as it relates to street and transportation guidelines.
5. **Virginia Department of Transportation (VDOT) Urban Construction and Maintenance Program:** The Town maintains and operates public streets and public right of ways within the incorporated limits of the Town. In return for maintaining it's own streets, the Town receives maintenance funds by the Commonwealth of Virginia for the operations and maintenance of public streets and travel ways. To qualify for maintenance payments, municipal roads must meet the criteria for street design as shown in Code of Virginia 33.2-319 and reflected in the VDOT Urban Construction and Maintenance Program Manual (Urban Manual). The guidance in this Article is intended to reflect the mandatory requirements for public street design. In unusual situations where flexibility is needed due to unforeseen or extraordinary situations, some latitude may be given, at the discretion of the VDOT representative in accordance with the guidelines of the Urban Manual and

with the concurrence of the Town Manager and when it can be shown that the street can still meet urban inventory criteria.

6. **Inspection Requirements for Public Streets.** New public streets and/or improvements to public streets associated with new development, redevelopment or subdivisions shall be built to the standards of this Article and shall have qualified third party inspections, inspection reports, and a final certification letter regarding the work in the right of way. When not otherwise pre-specified by the Town Engineer the inspection process shall follow the latest version of the VDOT Land Inspection and Documentation Manual.
7. **Acceptance of New Streets and Public Right of Ways:** At the time of recordation, the plat transfers the streets, right of ways and public right of passage easements as shown on the survey plat, to the town in fee simple. The approval signature by the Subdivision Agent, the Town Manager, or the Mayor, as shown on the face of the plat shall serve to transfer the public right of way or easement to the Town of Wytheville. Upon acceptance, the Town shall add the new public street to the urban maintenance inventory.
8. **Traffic Impact Analysis, Traffic Control, Turn Lanes and Traffic Signalization:** In recognition that major subdivisions and major site development can create impact to existing traffic corridors, which may cause the need for additional traffic control, turn lanes and traffic signalization, any major subdivision or new development that is identified as a generator of 200 ADT shall be required to submit a Traffic Impact Analysis (TIA). When a TIA determines that onsite traffic control and improvements are required, the site plan and/or subdivision plat shall reflect the appropriate improvements needed to address the traffic volume, vehicle type, mode of transportation and any safety improvements such as appropriate turn lanes, turn radius and other improvements needed to safely accommodate the new development. The Zoning Administrator or Subdivision Agent shall determine if a project meets the ADT threshold for TIA requirement by evaluation of the proposed uses and available trip generation data along with information provided with the application.
9. **Minimum Right of Way:** All new public streets shall meet the VDOT Urban Manual Design Guidelines for Urban Inventory. Streets shall have a minimum right of way of 50' wide. The right of way shall be shown and clearly marked on the survey plat as dedicated to the Town of Wytheville for public use.
10. **Geometric Design:** The geometric design of streets and access locations shall be in accordance with the most recent version of the AASHTO Book A Policy on Geometric Design of Highways and Streets, commonly referred to as the "Green Book". Information published as part of the VDOT Road and Bridge Standards or VDOT Subdivision Street Guidelines may also be used to design and calculate sight distances, cross sections and profiles as needed. Geometric designs that are not safe, due to topography, slope, line of sight and inability of emergency vehicles to access a site will not be approved.
11. **Public Street Surface:** All new public streets shall have a minimum width of at least 30' of hard surface. The standard details, surface type and depth, sub-base, all other requirements shall meet the current version of the VDOT Road and Bridge Design Manual. Street design shall be based on the speed,

volume and type of traffic and shall meet the minimum standards for urban maintenance inventory.

12. **One Way Public Streets, Loop Roads, School Bus Entrances and Frontage/Service Roads:** These types of public streets will be allowed, if constructed to a pavement width of 16' wide, with a right of way width of not less than 40' wide and with pre-approval by the VDOT representative responsible for urban inventory and maintenance funds. VDOT approval shall be received in writing prior to site plan development or subdivision plat development. The developer must show that the street can accommodate proposed vehicle trips per day and will be required to the satisfaction of the subdivision agent that the need is justified.
13. **Shared Driveways.** The Town will allow the development of shared driveways to access three or fewer new or existing lots, when it can be shown that the shared driveway can meet the following conditions; no more than three lots can use the driveway for access and further subdivision shall not be allowed by use of the shared access, the new shared access intersection point with the public road is located in a safe location with adequate spacing distance to other conflict points and line of sight requirements can be met, the access has an appropriate width and turn radius to safely allow emergency vehicles to ingress and egress from the shared driveway. The shared driveway statement shall be on the face of the plat and a long term use and maintenance agreement shall be recorded at the Clerk of Court.
14. **Private Streets and Alleys:** The purpose of this section is to allow flexible design to address site access needs (need to work on this section)
15. **Coordination and Extension of Streets:** All streets within a development shall be coordinated as to location, width, grades and drainage with other streets, as follows: (i) by coordinating with existing or planned streets within the general area of the development, including but not limited to existing or future adjacent subdivisions or developments, or subdivisions or developments contiguous to adjacent subdivisions or developments; and (ii) by continuing the streets to planned, existing, or platted streets into adjoining areas by dedication or reservation of right of way which is adequate to accommodate continuation of the streets. All streets within a development shall be extended and constructed to the abutting property lines to provide vehicular and pedestrian interconnections to future development on adjoining lands, terminating within the development with a temporary turnaround. The arrangement of the streets shall provide adequate access to adjoining lands within the development where necessary to provide for the orderly development of the town including, but not limited to, reserving temporary construction easements of sufficient area to accommodate the future completion of the street when the adjoining lands are developed.
16. **Culs-de-sac and Turnarounds:** The Town encourages connectivity of streets to meet the transportation objectives of the town. Cul de sacs and turnarounds will only be allowed in limited situations when it can be shown that there is no ability to connect to adjacent parcels or streets. Cul de sacs and turn-around design shall meet the minimum design guidelines of the latest edition of the VDOT Subdivision Street Design Guidelines.

17. **Bridges:** Bridge design related to a site plan or subdivision shall be submitted by a licensed engineer and the design shall meet the current version of the VDOT Road and Bridge Standards for the projected traffic. The bridge shall be rated for weight capacity, with appropriate signage installed and the bridge shall be capable of accommodating emergency vehicle and fire apparatus equipment. All bridges shall be reviewed and approved by the Town Engineer or consulting engineer prior to overall site design.

18. **Use of the Street Right of Way for Underground and Overhead Utilities:** Any request to use an existing street or public right of way for underground or overhead utilities, shall be submitted as a Town of Wytheville Land Use Permit Application. Approval for the use of the right of way shall be granted prior to subdivision or site plan design.

The installation of new underground utilities shall be located outside of the travel lanes and pavement areas and located in appropriate areas as approved by the Town Engineer. Cross street conduits to facilitate the placement of future underground utilities may be required for phased developments and when required by the Town Engineer. Deviations from this standard may be granted by the Town Engineer in extenuating circumstances outside of the control of the developer.

19. **Underground Utilities Required:** All new major subdivisions, commercial, industrial and multi-family sites shall install underground utilities to serve any new development. Conduit should be sized and located to aggregate and co-locate, where possible, all required electrical power, telecommunications, cable and other utility needs.

20. **Bicycle and Pedestrian Accommodations:** The Town of Wytheville is committed to creating walkable and bikeable communities. New site and subdivision development and re-development of multi-family, commercial and industrial projects shall be required to provide accommodations for non-vehicular multi-modal connectivity and shall show as part of the site design how connectivity will be achieved.

When the provision of a sidewalk, the need for which is substantially generated and is reasonably required in relationship to the proposed development, or when the location of the development is in an area identified as in need of multi-modal connections in accordance with the locality's adopted comprehensive plan, the town will require the dedication of land for, and construction of, a sidewalk on the property being subdivided or developed. All new residential subdivisions or major site plans that are adjacent to existing sidewalks, trails or paths shall connect and extend the trail, sidewalk or path connection to the adjacent properties and connect through the subject property. New residential subdivisions shall incorporate adequate connectivity or trails as part of the project. Sidewalk, trail and bike path design and construction standards shall follow the standards shown in the VDOT Road Design Manual or VDOT Subdivision Street Guidelines.

Sidewalk and other corridors that are intended to be transferred to the town for public use and for long term maintenance shall show on the plat and the site plan the dedicated area needed and required for this acceptance.

Connectivity Exception: In some limited circumstances a project may be located in an area that is not conducive to pedestrian connectivity and the application of such may create traffic hazards and/or not be achievable due to topography or other physical elements of the site. In these rare instances, the town will consider granting a connectivity exception. The applicant shall apply for the connection exception by submitting a narrative explaining the justification for the exception and a conceptual site plan showing the project limitations. The Zoning Administrator is enabled to grant exceptions to the connectivity requirements when it can be shown that the requirement will create undue hardship, create safety issues, and/or is not feasible or practical for advancing connectivity in Town.

- 21. **Pavement Markings, Pedestrian Crosswalks, Traffic Calming Devices and Street Signage:** Pavement markings and street signage shall be provided on any new street or development at the expense of the developer. Pedestrian crosswalks shall be required at identified crossing locations, such as street intersections in relationship to sidewalks and/or site access from parking areas. Traffic calming devices, when identified as needed by the developer or the Zoning Administrator, shall be installed. Raised medians, chicanes, raised crosswalks and curb extensions may be required for traffic calming needs and when street tangent lengths exceed 500 feet or high tendency to speed is projected due to location or slope. These improvements shall meet the latest version of the Manual on Uniform Traffic Control Devices (MUTCD) and the Virginia Supplement to the MUTCD and when needed the VDOT Subdivision Street Guidelines or Road Design Manual.
- 22. **Drainage Infrastructure:** Drainage infrastructure, pipe, end walls, grates, drop inlets, culverts, etc.. shall be sized appropriately, located in identified areas to serve the drainage needs of the site and installed in accordance with the approved stormwater management plan, erosion and sediment control plan and/or the latest version of the VDOT Drainage Manual and/or VDOT Road and Bridge Standards.

Drainage infrastructure that is intended to be accepted into the urban inventory for Town maintenance shall be inspected prior to acceptance. Appropriate limits of public right of way or drainage easements shall be identified on the site plan and the subdivision plat and shown as dedicated to the Town for drainage. When needed, to facilitate adequate site drainage the Subdivision Agent may require the dedication of private drainage easements for subdivision plats and site plans under review. Recorded legal instruments may be required to protect the long term preservation of these areas to convey stormwater and other drainage needs.
- 23. **Low Impact Development (LID).** Systems and practices that use or mimic natural processes that result in infiltration, evapotranspiration, or use of stormwater in order to protect water quality and associated aquatic habitat is strongly encouraged. Projects that propose LID systems to improve water quality and mitigate impacts from stormwater may qualify for density bonuses, waiver of fees and other incentives at the discretion of the Town Council.
- 24. **Guardrails, Medians and other Traffic Elements Not Listed:** When needed to serve a development and functionally required, all guardrails,

medians and other traffic elements not specifically listed shall be designed and installed in accordance with the latest version of the VDOT Road and Bridge Standards or Subdivision Street Standards.

25. **Steps, Stairs, Handrails, Retaining Walls:** Shall be appropriately located, designed and permitted in accordance with the Town of Wytheville Building Code.
26. **Mail Delivery, Delivery Services, Refuse Collection, Bus Service:** The developer shall consult with the appropriate entities responsible for these services and design new infrastructure to accommodate the vehicle needs/service delivery needs as required. In rare circumstances beyond the control of the developer and when the design is unable to accommodate these needs, alternate arrangements shall be in place and a statement shall indicate that these services are not provided on the face of the subdivision plat or site plan.
27. **Traffic Control Plans:** Site work associated with new development or subdivisions that intend to work in the public right of way shall obtain a Town of Wytheville Land Use Permit for the work, use a valid traffic control plan and operate in accordance with the Virginia Work Area Protection Manual.
28. **Replacement and Maintenance of Infrastructure.:** The long-term replacement and maintenance needs of an improvement shall be considered as part of the approval process. The ability to access the improvements, maintain and replace the infrastructure over time, maintain any associated vegetative growth around infrastructure and other future maintenance needs shall be considered as part of the site plan and subdivision review process. Any improvement that is to become public shall be designed and located to accommodate the town's future maintenance needs.
29. **Landscaping and Streetscaping:** The developer is responsible for installing landscaping and streetscaping that meets the requirements of this ordinance as shown in **Article 7.**
30. **On-Street Parking:** On-Street Parking shall only be allowed on those streets that can safely accommodate on street parking and adequately sized for the proposed traffic type, volume and speed. If a street is not designed for on street parking, the developer shall install the approved type of no parking signage at the required intervals and locations. No on-street parking shall be allowed in cul de sacs, turn-arounds, near intersections, fire hydrants or in areas that block line of sight for ingress or egress. **(make sure this is similar to parking standard in other section)**
31. **Curb and Gutter:** To match and enhance the character of those existing neighborhoods with curb/ gutter and appropriate stormwater conveyance systems, the new installation of and replacement of substandard curb and gutter shall be required for all new site development, site redevelopment and subdivisions locations within those areas mapped as Curb and Gutter Zones.

When required the curb and gutter design shall match the existing curb and gutter design of the neighborhood by using an appropriate standard from the latest version of the VDOT Subdivision Street Guidelines. Sites with existing or proposed sidewalks must install VDOT standard curb ramps at all street intersections for use by persons with mobility impairments.

For all other areas outside of the Curb and Gutter Zone, the installation of curb and gutter is optional dependent on the stormwater conveyance needs of the site. All new subdivisions and site development shall incorporate an appropriate manner of edge of pavement protection and transition areas to all adjoining property. Stormwater needs shall be reviewed in conjunction with edge of pavement and curb and gutter designs.

- 32. **Shoulder and Ditch Design.** The type of shoulder and ditch design shall be appropriate for the development. When required or needed, pedestrian and bike multimodal transportation needs should be incorporated with this design. Shoulder and ditch design shall meet the requirements of the latest version of the VDOT Subdivision Street Guidelines.
- 33. **Transitions, Merging Tapers and Speed Change Lengths.** When required or needed, the design of transitions, merging tapers and speed change lengths shall meet the latest version of the VDOT Subdivision Street Guidelines. Appropriate signage shall be provided by the developer in accordance with the MUTCD.
- 34. **Site Access:** (Need site access for both private drives and commercial areas, include site access and TIA requirements for new subdivisions) See **Johns Article 7.**
- 35. **Block Spacing, Street Intersection Design, Street Turn Radius and Concentric Placement:** Neighborhood blocks shall be designed in accordance with the street connectivity needs and intersection spacing needs of the new streets. Block lengths of 250 to 500 feet shall be used. Street intersection design, intersection spacing and minimum turn radii at intersections shall follow the latest version of the VDOT Subdivision Street Guidelines for the type of vehicles proposed for the site. Adequate consideration for traffic control, conflict points, line of sight and other safety variables shall be incorporated into the design of intersections. The concentric placement of the street in the center of the right of way is required, unless it can be shown that an offset is justified and travel lane widths are adequate.
- 36. **Roadway Lighting:** (future section)

6-A

COUNCIL ACTION LETTER
Staff Assignments and Information

July 10, 2023 Number 572

ACTIONS TAKEN OR DISCUSSED

STAFF ASSIGNMENTS

- 1. Approved the meeting agenda.
- 2. Approved the consent agenda consisting of the minutes of the regular meeting of June 26, 2023.
- 3. Adopted a resolution setting forth the meeting dates, times and place of the regular meetings of the Wytheville Town Council through June 24, 2024.
- 4. Adopted a resolution authorizing an application to the United States Department of Agriculture (USDA) for funding to be used for the purchase of a Desert Aire unit at the Community Center and a new trash truck.
- 5. Reappointed Mr. Dennis Manuel to the Building Code Appeals Board for a five-year term (expires July 26, 2028).
- 6. Approved amendments to the Freedom of Information Act policy.
- 7. Consensus of the Council for the Town to sponsor a 9/11 Commemoration Event.
- 8. Held a Closed Meeting pursuant to §2.2-3711(A.) (1.) Discussion regarding the Town Attorney position, and certified the Closed Meeting.
- 9. Authorized the Town Manager to execute a contract for temporary legal services.

- 4. **Town Manager** – send resolution to USDA
- 5. **Town Clerk** – send letter of reappointment
- 6. **Town Clerk** – update FOIA policy
- 9. **Town Manager** – execute contract

COUNCIL ACTION LETTER

Staff Assignments and Information

July 24, 2023

Number 573

ACTIONS TAKEN OR DISCUSSED

STAFF ASSIGNMENTS

1. Approved the meeting agenda, as amended.
2. Approved the consent agenda consisting of the minutes of the regular meeting of July 10, 2023.
3. Presented a resolution to the George Wythe High School Girls Tennis Team recognizing the team for a victorious season.
4. Approved an additional District III bus route in town and approved the additional funding for the bus service in the amount of \$12,480 due in July 2024, and requested the Town Manager to keep the Town Council apprised regarding the bus route and to revisit this issue matter in spring 2024.
5. Requested Staff to set up a Meet and Greet Session for Mr. James Spraker and Ms. Betsy Trevillian to be considered for appointment to the Willow Brook Jackson/Umberger Homestead Museum Advisory Board for a five year term (expires July 31, 2028).
6. Approved increasing the number of members on the Wytheville Tree Advisory Committee from five to seven members.
7. Held a Closed Meeting pursuant to §2.2-3711(A.)(3.) Discussion regarding the acquisition/disposition of real property used for a public purpose; §2.2-3711(A.)(1.) Interview with candidate for Town Attorney position; and, §2.2-3711(A.)(1.) Discussion regarding the salaries for appointed employees and the performance of an appointed employee. Council certified the Closed Meeting.

4. **Town Manager** – advise District III
5. **Town Clerk** – place on next Town Council meeting agenda
6. **Town Clerk** – amend number of members on the Committee