



AGENDA

WYTHEVILLE PLANNING COMMISSION

THURSDAY, FEBRUARY 09, 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 January 12, 2023 **(requires motion and vote)**
4. **PUBLIC HEARINGS**
 - A. Consider the request of Ms. Angela Rose for a Special Exception Permit to use the property at 500 Tazewell Street, which is located on the north corner of Tazewell and East Pine Streets, Tax Parcel 41A-1-8-13, as a hair and nail salon, in an R-2 Residential Zoning District
5. **RECOMMENDATIONS TO TOWN COUNCIL**
 - A. Consider the request of Ms. Angela Rose for a Special Exception Permit to use the property at 500 Tazewell Street, which is located on the north corner of Tazewell and East Pine Streets, Tax Parcel 41A-1-8-13, as a hair and nail salon, in an R-2 Residential Zoning District **(requires motion and roll call vote)**
6. **CITIZENS' PERIOD**
7. **OTHER BUSINESS**
 - A. Set a public hearing to consider the request of Mr. Matthew J. Clarke for a rezoning request to rezone property located on Asbury Drive, Tax Parcel 25-70A, which is located on the north side of Holston Road, between Van Mar Drive and Cove Road, from MA-1 Medical Arts to R-1 Residential **(requires motion and vote)**
 - B. Continued review of the draft Unified Development Ordinance and its Conditional Uses
8. **ADJOURNMENT**
 - A. Additional Attachments - Council Actions

3-A



MINUTES

WYTHEVILLE PLANNING COMMISSION

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

1. **UNAPPROVED MINUTES**

RE: ATTENDANCE

MEMBERS PRESENT:

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

OTHERS PRESENT:

Assistant Town Manager Elaine R. HOLETON, Chief Deputy Clerk Brandi N. Jones, Planning Director John Woods, Alan Wilder

RE: CALL TO ORDER

Chairman Wittwer called the meeting to order.

2. **RE: ESTABLISHMENT OF QUORUM**

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

3. **RE: CONSENT AGENDA**

A. Chairman Wittwer presented the consent agenda consisting of the minutes of the regular meeting of November 10, 2022. He inquired of the Commission if there were any additions or corrections to the consent agenda or if there was a motion to approve the consent agenda, as presented.

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

4. **RE: ELECTION OF OFFICERS**

A. Chairman Wittwer advised that the next agenda item is the election of a new Chairperson for the year 2023. He noted that it is supposed to be Ms. Anderson's turn to serve as Chairperson and Mr. Schmidt's turn to serve as Vice-Chairperson, however, they both would like to have more experience on the Planning Commission before taking those positions. Chairman Wittwer stated that, at this time, nominations will be taken. Mr. Litton stated that he would like to nominate Mr. John W. Jones, Jr.

for Chairman. Chairman Wittwer inquired if there was a motion to close the nominations and elect Mr. John W. Jones, Jr. as the new Wytheville Planning Commission Chairperson.

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

- B. Chairman Wittwer remarked that it would now be necessary for the Planning Commission to elect a Vice-Chairperson for 2023. He noted that at this time, nominations will be taken. Mr. Jones advised that he would like to nominate Mr. Brad M. Litton for Vice-Chairperson. Chairman Wittwer inquired if there was a motion to close the nominations and elect Mr. Brad M. Litton as Vice-Chairperson for the Wytheville Planning Commission.

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

Chairman Wittwer then passed the gavel to newly elected Chairman, Mr. John W. Jones, Jr.

5. 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.

6. RE: OTHER BUSINESS

A. RE: REVIEW OF THE UNIFIED DEVELOPMENT ORDINANCE AND ITS CONDITIONAL USES

Chairman Jones advised that the next agenda item is the continued review of the proposed Unified Development Ordinance and its Conditional Uses. Planning Director Woods presented a PowerPoint presentation to the Commissioners regarding the proposed Conditional Uses. He commented that these uses include Accessory Dwelling Units, Artisan Industrial and Artisan Food Production, Bed and Breakfast Inns, Dog Parks, Urban Livestock, Home Occupations, Homestays, Outdoor Hydronic Heaters and Forced-Air Furnaces, Shipping Containers and Semi-Trailers, Solar Energy Facilities, Temporary Family Health Care Structures, Wind Energy Systems and Wireless Telecommunications Systems. Mr. Schmidt inquired if there will be any control over Accessory Dwelling Units (ADUs). Planning Director Woods stated that there are some setbacks and requirements restricting where they can go and how big they can be. He noted that the Town does not have much control over aesthetics, except for the historic district of town. Discussion continued regarding Conditional Uses.

B. RE: SPECIAL EXCEPTION PERMIT REQUEST - MS. ANGELA ROSE

Chairman Jones advised that the next agenda item is to set a public hearing to consider the request of Ms. Angela Rose for a Special Exception Permit to use property located on the north corner of Tazewell and East Pine Streets as a hair and nail salon, in an R-2 Residential Zoning District. Vice-Mayor Pattison stated that, recently, she spoke with Ms. Rose, and she indicated that she has spoken with a couple of her neighbors about the salon and there have been no negative comments about it. A brief discussion was held regarding the request of Ms. Rose. Chairman Jones inquired if there was a motion to set the public hearing for February 9, 2023.

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

7. RE: ADJOURNMENT

There being no further business to discuss, a motion was duly made, seconded and carried to adjourn the meeting (7:24 p.m.).

John W. Jones, Jr., Chairman

Brandi N. Jones, Chief Deputy Clerk

4-A

Staff Report:

Salon LaBelle Hair Salon

Property Address: 500 Tazewell Street.
Applicant: Angela Rose
Tax Map Parcels: #41A-1-8-13.
Current Zoning: R-2 Residential.

Site Conditions:

In the applicant’s description of the proposed use, it will be used as a hair salon that offers shampoo, cut, color, perm, and hair styling, as well as nail care, polishing and waxing service. By phone conversation, the applicant also indicated that her intent was to only accept one customer at a time, and that they would generally enter from the rear entrance. Her hours of operation are Tuesday through Friday from 8 am to 6 pm, and Saturday from 8 am to 12 pm. There will be one other employee, a non-resident family member, that will perform nail care services. The proposal is to use two rooms at the rear of the house for the salon. The current conditions of the site are as follows:

- 1. There is a single-family home located on the site, which was constructed circa 1920.



- 2. There are two access points to the residence.
 - a. The front access has stairs that would be difficult to make ADA accessible.



- b. The rear access has a small concrete ramp and deck, with a step-up at the rear door. It may be possible to make the entrance accessible if the interior space in the building allows access. The applicant has indicated that this would be the primary entrance for customers. The



- 3. The rear yard contains several accessory structures and a gravel parking area.
 - a. Two-Car Metal Garage



- b. Open Two-Car Metal Carport



c. Small Metal Shed



- d. Gravel parking area extends below carport and provides access to the garage and shed. There is room for one or two additional cars to park outside of the other accessory structures. That space is currently occupied by a flatbed utility trailer.



Conditions at Adjoining Properties:

1. Spiller School is located across Pine Street from the site. This area is heavily used for student drop-off and pick-up, but most of the school traffic occurs on the opposite side of the street



2. The structure at 105 West Pine Street is home to Intercept Health Applied Behavioral Analysis. The parcel has long been used as a medical office.



3. The structure located at 435 Tazewell Street is home to Duke's Printing. This site is zoned B-1 Business.



- 4. The residence located at 515 Tazewell Street was recently purchased and the new owner has plans to renovate the private residence.



- 5. The residence located at 520 Tazewell is vacant and in need of repair. There are two garage type accessory structures in the rear yard of the residence.



- 6. The residence located at 190 East Pine Street is in good condition but is currently vacant. In addition to the residence, there is a small shed located in the rear yard and a three-bay garage/workshop on an adjoining parcel.



Site Sketch

The site sketch below shows an approximate relationship of existing structures and the gravel parking area to the existing residence.



Public Comment Received Since the Planning Commission Hearing:

No public comment has been received as of Wednesday, February 1, 2023. There was a request for more information from the current owner of the home located at 515 Tazewell Street.

ZEXC-22-3

Special Use Exception Permit Application

Status: Active

Date Created: Dec 5, 2022

Applicant

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

Primary Location

500 Tazewell Street
Wytheville, VA 24382

Information Regarding Special Exception Permits

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

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

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

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

Acceptance of Terms

Angela Rose
11/28/2022

Applicant Information

Name of Applicant

Angela Rose

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

Yes

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

Location & Property Information

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

R-2 Residential

Zoning Overlays

No, there are no zoning overlays

Acreage of the site

0.358

Can site meet the development standards?

Yes, the site will meet zoning standards

Tax Map Parcel Number(s) of Site

41A-1-8-13

Parcel Street Address or Location

500 TAZEWELL STREET

Special Exception Details

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

Beauty salon

Is grading proposed to meet the end goals?

No, no grading is proposed

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

Existing Sewer and Water

New or improvements to site access?

No, already have good site access

Certification and Signature

Signature

Angela Rose

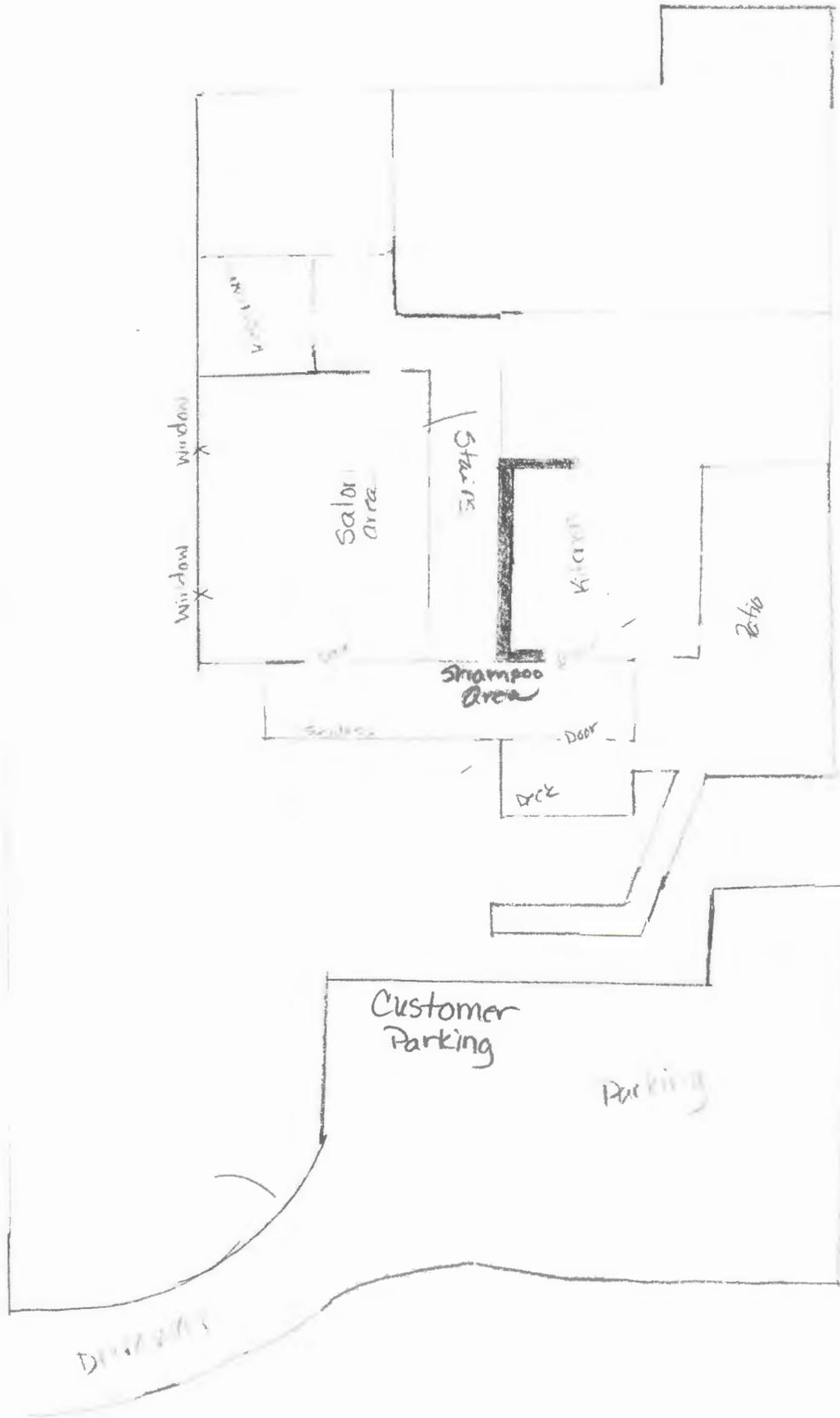
11/28/2022

Attachments

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

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

Pine Street



Salon LaBelle, LLC. Description

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

7-A

Asbury Lane Rezoning Request Site Overview



The applicant is seeking to rezone the highlighted parcel from the existing MA-1 Medical Arts Zoning District to R-1 Residential Zoning District. There are a total of 9 dwelling units on the site presently, including seven (7) single-family homes and one (1) duplex. These homes are currently served by private individual septic systems and public water service via a single master-meter. Public sewer is available on Holston Road, but any development on-site would require the construction of a pump station. However, additional homesites could be developed using private septic systems with proper design and Health Department approval.

ZC-23-1

Rezoning Application

Status: Active

Date Created: Jan 30, 2023

Applicant

Matthew Clarke
mattclarke@clarkepm.com
190 Nottingham Dr
Wytheville, VA 24382
Wytheville, VA 24382
276-620-5304

Primary Location

Point Location
36.9665, -81.0891

Applicant Information

Change-of-Zoning can be requested by a property owner or by another interested party with the permission of the property owner. The Town of Wytheville can also initiate the Change-of-Zoning process.

Name of Applicant

Matthew J Clarke

Does the applicant own the property where the Change-of-Zoning is sought?

No, but an agreement is in place to seek this Change-of-Zoning

Name of the Property Owner

BW Real Estate Holding Company

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

Please describe the relationship between the applicant and the property owner.

My company, Fusion Holdings, has a contract to purchase tax map 25-70A from seller.

Location & Property Information

Tax Map Parcel Number(s) of Site

25-70A

Parcel Street Address or Location

Asbury Dr, Wytheville, Virginia

Current Zoning District

MA-1 Medical Arts District

Section 7, Item A.

Proposed Zoning District

R-1 Residential

Existing Improvements

Yes, there are currently (8) homes on the property.

Explain the purpose for the Change-of-Zoning.

The property has been used for residential housing for over twenty years outside of the regulations of it's current zone. My intent is to purchase the property and bring the use and zoning in line with current town regulations.

Certification, Authorization, and Signature

Signature

Matthew J Clarke

01/30/2023

Attachments

 Plat_Tax_Map_25-70A.pdf
Uploaded by Matthew Clarke on Jan 30, 2023 at 5:08 pm

 Sellers Approval to Rezone.pdf
Uploaded by Matthew Clarke on Jan 30, 2023 at 5:09 pm

CURVE	DELTA ANGLE	RADIUS	ARC LENGTH	TANGENT	CHORD LENGTH
C1	60° 00' 01"	50.00'	52.36'	28.97'	50.00'

L. LINE	BEARING	DISTANCE
L1	N26° 26' 10" W	131.78'
L2	S63° 33' 50" W	24.99'
L3	N63° 56' 47" E	14.99'
L4	N63° 33' 50" E	55.08'

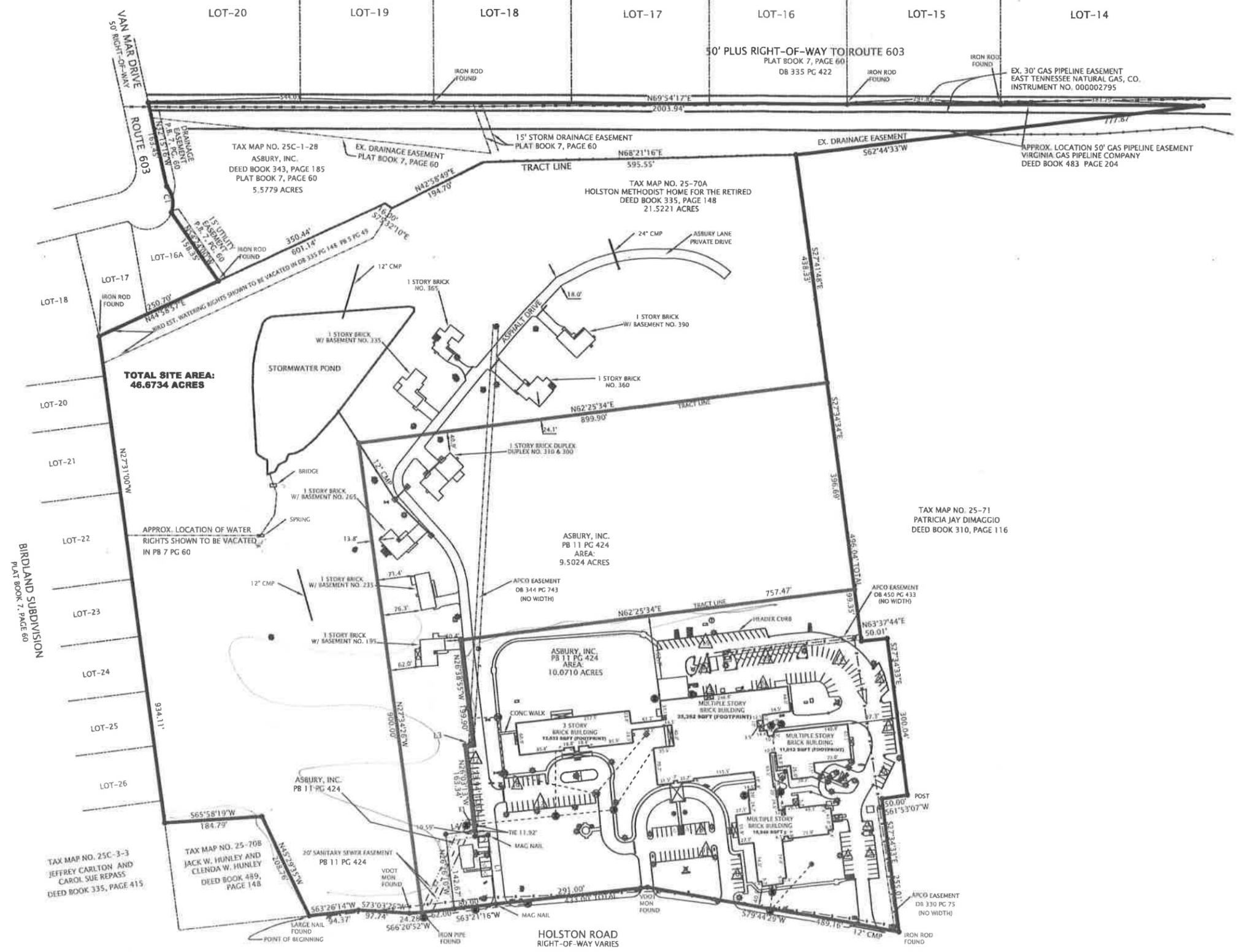
CENTERLINE NEW 20' SANITARY SEWER EASEMENT

L. LINE	BEARING	DISTANCE
E1	S63° 39' 45" W	14.06'
E2	S05° 03' 01" W	181.54'

LEGEND

- These standard symbols will be found in the drawing.
- BOLLARD
 - STORM SEWER STRUCTURE
 - FLAG POLE
 - TV PEDISTAL
 - ELECTRIC PEDISTAL
 - TELEPHONE PEDISTAL
 - HANDICAP PARKING SPACE
 - ELECTRIC POLE
 - PROPERTY CORNER
 - MANHOLE
 - SANITARY SEWER CLEAN OUT
 - LIGHT POLE
 - SIGN
 - FIRE HOSE CONNECTION
 - FIRE HYDRANT
 - WATER VALVE
 - STORM SEWER MANHOLE
 - SANITARY SEWER MANHOLE
 - DENOTES NUMBER OF PARKING SPACES
 - GAS LINE
 - BOUNDARY LINE
 - DEED LINE
 - EASEMENT
 - FENCE LINE
 - ADJOINING PROPERTY LINE
 - OVERHEAD ELECTRIC
 - SANITARY SEWER LINE
 - STORM SEWER LINE

MARGURITE S. BIRD EST. MAP 6-A
PLAT BOOK 7, PAGE 35



NO.	REVISIONS	BY	DATE	DES.

DATE 8/1/05
SCALE 1" = 100'

ALTA / ACSM LAND TITLE SURVEY
ON THE PROPERTY OF
ASBURY INC.
LYING IN THE
TOWN OF WYTHEVILLE
WYTHE COUNTY, VIRGINIA

MATHEWS & HENEGAR INC.
PROFESSIONAL ENGINEERS & LAND SURVEYORS
P.O. BOX 1038 DUBLIN, VIRGINIA 24084
540-674-4275

JOB NO. 481805
DRAWING NAME: ASBURY PLACE ALTA DWG/PAUL CARLSONZ

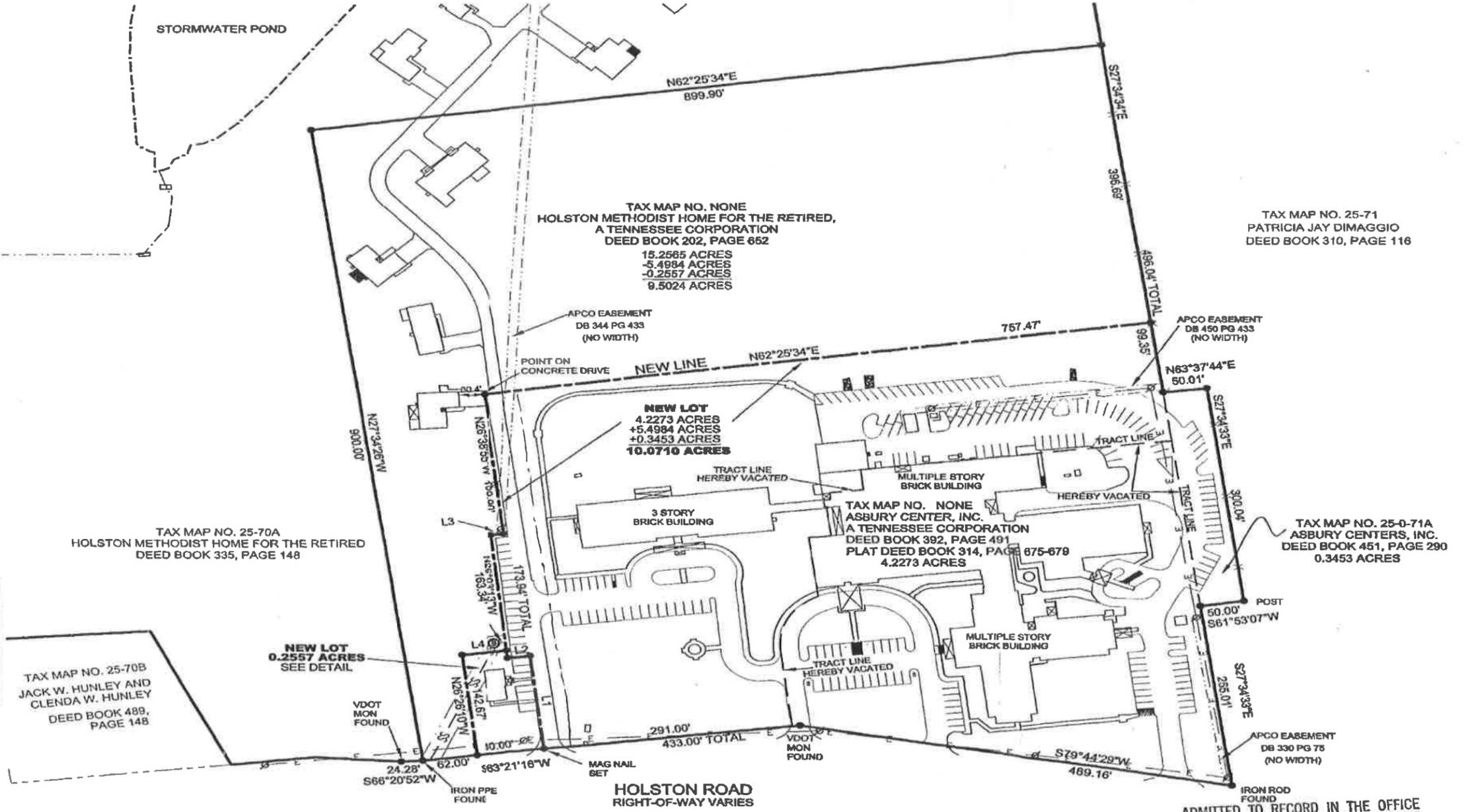
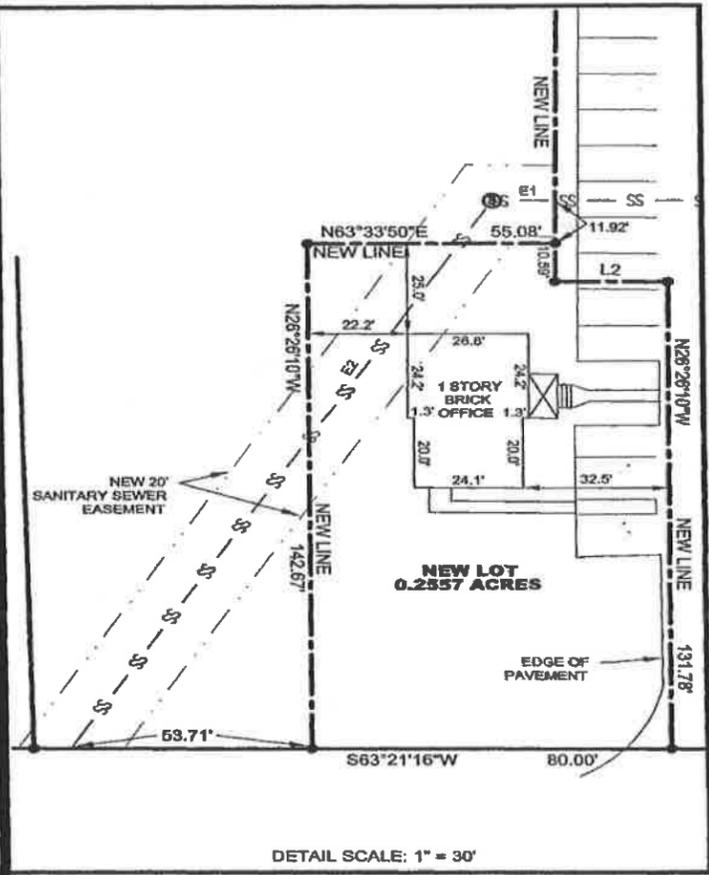
SHEET 1 OF 2



CENTERLINE NEW 20' SANITARY SEWER EASEMENT

LINE	BEARING	DISTANCE
E1	S63°39'45"W	14.06'
E2	S05°03'01"W	181.54'

LINE	BEARING	DISTANCE
L1	N26°26'10"W	131.78'
L2	S63°33'50"W	24.99'
L3	N63°56'47"E	14.99'
L4	N63°33'50"E	55.08'



ADMITTED TO RECORD IN THE OFFICE OF THE CLERK OF THE CIRCUIT COURT OF WYTHE COUNTY ON THE 25th DAY OF June 2005 AT 2:25 AM. IN PLAT BOOK NO. 16 PAGE NO. 424D BY James Conrad Groseclose II

MATHEWS AND HENEGAR INC.
 PROFESSIONAL ENGINEERS AND LAND SURVEYORS
 P.O. BOX 1038
 DUBLIN, VIRGINIA
 PHONE: (540)674-4275 FAX: (540)674-2672

DRAWN: JCG	JOB NO.: 481805
CHECKED: JCG	SCALE: 1" = 100'
APPROVED: JCG	DATE: 6/15/05

BOUNDARY LINE ADJUSTMENT ON THE PROPERTY OF ASBURY CENTERS, INC. LYING IN THE TOWN OF WYTHEVILLE WYTHE COUNTY, VIRGINIA

481805 SHEET 2 OF 2

Matthew Clarke

From: Matthew Clarke
Sent: Monday, January 30, 2023 8:21 AM
To: Matthew Clarke
Subject: RE: Copy of Escrow check - Wytheville

From: Peyton Biddle <PBiddle@smithpackett.com>
Date: January 27, 2023 at 5:55:03 PM EST
To: JEFFREY CAUDILL <jeffcaudill@embarqmail.com>
Subject: RE: Copy of Escrow check - Wytheville

Jeff,
We're fine with the buyer investigating a rezoning. We do not want to push out the feasibility period though so any rezoning would have to be completed after the property was sold.

Peyton R. Biddle, III
Attorney
Smith/Packett Med-Com, LLC
4423 Pheasant Ridge Road, Suite 301
Roanoke, VA 24014
540-774-7762 Ext. 108
540-772-5086 Direct Dial
540-772-6470 Facsimile
pbiddle@smithpackett.com
www.smithpackett.com

Matthew Clarke Owner/CEO

Clarke Precision Machine

325 Stafford Umberger Drive P.O. Box 1407 Wytheville, Virginia 24382 Office. 276.228.5441 Fax. 276.228.4212

7-B

Article 8. Special Provisions for Conditional Uses

8.1. Purpose

- A. To allow selected land uses conditionally by-right in identified zone districts which are shown as Conditional Use, and reflected as such on The Town of Wytheville Land Use Table. Special Provisions for Conditional Land Uses are regulatory guidelines that provide safeguards to ensure that these permitted uses can operate in harmony with the surrounding neighborhood by following the standards shown in this Article. In such cases where a Special Exception Use Permit is required per the Town of Wytheville Land Use Table for the use in a particular zoning district, and said use is a Conditional Land Use in other zoning districts, the provisions of this chapter must be met in addition to any conditions required as part of the Special Exception Use Permit.
- B. To allow for essential land uses and services within the Town of Wytheville while providing assurances that those uses will enhance and protect the quality of life of the citizens of Wytheville and enjoyment of the community as a safe and healthy environment.
- C. Special provisions for Conditional Uses allow for administrative review of land use and site development proposals to assure that those proposals are appropriate and compatible with surrounding land uses.
- D. The standards reflected in this article shall be in addition to all other standards for this use and more specifically in addition to any guidance listed for the zone district that applies.
- E. A Change of Use Application is required when the new use of any existing site or structure is or includes any of the Conditional Land Uses shown in this Article. An application for change in use shall be submitted prior to establishment of the new use. The applicant shall show that the requirements or special provisions listed in this Article can be met, prior to issuance of a Zoning Permit for a new use or structure.

8.2. Accessory Dwelling Units (ADU)

A. Purpose

1. To allow for dwelling units that are subordinate and incidental to a primary building on the same lot.

- 2. To create new housing units while respecting the appearance, character, and scale of single-family residential neighborhoods.
- 3. To provide more housing choices in residential districts.
- 4. To provide housing and extra income options for family caregivers, adult children, aging parents, seniors, single parents, empty nesters, and families seeking smaller households.
- 5. To broaden the range of affordable housing throughout the Town.
- 6. To support the economic viability of historic properties and the Town's historic preservation goals by allowing accessory dwellings in historic structures.

B. Standards for All Accessory Dwellings

- 1. In residential zoning districts, only one accessory dwelling is allowed per lot.
- 2. An accessory dwelling unit may be detached or an integral part of a primary dwelling.
- 3. In a R-1, or R-1H zoning district, the owner(s) of the lot upon which the accessory dwelling is located shall occupy at least one of the dwelling units on the premises.
- 4. Accessory dwelling units may be created by any of the following means provided that the resulting structure conforms to all applicable building code requirements.
 - a. New construction of a structure containing a primary dwelling unit and accessory dwelling unit.
 - b. Conversion of space within an existing dwelling.
 - c. New construction of space added to an existing structure.
 - d. Conversion of an existing accessory structure, such as a garage or shed, for use as an accessory dwelling unit.
- 5. Divisibility of Ownership: Accessory dwelling units shall not be sold separately or subdivided from the principal dwelling unit or lot unless a subdivision that is fully compliant with the Subdivision Regulations of this Unified Development Ordinance is first approved.
- 6. Parking: An accessory dwelling unit shall require a minimum of one parking space in addition to those provided for the primary structure. The parking space may be provided on-site in addition to required parking spaces for the primary dwelling, or on-street if room is available along the street frontage of the parcel. The Zoning Administrator shall have the authority to determine if the available on-street parking is adequate for the use.
- 7. Access Standard: If the primary access to an accessory dwelling unit is through a side yard, the side yard must be at least eight feet (8') wide.
- 8. Placement of windows and doors requires careful consideration for privacy of both the resident and neighbors.

9. Accessory dwelling units are subject to all building code, inspection, certificate of occupancy, and similar requirements as a primary residential structure.
10. Accessory Dwellings on Nonresidential Lots: If the accessory dwelling unit is accessory to a nonresidential use, maximum restrictions on square footage of the dwelling unit do not apply, however, residential setback requirements of the underlying zoning district or applicable overlay district shall apply.

C. Additional Standards for Attached Accessory Dwellings

1. No accessory dwelling unit located internally to a primary single-family dwelling shall exceed 50% of the floor space of the primary unit, or 800 square feet, whichever is less.
2. Maximum combined lot coverage of the primary dwelling and accessory dwelling shall comply with the standards of the underlying zoning district or applicable overlay zoning district, whichever is more restrictive.
3. Second story additions are permitted, but are subject to the same setback requirements as the primary structure.

D. Additional Standards for Detached Accessory Dwellings

1. The finished floor area of a detached accessory dwelling in a residential zoning district shall be no more than 75 percent of the finished floor area of the primary dwelling or 800 square feet, whichever is less.
2. A detached accessory dwelling shall only be located in an established rear yard and shall comply with all required building setbacks similar to a primary dwelling, except that an accessory dwelling may encroach into a required rear setback up to within 5 feet of the rear lot line when an improved alley is present.
3. A minimum separation of ten feet (10') shall be maintained between the detached accessory dwelling unit and the primary structure or a primary structure on an adjoining lot.
4. An entrance path or walkway leading to the primary street frontage and designated parking area is required for all detached accessory dwelling units.

8.3. Artisan Industrial and Artisan Food Production Uses

A. Purpose

1. To create opportunities for development of artisan industrial, artisan food production, and intense artisan industrial uses in zoning districts where a mix of residential uses and creative makerspace is permitted.
2. To provide opportunities for creative manufacturing that is compatible with adjoining residential uses and vibrant urban neighborhoods.
3. To stimulate interest in revitalization and adaptive reuse of older neighborhoods where business or industrial uses have historically operated in

close proximity to residential neighborhoods, and to improve the compatibility and desirability of those neighborhoods.

B. General Standards

1. The manufacturing or processing portion of the business must be performed indoors or contained by other means to prevent the emission of smoke, odor, dust, or noise from the property.
2. Sales may be conducted as retail space not to exceed 10% of the total floor space, as a wholesale operation, as business to business sales, as business to government sales, or entirely online. However, sales activities shall be an accessory use to the artisan industrial use.
3. When a portion of the building(s) included as part of the site is used as a dwelling, the primary artisan that is operating the artisan industrial use must occupy said dwelling.
4. Outdoor Storage: Any activity storing materials outdoors shall construct an opaque fence to screen the ground-level view from any public right-of-way or of any residential use. Materials shall not be piled or stacked higher than the opaque fence.
5. Loading Docks: Where the site abuts a residential zone district or a district permitting residential use, the building wall facing such lot shall not have any service door openings or loading docks oriented toward the residential zone district or district permitting residential use.
6. Screening and Landscape Buffer: Where an artisan industrial use is located adjacent to an existing residential use or dwelling, or located adjacent to a residential zoning district, either a 20-foot landscape buffer, or a 5-foot landscape buffer in combination with a solid screen fence, shall be provided to screen the view of the side and rear yard areas of the site from the adjoining residential uses.
7. Trash Receptacles: Trash, recycling, and storage areas shall be screened from view from any public right-of-way or adjoining residential use or residentially zoned areas. Screening may be achieved using either a solid screen fence or a planted evergreen screen hedge.

C. Conditional Use Development Standards

1. Artisan industrial and artisan food production uses, when located in zoning districts that allow the use only with a conditional use permit, shall not exceed 2,500 square feet of floor space and all manufacturing or processing activities must be conducted indoors to prevent the emission of smoke, odor, dust, or noise from the property.
2. Intense artisan industrial uses, when located in zoning districts that allow the use only with a conditional use permit, shall not exceed 2,000 square feet of floor space and all manufacturing or processing activities must be conducted indoors to prevent the emission of smoke, odor, dust, or noise from the property.

8.4. Bed and Breakfast Inns

A. Purpose

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

B. Operational Standards

1. The owner or operator of the Bed and Breakfast Inn shall occupy the facility as his or her principal residence. Should the owner or operator cease occupancy of the dwelling as his or her principal residence, the Bed and Breakfast Inn permit shall become void, and the Bed and Breakfast Inn use shall cease immediately.
2. Owners of the facility housing a Bed and Breakfast Inn shall keep a log of the names, addresses, number in party, and dates of stay for each adult guest and unaccompanied minor guest.
3. Service of meals is limited to registered guests.
4. The Bed and Breakfast Inn operator is responsible for complying with all local, state, and federal licensing, taxing, health, fire, building, and safety laws, regulations, and codes.

C. Development Standards

1. The Bed and Breakfast Inn shall be operated in a detached single-family dwelling, in a purpose-built structure with a physical form of a single-family residence, or may be housed in a repurposed commercial structure that meets all applicable building and fire safety codes for residential occupancy.
2. No more than ten (10) guest sleeping rooms shall be provided in a Bed and Breakfast Inn.
3. No cooking shall be allowed in guest rooms.
4. Notwithstanding any other provisions, the Bed and Breakfast Inn may be identified by a sign meeting the standards for the underlying zoning district of the Sign Ordinance as found in the Article 7, Site Development Standards, Section ____.
5. Parking for guests shall not be designated in a public street or closer to the adjacent street than the plane established by the front of the structure, except where explicitly allowed in certain business zoning districts. In addition to the two spaces required for a dwelling unit, one parking space for each guest room available for rent shall be provided. The design, materials, and construction standards of parking areas shall be in accordance with Article 7, Site Development Standards, Section ____.
6. Approval of Bed and Breakfast Inn use does not constitute approval for the installation or construction of a new dwelling unit.

7. A driveway entrance meeting the standards for residential construction shall be provided for Bed and Breakfast Inn use. A commercial driveway entrance shall not be required for Bed and Breakfast Inn use.
8. There is no minimum lot size requirement for a Bed and Breakfast Inn, but the site plan must meet the following standards:
 - a. When a Bed and Breakfast Inn is located adjacent to an existing residential use within the same zoning district, a landscaped buffer yard of ten (10) feet is required from said residential in accordance with Article 7, Site Development Standards, Section _____.
 - b. When a Bed and Breakfast Inn is located adjacent to a residential zoning district, a landscaped buffer yard of twenty (20) feet is required in accordance with Article 7, Site Development Standards, Section _____.
 - c. A minimum of 1,000 square feet of useable outdoor yard space shall be provided for use by residents and guests.
9. The Bed and Breakfast Inn shall have available at least one bathroom for each two sleeping rooms or the number of such facilities as may be required by the applicable Building code, whichever is the more restrictive.

D. Conditional Use Development Standards

1. For bed and breakfast establishments located in residential zoning districts where bed and breakfast establishments are permitted as a conditional use, The maximum number of guest sleeping rooms shall be three (3) and there shall be at least one (1) bathroom per two (2) sleeping rooms.

8.5. Dog Parks

A. Purpose

1. To establish minimum standards for dog parks.

B. Standards

1. A Special Exception Permit is required to establish a dog park regardless of the underlying zoning district. The following conditions are minimum standards for all dog parks unless specifically designated as optional. Additional conditions, such as minimum setbacks, perimeter fencing, noise mitigation or other conditions, may be imposed by the Planning Commission or Town Council for the proposed site as warranted for the public health safety or welfare.
2. Rules and requirements for use of the facility may be established by the sponsoring entity or owner and shall be clearly posted at the dog park entrance gate.
3. A dog park shall have a fence that is a minimum of four feet high for any dog exercise area that is exclusively for small dog use exercise areas and six feet high for any dog exercise area that may be used by large dogs.

4. Dog parks shall be equipped with a double-gated entry and exit, adequate drainage, covered containers for disposal of dog waste.
5. An operations and maintenance plan shall be submitted to and approved by the Zoning Administrator. The approved plan shall be followed for the permit to remain valid. The plan shall include provisions for disposal of dog waste and trash.
6. Facilities that are open to the public shall provide for ADA accessibility.
7. A dog park shall have the following amenities as a minimum:
 - a. At least one bench for humans for every 1000 square feet of pet exercise area.
 - b. Shade for hot days. Shade may be provided by use of a purpose-built structure or with established trees.
 - c. Parking close to the site.
 - d. A water source for pets.
 - e. A separate enclosure for smaller dogs.
8. Additional amenities may be provided, such as a pond or shallow pool for pet swimming or pedestrian connections to nearby public sidewalks, but these additional amenities are optional.

8.6. Family Day Homes and Day Care Facilities

A. Purpose

1. To provide opportunities for safe and affordable childcare and to promote safe, vibrant, and active neighborhoods.

B. Applicability

1. The standards in this section apply to family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home.

C. Standards

1. Family day homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the home, shall be licensed per [Code of Virginia § 22.1-289.02](#).
2. No family day home shall care for more than four children under the age of two, including the provider's own children and any children who reside in the home, unless the family day home is licensed or voluntarily registered per [Code of Virginia § 22.1-289.02](#).
3. Day Care Facilities and Family Day Homes serving five through 12 children, exclusive of the provider's own children and any children who reside in the

- home, shall comply with all applicable provisions of [Code of Virginia Chapter 14.1. Early Childhood Care and Education](#).
4. The structure where the family day home or day care facility is located shall comply with all applicable requirements of the building code as adopted by the Town of Wytheville.
 5. Any outdoor play and exercise areas or other outdoor areas that are accessible to the children receiving day care services shall be enclosed by a managed care safety fence as outlined in the Town of Wytheville Fence Ordinance found in Article 7 Section ?????. These fenced outdoor areas shall be limited to areas of the site where managed care safety fences are allowed per the fence ordinance.

8.7. Home Occupations

A. Purpose

1. To guide the accessory use of a dwelling unit for limited occupational or business purposes. The use is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character thereof.

B. Home Occupation Standards

1. Home occupation uses as defined are permitted in all areas where residential uses are allowed.
2. A home occupation is clearly incidental and secondary to the use of the dwelling for residential purposes and does not change the character of the dwelling or change the exterior of the structure to indicate the home occupancy use.
3. A current Town of Wytheville business license must be maintained.
4. Any applicable licensing required by local, county, state, or federal law to conduct the business activities of the home occupation must be maintained.
5. Activities related to the home occupation must be entirely contained within the main dwelling and involve no outside storage or work.
6. No persons other than the immediate family residing in the dwelling shall be engaged in such occupation.
7. In no case shall more than twenty-five (25) percent, or the equivalent to twenty-five (25) percent of the ground area of the habitable portion of dwelling be used in conducting the home occupations, including any related storage; and, there shall be no display of goods and/or stock in trade outside the dwelling.
8. In addition to the off-street parking requirements of the residence, one off-street parking space shall be provided for each 200 square feet of area, or fraction thereof, used in connection with the home occupation. Not more than one (1) vehicle may be used in connection with the home occupation.

9. No equipment or process shall be used in the home occupation which creates noise, vibration, glare, fumes, odors, electrical, radio, or television interference, detectable to persons off the premises. Electrical or mechanical equipment normally associated with a business operation shall not be permitted.
10. On site retail sale is prohibited except where expressly permitted by the provisions of this Article. A residential dwelling shall not be used as a retail showroom or display area that would typically be visited by patrons.
11. No advertising of any type, including telephone book listings, shall make use of the street address or invite potential customers to visit the site.
12. No signs shall be erected other than those expressly allowed in the underlying zoning district by the sign ordinance (See Article 7, Site Development Standards, Section _____).
13. Shipping and receiving of products or correspondence shall be limited to quantities that can be shipped by USPS, UPS, FedEx, or a similar service with a single visit per day, per carrier.
14. If accessory buildings, such as garages or garden sheds, are utilized, they shall comply with all other provisions of the Zoning Ordinance and shall be of similar character as the residential unit and the adjacent neighborhood.
15. There shall be no group instruction, group assembly or group activity on the premises.
16. Family day home services that involve the keeping of five or more children require a Special Exception Permit. This section shall not be interpreted to restrict the care of individuals of any age that are related to the occupant of the dwelling. Please see the Town of Wytheville Land Use Table for areas where Day Care Services and/or Family Day Homes are allowed.
17. Repair services for large items, including, but not limited to, automotive or garage type service, large appliance repair, or electronic equipment repairs are prohibited. This shall not be construed to prohibit mobile service technician from visiting a residence to provide service appliances or other equipment owned by the occupant.
18. For home occupations that involve professional services, client visits to the dwelling where the home occupation is conducted shall be limited to 5 visits per day.
19. An application must be made for a permit, and a permit secured prior to any proposed home occupation being established. The application must fully describe the nature of the proposed home occupation. A permit will be issued when all conditions of the Zoning Ordinance, including the above, are met. However, any such permit will not in any way modify or rescind any building or building related code requirements.

8.8. Homestays

A. Purpose

1. To guide the use of a residential dwelling (single family residential dwelling, townhouse, duplex, or condominium) or portion thereof by a host to provide room or space for short term transient rental occupancy not to exceed 30 consecutive days.

B. Registration and Permitting

1. An annual fee is required to operate a homestay. Refer to the Town of Wytheville Fee Schedule for the registration fees required to operate a Homestay in the Town of Wytheville. A current Town of Wytheville business license is also required. Maintenance of a business license constitutes registration of the homestay.
2. As a part of the Homestay permit process, the Homestay host shall certify that the residence meets residential building code standards, including egress, and that each rental room has functioning smoke and carbon monoxide detectors, appropriate egress and appropriate code-conforming heat, light, and ventilation. The Town of Wytheville reserves the right to inspect each Homestay site to ensure compliance with all building code and Town of Wytheville regulations.
3. The host shall provide a management plan demonstrating how impacts on neighbors will be minimized.
4. A registration may be suspended or cancelled for the following reasons:
 - a. Failure to collect and/or remit the lodging tax to the Town.
 - b. The receipt of more than three (3) violations of applicable state or local laws, ordinances, and regulations.

C. Homestay Development Standards

1. The following regulations shall apply to a Homestay:
 - a. Each homestay must have a host who is a responsible adult who is responsible and available to respond to the guest's needs and concerns at all times during their stay.
 - b. Where allowed in accordance with the land use table, homestays must meet building and fire code requirements for residential occupancy, as a facility for a host to provide room or space for short term transient rental occupancy.

~~c. Each homestay must have a host. For homestays located in a residential zoning district where homestays are permitted, the host is a responsible adult who is a primary resident of the dwelling offered for homestay lodging. For a homestay located in a commercial zoning district where residential uses are permitted, the host must be available to respond to guest needs whenever a guest is using the homestay. The host has the burden of demonstrating compliance with these regulations.~~

- d. Rooms shall be a minimum of 120 square feet and shall have reasonable access to full bath facilities. Campers, tents, and yurts shall not be used as homestays.
 - e. One off-street parking space (9' x 18') shall be provided for each room offered for rent in addition to other parking requirements that may apply. No recreational vehicles, buses or trailers shall be parked on the adjoining street or on the property in conjunction with the Homestay use unless a site plan showing the location of said parking has been approved by the Zoning Official.
 - f. A Certificate of Occupancy for the use must be issued by the Building Official for each Homestay.
 - g. Homestay hosts shall keep a detailed record of their rentals and shall pay lodging taxes to the Town.
 - h. The Homestay host shall be responsible for complying with the Town's Noise Ordinance and shall enforce the ordinance standards. The host shall post house rules that include references to noise restrictions that comply with the Town Noise Ordinance.
 - i. A land line telephone shall be provided for each homestay unit.
 - j. If outdoor fire rings, fire pits, or similar facilities are provided, they shall comply with the Town's outdoor burning ordinance and rules for outdoor burning which comply with the Town Outdoor Burning Ordinance shall be posted.
 - k. Signs for the Homestay shall be limited to the signage allowed within the underlying zoning district as indicated in the Sign Ordinance found in Article 7, Site Development Standards, Section ____.
 - l. During the stay at the Homestay unit, the Homestay host shall be designated as the contact person for Town officials in the event of safety or behavioral issues at the Homestay.
 - m. The host shall not allow the occupancy of a Homestay unit for a period of less than twenty-four (24) hours, notwithstanding check-in and check-out times.
 - n. The name and phone number of the host shall be conspicuously posted within the Homestay unit. The host shall answer calls twenty-four (24) hours per day, seven days a week for the duration of each rental to address any problems with the Homestay unit.
 - o. The principal guest of a Homestay shall be at least eighteen (18) years of age.
 - p. The maximum number of adult guests in a Homestay shall be six (6).
- 2. Homestays are permitted to operate year-round.
 - 3. Each Homestay sleeping room shall have at least one emergency escape or rescue opening (window or door) that meets the following requirement: A clear opening square footage of 5.0 square feet at grade level, and a clear

opening square footage of 5.7 square feet if above grade level, with a sill height of not more than 44 inches from the finished floor to the bottom of the clear opening. The minimum net clear height shall be 24 inches, and the net clear opening minimum width shall be 20 inches.

D. Conditional Use Development Standards

1. The following conditions apply to homestays located in residential zoning districts where homestays are permitted as a conditional use:
 - a. Homestays may be in a single-family residential dwelling, accessory dwelling unit, townhouse, duplex, or condominium, or portion thereof. The host must reside either in the same dwelling where the homestay is located or in an adjacent dwelling.
 - b. The maximum number of guest sleeping rooms shall be three (3) and there shall be at least one (1) bathroom for every two (2) sleeping rooms.
 - c. No obvious exterior changes to the dwelling shall be made as a result of the homestay operation.
 - d. No individual host shall register and operate more than one (1) residential dwelling unit as a homestay in residential zoning districts of the Town of Wytheville.
 - e. Failure of any homestay host to maintain his or her principal place of residence either at the dwelling unit used as a homestay or an in an adjoining dwelling, is grounds for the homestay registration to be suspended or cancelled.

8.9. Mobile Food Facilities

A. Purpose

1. To provide standards for the operation of food trucks, food carts, and similar mobile food establishments on public and private property within the Town, through regulations that provide for a variety of dining experiences while protecting the health, safety and general welfare of the community.

B. Applicability

1. This section shall apply to all mobile food vendors operating within the Town of Wytheville, except for mobile food vendors that are registered participants of a permitted special event, or that are contracted to provide food services for a private event where the general public is not invited to participate.

C. Standards

1. A Mobile Food Vendor Permit is required to operate a mobile food vendor facility within the Town of Wytheville. See the Town of Wytheville Fee Schedule for information regarding the permit fee.
2. Licensing and Compliance

- a. All mobile food vendors shall maintain a business license in the Town of Wytheville to operate within Town Limits.
- b. All mobile food facilities shall obtain a Mobile Food Facility permit from the Town of Wytheville.
- c. All mobile food vendors shall maintain a health permit from the Wythe County Health Department.
- d. All mobile food vendors shall maintain a Virginia Seller's Permit and pay all sales and use taxes as required by State Code.
- e. Mobile food vendors shall comply with all applicable provisions of this code as well as other licensing and code requirements set forth in County, State, and/or Federal law.

- 3. All mobile food vendors shall collect and pay all applicable meals taxes per the Code of the Town of Wytheville.
- 4. Mobile food vendors may operate only between the hours of 7am and 8:30pm except where participating in a permitted special event.
- 5. Location

- a. Food vendors located on private property shall maintain written permission from the owner of the property and shall display said written permission upon request.
- b. Food vendors located at a Farmers' Market shall obtain written permission from the market manager and shall display said permission upon request. Farmers' Markets may charge a fee for participation in market activities.
- c. Mobile food vendors shall be located so that customers approaching the food truck or vehicle can stand on a paved surface that is reasonably level. Locations where customers must walk over uneven gravel surfaces or landscaped areas to access the food truck are not allowed except for special events with a duration of three days or less.
- d. Location of mobile food vehicles on public property or parking lots is not allowed except for short term permitted special events or in designated mobile food vending areas as indicated in Section D below.
- e. Vending shall only take place within the mobile vending facility.
- f. The mobile vending facility shall not be used in a way that would cause customers to stand in an active public street or other traveled way while being served.
- g. The mobile vending facility shall not cause congestion or block ingress or egress along any street or public sidewalk, nor shall it block access to any nearby residence or business.

- 6. **Waste & Sewage**
 - a. Portable receptacles for the disposal of waste materials or other litter shall be provided by the food truck vendor for the use of customers and all food truck vendors shall direct customers to place all waste and litter in the receptacles.
 - b. It is the operator's responsibility to remove all trash and refuse to a legal disposal site or provide a dumpster for waste removal. Disposal of commercial waste from a mobile food vendor in a public trash receptacle is prohibited.
 - c. Disposal of liquid wastes or sewage into drainage inlets, storm water conveyances, or streams is prohibited.
 - d. No liquid wastes used in the operation of the mobile food vending facility shall be allowed to be discharged except into an approved sewerage system to which the operator is legally authorized to use.
- 7. **Noise:** The use of generators, amplified announcements, or amplified music must comply with the standards of the Town noise ordinance.
- 8. Signs other than those found on the exterior of the mobile food vendor vehicle shall conform the Town of Wytheville Sign Ordinance.

D. Designated On-Street Vending Locations

- 1. Town Council may designate one or more on-street vending locations along sidewalks or on-street parking areas. No vendor or operator shall have exclusive rights to operate in any on-street vending location.
- 2. If Council chooses to designate on-street mobile vending locations, council shall consider the following factors in determining whether a location should be used for vending:
 - a. The size and type of mobile food vending facility.
 - b. The concentration of pedestrian traffic in the area.
 - c. Adequacy of parking in the area.
 - d. Adequacy of the space along the street or sidewalk area.
 - e. Amount of congestion.
- 3. Minimum requirements of the location shall include the following:
 - a. Mobile food vendors shall not be located closer than 30 feet from any other restaurant, outdoor eating area or similar food establishment.
 - b. Mobile food vendors shall not be closer than 20 feet to a crosswalk, intersection, bus stop, taxi stand, handicapped parking space, or driveway entrance.

- c. Mobile food vendors shall not be within any designated fire lane or block access to fire hydrants or related equipment.
- d. Placement of the mobile food vending facility shall not block pedestrian access along a sidewalk.

E. Suspension or Revocation of Food Truck Vendor Permit.

- 1. A mobile food vending permit issued under the provisions of this article may be suspended or revoked if the operator has violated any provision of this Section on three or more occasions within a 12-month period.
- 2. Prior to ordering the suspension or revocation of a food truck vendor permit, the Zoning Administrator shall notify, in writing, the applicant or the permit holder, stating the reasons for the suspension or revocation. This notice shall be mailed, postage prepaid, to the applicant or to the permit holder at the business address appearing on the permit application, or if there is none, to the residential address appearing thereon. The notice shall state that the permit will be suspended or revoked unless a written request for hearing is filed with the Zoning Administrator, by the applicant or the permit holder within 10 business days of the date the notice is mailed. If no request for a hearing is filed within this 10-business day period, the application or the permit shall be suspended or revoked, and the suspension or revocation shall be final.
- 3. If the applicant or the permit holder files a request for a hearing in accordance with this provision, the city manager, shall give written notice of the hearing to the applicant or the permit holder at a time and place designated by the city manager. At the hearing the applicant or the permit holder may be represented by counsel, may cross-examine witnesses, and may present evidence in his or her favor.
- 4. The Zoning Administrator shall issue his determination in writing, to grant or deny the appeal within 10 business days of the conclusion of the hearing.

8.10. Outdoor Hydronic Heaters and Forced-Air Furnaces

A. Purpose

- 1. To provide opportunities for the placement and safety of outdoor hydronic heaters and forced air furnaces (outdoor heating units) that utilize wood, pellets, or similar biomass as a fuel source within the Town of Wytheville.

B. Conditional Use Development Standards

- 1. New outdoor heating units shall comply with the EPA [Standards of Performance for New Residential Wood Heaters, New Residential Hydronic Heaters, and Forced-Air Furnaces](#) and [Title 40, Chapter I, Subchapter C, Part 60, Subpart QQQQ, § 60.5474](#), or as amended by the EPA.
- 2. All outdoor heating units shall be installed in conformance with this ordinance or the manufacturer’s recommendations, whichever is stricter.

3. No person shall operate an outdoor wood furnace unless such operation conforms with the manufacturer's instructions regarding such operation and the requirements of this local law regarding fuels that may be burned in such outdoor wood furnace as set forth in subsections B.8 and 9 below.
4. Outdoor heating units are considered to be accessory structures and as such, may only be located in a rear yard area.
- ~~5. The chimney of any new outdoor wood furnace shall extend at least 2 feet above the peak of any residence not served by the outdoor wood furnace that is located within 150 feet of such outdoor wood furnace.~~
6. Outdoor heating units shall be setback at least 15 feet from adjoining parcels and at least 100 feet from any existing dwelling or other occupied structure that is not served by the unit.
7. The units must be separated at from any occupied structure according to the manufacturer's recommendations or building code requirements, whichever is greater.
8. Permitted fuels: Fuel burned in any new or existing outdoor wood furnace shall be only natural untreated wood, wood pellets, corn products, biomass fuels, or other listed fuels specifically permitted by the manufacturer's instructions, which may include fuel oil, natural gas, or propane backup.
9. Only fuel sources recommended by the manufacturer for use in the unit may be burned. The following fuel sources are prohibited.
 - a. Wood that has been painted, varnished, or coated with similar material and/or has been pressure treated with preservatives and contains resins or glues as in plywood or other composite wood products.
 - b. Rubbish or garbage, including but not limited to food wastes, food packaging, or food wraps.
 - c. Any plastic materials including but not limited to nylon, PVC, ABS, polystyrene or urethane foam, synthetic fabrics, plastic films, and plastic containers.
 - d. Rubber, including tires or other synthetic rubber-like products.
 - e. Newspaper, cardboard, or any paper with ink or dye products.
 - f. Any other items not specifically allowed by the manufacturer or this provision.

8.11. Urban Livestock

A. Purpose

1. To allow limited grazing of livestock for agricultural production on large undeveloped parcels near developed areas within the Town, the keeping of horses, and keeping of certain non-traditional pets.
2. For the purpose of this ordinance, this use definition shall not apply to livestock in Agricultural Zone Districts.

B. Conditional Use Standards

1. If the available site area does not provide sufficient space to provide for the conditions included herein, such as minimum pasture area, yard area, and/or setbacks, then the use is not allowed on that parcel.
2. Care of animals shall conform to all applicable regulations for Comprehensive Animal Care found in [Chapter 60. Livestock and Poultry](#), and/or [Chapter 65. Comprehensive Animal Care](#) of the Code of Virginia. Animals shall be kept in healthy conditions. The Animal Control Officer has the authority to determine if the facilities provided are sufficient to maintain the health and wellbeing of the animal(s). If the Animal Control Officer determines that the facilities are inadequate, the property owner or occupant shall cease the use immediately or submit a plan for corrective action.
3. Grazing of urban livestock is not allowed within 100 feet of perennial, or intermittent streams, and contiguous wetlands. Fencing must be provided to prevent grazing within stream and wetland buffer areas.
4. Adequate fencing that is sturdy and in good repair must be maintained to separate grazing animals from adjoining properties and to prevent the animals from roaming beyond designated yards or pasture areas.
5. Grazing or housing of livestock and similar large animals where allowed as a conditional use in urban setting shall adhere to the following conditions:
 - a. An appropriate enclosure for each animal shall be provided to assure protection from weather and environmental conditions.
 - b. A separation of at least 50 feet must be maintained between any animal enclosure and existing residential dwellings on neighboring properties.
 - c. Minimum yard or pasture area appropriate for the type of animal must be maintained for the animal(s). The available pasture area shall only include areas that are accessible to the animal(s). Minimum pasture area shall adhere to the following schedule:
 - 1.) Horses, cattle, or dairy cows: A minimum of two acres of available pasture space on site is required, and one additional acre per animal after the first animal.
 - 2.) Sheep, goats, llamas, and miniature horses: A minimum of one acre of available pasture space and an additional one-half acre of available pasture per animal after the first animal.
 - 3.) Pot belly pigs or similar mini-pig breeds: A minimum of 8,000 square feet of yard area per animal in a rear-yard location. No more than two animals may be kept at a single residence. Standard size swine and/or pigs are not permitted.
 - 4.) Only animals owned by the occupant of the subject property are allowed. Boarding of animals subject to this provision is not permitted.

8.12. Semi-Trailers

A. Purpose

1. To provide for the use of semi-trailers as accessory storage structures.
2. The regulations in this section apply only to the storage and parking of semi-trailers as a general land use, or use of same for storage or other purposes, and do not apply to trailers that are parked temporarily as part of the normal operation of a motor vehicle or motor vehicle and trailer assembly.

B. Standards

1. In Agricultural Districts, semi-trailers shall be permitted to be parked or stored no longer than twelve (12) months, unless the trailer is currently licensed or is used for hauling livestock, hay, silage, etc., and is permitted on the public right-of-way by a "farm use" designation.
2. In residential districts, semi-trailers which carry a current motor vehicle trailer license and inspection to be legally towed shall be permitted to be parked no longer than thirty (30) days except as required to service a construction project at that site. In the case of a construction project, the semi-trailer shall be permitted to be parked until final completion of the construction project. In residential districts, all semi-trailers parked or stored under this provision shall be parked off of all public rights-of-way, streets, and alleys. Semi-trailers may not be used for long-term storage in residential zoning districts.
3. In Business Districts, licensed semi-trailers shall be permitted to be parked for no more than sixty (60) days and shall be parked to the rear or side of the business building. Trailers stored for more than sixty (60) days must conform to the fencing and screening requirements found in Article 7, Site Development Standards, Section ____.
4. In Industrial Districts, both licensed and unlicensed semi-trailers shall be permitted. Trailers stored for more than thirty (30) days must be located within a designated work yard or storage area that conforms to the fencing and screening requirements found in Article 7, Site Development Standards, Section ____.
5. No signs shall be permitted on a semi-trailer as per the Town of Wytheville Sign Ordinance as found in Article 7, Site Development Standards, Section _____. Advertising shall not be construed to mean the name and location of the trucking company or business that owns the semi-trailer. In matters pertaining to the judgment relative to signs and advertising, the Zoning Administrator shall review the signs and/or advertising and make the final decision.

8.13. Shipping Containers

A. Purpose

1. To provide for the use of shipping containers as accessory storage structures.

2. The regulations in this section apply only to the placement of shipping containers as a general land use, or use of same for storage or other purposes.

B. Standards

1. In Agricultural Districts, shipping containers are permitted only if they are used as storage facilities for livestock feed, farm supplies, or farm products. The shipping containers in Agricultural Districts shall be setback from any public right-of-way or adjacent property no less than five hundred (500) feet, except that shipping containers may be located between 50 and 500 feet of a public right-of-way or adjacent property if screened with a screen fence, or a vegetative screen as described in the standards for Buffer Yard Regulations (See Article 7, Site Development Standards, Section _____).
2. In Business Districts, shipping containers shall be permitted to be located to the rear or side of the business building. Shipping containers in Business Districts shall also be screened from view from the public right-of-way by means of fencing, landscaping, earth berms, or other means of no less than the height of the shipping container (See Article 7, Site Development Standards, Section _____).
3. Use of shipping containers for storage or as a workshop space in residential districts is not permitted.
4. In Industrial Districts, shipping containers are permitted subject to the screening requirements found in the zoning district where the container is located.

8.14. Solar Energy Facilities

A. Purpose

1. The purpose of this article is to provide for and regulate the siting, development, construction, installation, operation, and decommissioning of solar energy facilities in the Town of Wytheville in a manner that promotes economic development and the safe, effective, and efficient use of such facilities while protecting the health, safety, and welfare of the community and avoiding adverse impacts on Town resources.
2. The intent of this article is to encourage solar energy facilities in a manner that promotes the development of renewable energy sources while limiting impacts on natural resources, including pollinator and wildlife habitats, and existing agricultural, forestal, residential, commercial, industrial, historical, cultural, and recreational uses of property or the future development of such uses of property in the Town.
3. This article is not intended to abridge safety, health, environmental, or land use requirements contained in other applicable laws, codes, regulations, standards, or ordinances.
4. This article does not supersede or nullify any provision of local, state, or federal law that applies to solar energy facilities.

B. Applicability and Permitting

1. The requirements set forth in this article shall govern the siting, development, construction, installation, operation, and decommissioning of solar energy facilities in the Town.
2. A conditional use permit is required for each large power grid scale solar energy facility proposed to be constructed, installed, or operated in the Town.
3. A zoning permit is required for each small power grid scale solar energy facility proposed to be constructed, installed, or operated in the Town except where a conditional use permit is required withing a specific zoning district.
4. See the Land Use Table for zoning districts where each type of solar facility is permitted.

C. Applications, Procedures, and Requirements for Property Owner Scale Solar Collection Systems

1. Property owner scale solar collection systems are permitted in all zoning districts to serve any permitted use. (See Code of Virginia [§ 15.2-2288.7](#). Local regulation of solar facilities.)
2. A building permit is required for all property owner scale solar collection systems.
3. Integrated PV systems are encouraged for solar collection systems mounted on structures, especially for those in residential districts and for all roof mounted systems where a pitched roof is visible from the street.
4. Components may be mounted on the roof(s) of principal or accessory structures, other parts of structures, or the ground.
5. As part of the permit application, the applicant shall submit drawings prepared by a licensed engineer, which demonstrate how the solar collection system will be attached to the roof, the snow load capacity, and relevant construction details. A roof inspection report is also required prior to installation for all roof mounted systems to assure that the expected life of the roof will match or exceed the expected life of the solar collection system. The inspection may be performed by a certified home inspection professional, a licensed roofing contractor, or a registered engineer.
6. All solar panels, supporting structures, and other equipment must comply with the minimum setback and maximum height standards that apply to principal and accessory structures within the district where they are located.
7. Ground mounted systems shall be screened from view of adjoining streets. (See Article XVI, Section 20 for fencing and screening guidelines.)
8. Systems located within designated historic districts shall be screened from view using materials appropriate to the historic nature of the district or located in a manner that minimizes visual impact on historic structures or the character of the historic district. (See Article XVI, Section 20 for fencing and screening guidelines.)

- 9. Property owner scale solar collection systems are subject to all applicable building, electrical, and plumbing code requirements.

D. Applications, Procedures, and Requirements for Small Power Grid Scale Solar Energy Facilities

- 1. For proposed small power grid scale solar energy facilities, the applicant shall submit a project narrative and site plan that comply with subsection A in section 24-6.1.
- 2. The signage, noise, and lighting requirements in section 24-7 shall apply to all small power grid scale solar energy facilities.
- 3. The fencing requirement and the height restriction in section 24-7 shall apply to all ground-mounted small power grid scale solar energy facilities except those that are mounted on or over a parking lot. Fencing requirements and height restrictions for small power grid scale solar energy facilities that are mounted on or over a parking lot, building, or structure are governed by the fencing guidelines for the zoning district where the facility is located (See Section 16-20).
- 4. For roof mounted systems, the applicant shall submit drawings prepared by a licensed engineer, architect, or other qualified professional, which demonstrate how the solar collection system will be attached to the roof, the snow load capacity, and relevant construction details. A roof inspection report is also required prior to installation for all roof mounted systems to assure that the expected life of the roof will match or exceed the expected life of the solar collection system. The inspection may be performed by a certified home inspection professional, a licensed roofing contractor, or a registered engineer.
- 5. The setback, lighting, vegetative buffering, and pollinator habitats requirements in section 24-7 shall apply to all small power grid scale solar energy facilities except those that are mounted on or over a building, structure, or parking lot; or that utilize integrated PV only. The setback, lighting, buffer yard and landscaping requirements for small power grid scale solar energy facilities that are mounted on or over a parking lot, building, or structure shall conform to the guidelines for setbacks, lighting, buffer yards, and landscaping in the zoning district where the facility is located.
- 6. Small power grid scale solar energy facilities are required to have a decommissioning plan and security that comply with subsection D of section 24-6.
- 7. The zoning administrator may require additional information, including but not limited to a site plan and/or construction details, from the applicant to determine whether the facility meets these requirements and qualifies as a matter of right as a small power grid scale solar energy facility.

E. Applications and Procedures for Large Power Grid Scale Solar Energy Facilities

1. In addition to materials required for a conditional use permit application under section 24-5, applications for large power grid scale solar energy facilities shall, unless otherwise provided herein, include the following information:
 - a. **Project Narrative:** A narrative identifying the applicant, facility owner, site owner, and operator, if known at the time of the application, and describing the proposed large power grid scale solar energy facility, including an overview of the project and its location; the size of the site and the project area; the current use of the site; the estimated time for construction and proposed date for commencement of operations; the planned maximum rated capacity of the facility; the approximate number, representative types and expected footprint of solar equipment to be constructed, including without limitation, photovoltaic panels; ancillary facilities, if applicable; and how and where the electricity generated at the facility will be transmitted, including the location of the proposed electrical grid interconnection.
 - b. **Site Plan:** The site plan shall include the following information:
 - 1.) Property lines, minimum required setback lines under this article, and any proposed setback lines that exceed the minimum requirements.
 - 2.) Existing and proposed buildings and structures, including preliminary location(s) of the proposed solar equipment.
 - 3.) Existing and proposed access roads, permanent entrances, temporary construction entrances, drives, turnout locations, and parking, including written confirmation from the Virginia Department of Transportation ("VDOT") that all entrances satisfy applicable VDOT requirements; provided, however, these requirements shall not exceed VDOT requirements for other types of projects in the underlying zoning district.
 - 4.) Proposed locations and maximum heights of substations, electrical cabling from the solar systems to the substations, panels, ancillary equipment and facilities, buildings, and structures (including those within any applicable setbacks).
 - 5.) Fencing as required under this article and other methods of ensuring public safety.
 - 6.) Areas where the vegetative buffering required in this article will be installed and maintained and areas where pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers required in this article will be installed and maintained.
 - 7.) Existing wetlands, woodlands and areas containing substantial woods or dense vegetation.
 - 8.) Additional information that may be necessary for a technical review of the proposal, may be required, as determined by the zoning

administrator. The Planning Commission or Town Council may require other relevant information deemed to be necessary to evaluate the application.

- c. **Documentation of Right to Use Property for the Proposed Facility:** Documentation shall include proof of control over the proposed site or possession of the right to use the proposed site in the manner requested. The applicant may redact sensitive financial or confidential information.
- d. **Decommissioning Plan and Security:** The decommissioning plan shall include the following information:
 - 1.) The applicant shall provide a detailed decommissioning plan that provides procedures and requirements for removal of all parts of the solar energy generation facility and its various structures at the end of the useful life of the facility or if it is deemed abandoned pursuant to section 24-8. The plan shall include the anticipated life of the facility, the estimated overall cost of decommissioning the facility in current dollars, the methodology for determining such estimate, and the manner in which the project will be decommissioned. The decommissioning plan and the estimated decommissioning cost will be updated upon the request of the zoning administrator, provided the update shall be no more frequently than once every five years and no less frequently than once every ten years.
 - 2.) **Security:** Pursuant to [§ 15.2-2241.2](#) of the Code of Virginia, prior to operation, the applicant must provide security in the amount of the estimated cost of the decommissioning. Options for security include a cash escrow, a performance surety bond, a certified check, an irrevocable letter of credit, or other security acceptable to the Town in an amount equal to the estimated decommissioning cost developed and updated in accordance with the decommissioning plan acceptable to the Town. The security must remain valid until the decommissioning obligations have been met. The security may be adjusted up or down by the Town if the estimated cost of decommissioning the facility changes. The security must be renewed or replaced if necessary to account for any changes in the total estimated overall decommissioning cost in accordance with the periodic updated estimates required by the decommissioning plan. Obtaining and maintaining the requisite security will be a mandatory condition of the conditional use permit. The security shall be in favor of the Town and shall be obtained and delivered to the Town before any construction commences.
 - 3.) The decommissioning plan, cost estimates, and all updates of those plans and estimates shall be sealed by a professional engineer.
- e. **Landscaping and Screening Plan:** The applicant must submit a landscaping and screening plan that addresses the vegetative buffering required in this article, including the use of existing and newly installed vegetation to screen the facility. The plan also must address the use of pollinator-friendly and wildlife-friendly native plants, shrubs, trees,

grasses, forbs, and wildflowers in the project area and in the setbacks and vegetative buffering as required in this article.

- f. **Erosion and Sediment Control Plan:** An erosion and sediment control plan must be approved by the Town staff and when applicable, by the Virginia Department of Environmental Quality prior to any land disturbing activity.
- g. **Stormwater Management Plan:** A stormwater management plan must be approved by the department of environmental quality prior to any land disturbing activity.
- h. **Review Fees:** The Town may retain qualified third parties to review portions of a permit application that are outside the Town's areas of expertise and do not have adequate state and federal review. Any out-of-pocket costs incurred by the Town for such review by qualified third parties shall be paid by applicant. The third-party reviewers and their estimated costs will be submitted to applicant for approval before the costs are incurred. The Town may, in the alternative, accept such review by qualified third parties selected, retained, and paid by the applicant.
- i. **Exemptions:** The zoning administrator may exempt applications for facilities smaller than four acres with a rated capacity equal to or less than one megawatt (MW) from some of the requirements of this section provided, however, the zoning administrator may not exempt applications from any of the requirements included in section 24-5.
- j. **Post-Application Documentation and Approvals:** All documentation required to be submitted to and approvals required from the Town after the issuance of the permit shall, unless otherwise stated in the conditions attached to the conditional use permit, be submitted, or obtained no later than the date of any application for a building permit for the facility. The failure or refusal to submit required documentation or obtain required approvals following the issuance of a conditional use permit shall result in the suspension of the conditional use permit and the denial of the building permit.

F. Location, Appearance, and Operational Requirements

- 1. The following requirements apply to large power grid scale solar energy facilities:
 - a. **Visual Impacts:** The applicant shall demonstrate through project siting and proposed mitigation, if necessary, that the solar project minimizes impacts on viewsheds, including from residential areas and areas of scenic, historical, cultural, archaeological, and recreational significance. The facility shall utilize only panels that employ anti-glare technology, anti-reflective coatings, and other available mitigation techniques, all that meet or exceed industry standards, to reduce glint and glare. The applicant shall provide written certification from a qualified expert acceptable to the Town that the facility's panels incorporate and utilize anti-glare technology and anti-reflective coatings and reduce glint and glare to levels that meet or exceed industry standards.

- b. **Signage:** All signage on the site shall comply with the Town sign ordinance, as adopted and from time to time amended.
- c. **Noise:** Noise levels from the facility shall comply at all times with the Town noise ordinance, as adopted and from time to time amended.
- d. **Setbacks:** The project area shall be set back a distance of at least 75 feet from all public rights-of-way and main buildings on adjoining parcels, and a distance of at least 25 feet from adjacent property lines. Exceptions may be made for adjoining parcels that are owned by the applicant. Increased setbacks up to 100 feet and additional buffering may be included in the conditions for a particular permit. Solar energy facilities also shall meet all setback requirements for primary structures for the zoning district in which the facility is located in addition to the requirements set forth above. Access, erosion and stormwater structures, and interconnection to the electrical grid may be made through setback areas provided that such electrical grid connections are generally perpendicular to the property line.
- e. **Fencing:** The project area shall be enclosed by security fencing not less than six feet in height and equipped with an appropriate anticlimbing device such as strands of barbed wire on top of the fence. The height and/or location of the fence may be altered in the conditions for a particular permit. Fencing must be installed on the interior of the vegetative buffer required in this section so that it is screened from the ground level view of adjacent property owners. The fencing shall be maintained at all times while the facility is in operation.
- f. **Vegetative Buffer:** A vegetated buffer sufficient to mitigate the visual impact of the facility is required. The buffer shall consist of a landscaped strip at least 15 feet wide, shall be located within the setbacks required under subsection D above, and shall run around the entire perimeter of the property. The buffer shall consist of existing vegetation and, if deemed necessary for the issuance of a conditional use permit, an installed landscaped strip consisting of multiple rows of staggered trees and other vegetation. This buffer should be made up of plant materials at least three feet tall at the time of planting and that are reasonably expected to grow to a minimum height of eight feet within three years. The Planning Commission or Town Council may require increased setbacks and additional or taller vegetative buffering in situations where the height of structures or the topography affects the visual impact of the facility. Non-invasive plant species and pollinator-friendly and wildlife-friendly native plants, shrubs, trees, grasses, forbs, and wildflowers must be used in the vegetative buffer. Fencing must be installed on the interior of the buffer. A recommendation that the screening and/or buffer creation requirements be waived or altered may be made by the Planning Commission when the applicant proposes to use existing wetlands or woodlands, as long as the wetlands or woodlands are permanently protected for use as a buffer. Existing trees and vegetation may be maintained within such buffer areas except where dead, diseased or as necessary for development or to promote healthy growth, and such trees and vegetation may supplement or satisfy landscaping requirements as

applicable. If existing trees and vegetation are disturbed or are not present, new plantings shall be provided for the buffer. The buffer shall be maintained for the life of the facility.

- g. **Height:** Ground-mounted solar energy generation facilities shall not exceed a height of 20 feet, which shall be measured from the highest natural grade below each solar panel. This limit shall not apply to utility poles and the interconnection to the overhead electric utility grid.
- h. **Lighting:** Lighting shall be limited to the minimum reasonably necessary for security purposes and shall be designed to minimize off-site effects. Lighting on the site shall comply with any dark skies ordinance the Town Council may adopt or, from time to time, amend.
- i. **Location:** Large power grid scale solar energy facilities shall not be located within one mile of an airport, helipad, or heliport unless the applicant submits, as part of its application, written certification from the Federal Aviation Administration that the location of the facility poses no hazard for, and will not interfere with, airport operations.
- j. **Entry and Inspection:** The facility and site owners and/or operator will allow designated Town officials access to the facility for inspection purposes, provided such inspectors will be subject to the facility and site owners' and/or operator's safety requirements and protocols while within the facility.

G. Decommissioning of Unsafe or Abandoned Projects

- 1. If a solar energy facility has been determined to be unsafe by the Town building official, the facility shall be required to be repaired by the facility owner, site owner, or operator to meet federal, state, and local safety standards, or to be removed by the owners or operator. The owners or operator must complete the repair or removal of the facility, as directed by the building official, within the time period allowed by the building official. If directed to do so by the building official, the owners or operator will remove the solar energy facility in compliance with decommissioning plan established for such facility.
- 2. If any solar energy generation facility is not operated for a continuous period of 12 months, the Town may notify the facility owner by registered mail and provide 45 days for a response. In its response, the facility owner shall set forth reasons for the operational difficulty and provide a reasonable timetable for corrective action. If the Town deems the timetable for corrective action to be unreasonable, it may notify the facility owner, and the facility owner, site owner, or operator shall remove the solar energy facility in compliance with decommissioning plan established for such facility.
- 3. At such time that a solar energy facility is scheduled to be abandoned, the facility owner, site owner, or operator shall notify the zoning administrator in writing.
- 4. Within 365 days of the date of abandonment, whether as declared by the Town under subsection 24-8.2 or as scheduled by the owners or operator under subsection 24-8.3, the facility owner, site owner, or operator shall

complete the physical removal of the solar energy facility in compliance with decommissioning plan established for such facility. This period may be extended at the request of the owners or operator, upon approval of the Town Council.

- 5. When the facility owner, site owner, operator, or other responsible party decommissions a solar energy facility, he shall handle and dispose of the equipment and other facility components in conformance with federal, state, and local requirements. All equipment, both above and below ground, must be removed as part of the decommissioning plan. Internal paths, roads, travel-ways, and landscaping may be left at the discretion of the site owner.
- 6. If the facility owner, site owner, or operator fails to timely remove or repair an unsafe or abandoned solar energy facility after written notice, the Town may pursue a legal action to have the facility removed at the expense of the facility owner, site owner, or operator, each of whom shall be jointly and severally liable for the expense of removing or repairing the facility. The Town also may call upon the decommissioning security to remove the facility.

H. Federal, State, and Local Requirements

- 1. Compliance with uniform statewide building code. All solar energy facilities shall be constructed and operated in compliance with the uniform statewide building code.
- 2. Compliance with National Electric Code. All solar energy facilities shall be constructed and operated in compliance with the National Electric Code.
- 3. Compliance with regulations governing electric energy supply. Large power grid scale solar energy facilities connected to the utility grid must comply with permitting requirements of the state corporation commission or the permit by rule requirements of the department of environmental quality, as applicable.
- 4. FAA regulations. All solar energy facilities must meet or exceed the standards and regulations of the Federal Aviation Administration.
- 5. Other applicable laws. All solar energy facilities shall be constructed and operated in compliance with all applicable local, state, and federal laws, rules, regulations, permit requirements, and ordinances.

I. Revenue Share Ordinance

- 1. In accordance with the Code of Virginia [§ 58.1-2636](#) the town reserves the right to enact a solar revenue share ordinance for all solar projects over five megawatts in rated alternating current capacity and/or other applicable projects as stated in this section. Project developers shall notify the zoning administrator of any proposed projects that plans to meet or exceed the rated capacity criteria.

J. Solar Siting Agreements

- 1. In accordance with the Code of Virginia [§ 15.2-2316.6 through 9](#), any solar project developer for projects over five megawatts in rated alternating current capacity shall contact the Zoning Administrator regarding the need for a solar

siting agreement, prior to submitting a development or site plan application to the Town.

8.15. Temporary Family Health Care Structures

A. Purpose

1. To regulate the placement and safety of temporary family health care structures within the Town of Wytheville pursuant to Code of Virginia [§ 15.2-2292.1. Zoning provisions for temporary family health care structures.](#)

B. Qualifying Structures

1. A transportable residential structure, providing an environment facilitating a caregiver's provision of care for a mentally or physically impaired person that meets the following criteria:
 - a. Is primarily assembled at a location other than its site of installation;
 - b. Is limited to one occupant who shall be the mentally or physically impaired person or, in the case of a married couple, two occupants, one of whom is a mentally or physically impaired person, and the other requires assistance with one or more activities of daily living as defined in Code of Virginia [§ 63.2-2200](#), as certified in writing by a physician licensed in the Commonwealth;
 - c. Has no more than 300 gross square feet; and
 - d. Complies with applicable provisions of the [Industrialized Building Safety Law \(§ 36-70 et seq.\)](#) and the [Uniform Statewide Building Code \(§ 36-97 et seq.\)](#). Placing the Temporary Family Health Care Structure on a permanent foundation shall not be required or permitted.

C. Temporary Family Health Care Structure Standards

1. **Permit:** A permit to locate a Temporary Family Health Care Structure shall be obtained from the Zoning Administrator or his designee. Please see the Town of Wytheville Fee Schedule for permitting fees.
2. **Setbacks:** Temporary Family Health Care Structures shall comply with all setback requirements that apply to the primary structure.
3. Only one Temporary Family Health Care Structure shall be allowed on a lot or parcel of land.
4. **Removal Required when Use Terminated:** Any Temporary Family Health Care Structure shall be removed within sixty (60) days of the date on which the structure was last occupied by a mentally or physically impaired person receiving services or in need of the assistance as listed in this definition.
5. **Signage:** Signage shall be limited to the signage allowed within the underlying zoning district as indicated in the Sign Ordinance found in Article 7, Site Development Standards, Section _____.

8.16. Small Wind Energy Systems

A. Purpose

1. To regulate and encourage development of wind energy systems that are compatible with the character and heritage of the Town of Wytheville and its environs.

B. Applicability

1. The requirement set forth shall govern the siting of small wind energy systems used to generate electricity or perform work, which may be connected to the utility grid pursuant to Virginia's net metering laws ([Section 56-594, Code of Virginia](#)), serve as an independent source of energy or serve as a hybrid system.

C. Siting Requirements

1. The requirements for siting and construction of all small wind energy systems shall include the following:
 - a. Small wind energy towers shall maintain a galvanized finish or silver, gray, off-white, or white finish to reduce visual obtrusiveness. A photo simulation shall be required.
 - b. Small wind energy systems shall not be artificially lighted unless required by the FAA or appropriate authority.
 - c. Small wind energy systems shall not have any flags, signs, writing or advertising.
 - d. Small wind energy systems shall not exceed forty-five (45) decibels during normal operation, as measured at the closest non-participating property line. That level, however, may be exceeded during short term events such as severe windstorms.
 - e. The applicant shall provide evidence that the proposed height of the small wind energy system meets current code and industry standards for structural stability to include increased loading for high wind weather events, ice storms, etc.
 - f. The applicant shall provide evidence that the provider of electric utility energy service to the site has been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant intends and so states on the application, that the system will not be connected to the electric grid. This action shall not construe approval for net metering by the electric utility.
 - g. The applicant shall provide information demonstrating that the system will be used primarily to reduce on-site consumption of utility electricity.
 - h. The wind energy tower height shall not exceed a maximum height of sixty-five (65) feet on a parcel of less than five (5) acres or a maximum height of eighty (80) feet on a parcel of five (5) acres or more.

- i. The minimum distance between the ground and any protruding blades utilized on a small wind energy system shall be fifteen (15) feet as measured at the lowest point on the blades. The supporting wind energy tower shall also be enclosed with a six (6) foot tall fence, or the base of the wind energy tower shall not be climbable for a distance of twelve (12) feet. See Section 16-20 for general fencing and screening regulations.
- j. The applicant shall provide proof of adequate liability insurance for a small wind energy system. Whether or not the applicant is participating in the net metering program, the applicant shall meet the insurance coverage requirements set forth in [Virginia Administrative Code 20 VA 50315-60](#): Liability Insurance.
- k. The small wind energy system generators and alternators shall be constructed so as to prevent the emission of radio and television signals and shall comply with the provisions of [Section 47 of the Federal Code of Regulations, Part 15](#) and subsequent revisions governing said emissions.
- l. On-site power or transmission lines to the maximum extent possible shall be placed underground.
- m. The small wind energy system shall be sited to reduce the possibility of shadow flicker.
- n. Small wind energy systems shall not be permitted in overlay **Historic Districts or within five hundred (500)** feet of such districts, only with a special exception permit and after finding that it will have minimal or no visual impact on the Historic District.

D. Compliance with Federal and State Regulation

- 1. **Compliance with the Uniform Statewide Building Code:** Building permit applications for the small wind energy system shall be accompanied by standard drawings of the wind turbine structure, including the wind energy tower, base, and footings. An engineering analysis of the wind energy tower showing compliance with the Uniform Statewide Building Code and certified by a licensed professional engineer shall also be submitted.
- 2. **Compliance with FAA regulations:** Wind energy systems shall comply with applicable FAA regulations, including any necessary approvals for installations close to airports.
- 3. **Compliance with the National Electric Code:** Building permit applications for small wind energy systems shall be accompanied by a line drawing of the electrical components in sufficient detail to allow for a determination that the manner of installation conforms to the National Electric Code.
- 4. **Compliance with regulations governing energy net metering:** Small wind energy systems connected to the utility grid shall comply with the [Virginia Administrative Code 20 VAC 5-315](#): Regulations Governing Energy Net Metering.
- 5. **Compliance with American National Standards Institute (ANSI):**

E. Removal of Defective or Abandoned Wind Energy Systems

1. Any wind energy system found to be unsafe by the Building Official shall be immediately repaired by the owner to meet federal, state, and local safety standards or it shall be immediately stabilized and removed within ninety (90) days. Any abandoned wind energy system shall be removed within ninety (90) days.

F. Setbacks

1. In addition to the requirements established above, the small wind energy system shall be set back a distance of at least three hundred (300) feet from adjacent property lines, one thousand (1,000) feet from occupied buildings of non-participating property owners and 500 feet from occupied dwellings of participating property owners. In the case of more than one requirement for the setback, the more stringent shall govern. If sound levels of the wind are exceeded at the prescribed setbacks, then the setbacks shall be increased to meet the decibel levels indicated, or the small wind energy system shall meet all of the setback requirements for primary structures for the zoning district in which the small wind energy system is located in addition to the requirements set forth above. Additionally, no small wind energy system guy wire anchors may extend closer than two hundred (200) feet to the property line.

8.17. Wireless Telecommunications Facilities

A. Purpose

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

B. Telecommunication Tower Under 50'

1. In accordance with Code of Virginia 15.2-2316.3,.4, a telecommunication tower under 50' tall as measured from the ground, is considered an "Administrative Review-Eligible Project"
2. Towers shall be proposed at a location that allows adequate setback from all adjacent property lines at a linear distance which equals the height of the tower.
3. Visual simulation of tower appearance shall be submitted as part of the permit application and developer shall submit a view shed mitigation plan. Engineered drawings shall be submitted at time of permit to ensure the structure is safe.
4. In areas with existing restrictive covenants against such towers and/or in areas where underground utilities are required to be underground, a permit may be denied.

C. Telecommunication Tower Over 50'

1. **Maximum Height, including any appurtenances**

- a. 150 feet, unless the applicant can provide documentation that justifies the additional height request.
- b. 50 feet from the roof peak, if mounted on any building.

2. Lighting

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

3. Setbacks

- a. The base of any new tower shall be set back no closer to a residential structure than a distance equal to one foot for each one foot in height of the proposed tower, plus an additional 100 feet, except for a residential structure located on the property on which the tower is to be built, as long as the structure is outside of the tower collapse zone.
- b. Guy wire anchors, equipment buildings, and other facilities supporting communication towers shall satisfy the minimum setback requirements in the underlying zoning district.

4. Visual Impact Mitigation

- a. A 50-foot forested buffer shall be maintained on all sides of the telecommunications tower. If a forested buffer does not exist, the following minimum landscaping shall be installed and maintained:
 - 1.) A continuous hedge of evergreen shrubs, at least 36 inches high at planting, shall be planted a maximum of five feet apart around the outside perimeter of the security fence around the tower site, except for access driveways. These shrubs shall have an expected height of at least 10 feet at maturity.
 - 2.) A double row of large shade trees, at a maximum spacing of 50 feet on center, beginning within a 50-foot radius of the tower, and contains a mixture of at least 50% evergreen tree species.
- b. Communication towers shall have either a galvanized steel or neutral color finish unless otherwise required by the Federal Aviation Administration.

5. Collocation

- a. All telecommunication towers over 50 feet shall provide for at least three sites for collocation.
- b. Approval of collocation on an existing tower above 50 feet shall qualify for administrative review and approval, and is not subject to the requirements of a new Special Exception Permit application process.
- c. All applications for telecommunication towers shall provide a collocation study to demonstrate that there is not a suitable alternative collocation site by providing evidence of the following:

- 1.) Existing structures located within the geographic area in which the proposed antenna must be located are of insufficient height to meet the technical design requirements;
 - 2.) Existing structures do not have sufficient structural strength to support the proposed antenna;
 - 3.) The proposed antenna would cause electromagnetic interference with antennae on existing structures, or antennae on existing structures would cause interference with the proposed antenna; and/or
 - 4.) The fees, costs, or other contractual provisions required by the owner of the existing structure for collocation or the engineering costs to adapt an existing structure for collocation are unreasonable given current market rates in the region.
- d. Owners of towers shall provide the Town co-location opportunities as a community benefit to improve radio communication for Town departments and emergency services.
 - e. If existing telecommunication towers or tall structures are located within two miles of the proposed site, the Applicant will be expected to prove that there is no technologically and structurally suitable space available on the existing structure.

6. Additional Standards

- a. Only monopole or lattice-type structures will be allowed.
- b. A collapse zone shall be designed so that tower collapse will occur only within the property owned or controlled by an easement.
- c. A sign identifying the tower owner, address, and emergency notification number and other information required by state or federal regulations shall be placed in a conspicuous location. The sign shall be no more than four square feet in area and mounted no more than five feet above the ground, as measured from the adjacent grade to the top of the sign. No commercial signs or advertising shall be placed on communication towers.
- d. When any tower is not operated for a continuous period of twelve (12) months, it shall be considered abandoned, removed by the landowner, and the site restored to the condition that existed prior to the development of the tower within six (6) months.
- e. Speculation towers are prohibited.
- f. Communication towers shall be enclosed by security fencing not less than six (6) feet in height. Razor wire shall not be permitted on fences. Access to communication towers shall be through a lockable gate.

7. Additional Application Materials Required

- a. A map of the geographic area in which the Applicant's antenna must be located to reasonably serve the Applicant's coverage area, showing all

existing and approved tower sites and all other structures equal to or greater than 75% of the height of the proposed tower within this area.

- b. A community impact statement and visual impact analysis.
- c. Written documentation that collocation on existing towers or structures in the vicinity of the proposed tower was attempted by the Applicant but found infeasible with reasons explained. This documentation must include verification by a professional engineer that no alternative to the construction of a new tower exists.
- d. Documentation from the FAA and FCC showing approval of the tower.
- e. Copies of all applicable submissions made by the Applicant to any state or federal regulatory agency relative to the proposed project, including any approvals received at the time of application to the Town.
- f. Elevation drawings showing the height and design of the tower, materials to be used, color, and lighting.
- g. A report prepared and sealed by a professional engineer registered in Virginia that describes the tower height and design and that demonstrates the tower's compliance with applicable structural requirements and the collocation requirements of this Ordinance. The engineering report shall further certify that the tower will satisfy minimum wind load standards imposed by the American Society of Civil Engineers and shall certify the tower's fall zone.
- h. A notarized affidavit that states the Applicant's willingness to allow collocation on the proposed tower at a fair market rate and in a timely manner to any other service provider, licensed by the Federal Communications Commission, serving the Town of Wytheville market area, and that such collocation agreement is assigned to the successors, heirs, and future owners of the tower.
- i. A removal bond that will be retained by the Town in the event the tower is abandoned. The removal bond shall be in an amount sufficient enough to pay for the removal of the tower.

D. Small Cell Telecommunications Sites

- 1. Small cell telecommunications facilities may not have a material potential interference with other pre-existing communications facilities or with future communications facilities that have already been designed and planned for a specific location or that have been reserved for future public safety communications facilities.
- 2. Small cell telecommunications facilities may not have a negative impact to public safety or other critical public service needs.
- 3. If located on publicly owned or publicly controlled property, all department, authorities, and jurisdictions shall have provided their approval and negative impacts to aesthetics have been mitigated.

E. Additional Issues to Cover

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

DRAFT

8-A

COUNCIL ACTION LETTER
Staff Assignments and Information

January 9, 2023 Number 560

ACTIONS TAKEN OR DISCUSSED

STAFF ASSIGNMENTS

- 1. Approved the meeting agenda as presented.
- 2. Adopted and presented a resolution to former Councilman Mark Bloomfield for his efforts while serving on the Wytheville Town Council.
- 3. Adopted and presented a resolution to the George Wythe High School Football Team.
- 4. Made the following appointments in accordance with the Town's reorganization:
 - a. Appointed Cathy D. Pattison as the Vice-Mayor for the Council.
 - b. Appointed Councilman Gillman and Vice-Mayor Pattison to the Budget and Finance Committee, and appointed Councilwoman Atkins and Councilwoman Johnson to the Public Works Committee.
 - c. Reappointed Councilwoman Atkins to the District Three Governmental Cooperative and Councilman Gillman as the alternate.
 - d. Reappointed Councilwoman Atkins as the Council liaison to the Wytheville Redevelopment and Housing Authority.
 - e. Appointed Councilwoman Johnson to the Homestead Museum Advisory Board.
 - f. Reappointed Councilwoman Atkins as the Council liaison to the Wall of Honor Committee.
 - g. Reappointed Councilman Gillman to the Recreation Commission.
 - h. Reappointed Councilwoman Pattison as the liaison to the Wytheville Planning Commission.

- i. Reappointed Mayor Taylor to the Tree Advisory Committee.
 - j. Reappointed Mayor Taylor and Councilwoman Atkins to the Beautification Task Force.
 - k. Reappointed Mayor Taylor to the Joint Industrial Development Authority.
 - l. Reappointed Councilman Gillman to the Downtown Wytheville, Incorporated Board.
 - m. Reappointed Mayor Taylor and Town Manager Freeman to the Crossroads Regional Industrial Facility Authority.
 - n. Appointed Town Manager Freeman, Vice-Mayor Pattison and Councilwoman Johnson to the New River Regional Water Authority.
 - o. Reappointed Councilwoman Atkins to the 911 Remembrance Committee.
5. Approved the consent agenda consisting of the minutes of the regular meeting of December 12, 2022.
6. Endorsed a Virginia Department of Transportation Smart Scale Project located at the intersection West Lee Highway and Monroe Street.
7. Tabled action on a Virginia Department of Transportation Smart Scale Project located at the intersection of Holston Road and North Fourth Street.
8. Adopted a resolution endorsing the concept of Fair Housing.
9. Approved a bid from Southern Air for the replacement of the dehumidifier at the Wytheville Recreation Center and authorized Town Staff to proceed with the project and to expend the unbudgeted funds for the first payment in the amount of \$145,970, which is due at the award of the bid.
10. Approved the amended Electronic Meeting Participation Policy.
6. **Planning Director** – proceed with Smart Scale Project
7. **Town Clerk** – place on next Town Council meeting agenda
9. **Assistant Town Manager** – proceed with project

COUNCIL ACTION LETTER
Staff Assignments and Information

January 23, 2023

Number 561

ACTIONS TAKEN OR DISCUSSED

STAFF ASSIGNMENTS

- | | |
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| <ol style="list-style-type: none"> 1. Approved the meeting agenda as presented. 2. Approved the consent agenda consisting of the minutes of the regular meeting of January 9, 2023, and the request of the Wytheville Lions Club for waiver of business license fees and inspection fees for the Annual Charity Carnival to be held on July 17-22, 2023. 3. Established March 31, 2023, as the due date for Town of Wytheville Real Property taxes. 4. Adopted Ordinance No. 1416, an ordinance amending and reenacting Chapter 9, Offenses – Miscellaneous, Article I. In General, Division 1. Generally, Section 9-26. Trespassing Upon – Damaging Property – Town Property, of the Code of the Town of Wytheville, Virginia, on first and final reading. 5. Adopted a resolution recognizing the efforts of all Town volunteers. 6. Adopted a resolution establishing a policy regarding term contracts. 7. Approved an agreement with Wythe County regarding the Lots Gap Water Tank Project and authorized the Mayor, Town Manager and Town Attorney to finalize and execute the agreement. 8. Adopted the amended 2023-24 Council Rules of Procedure. | <ol style="list-style-type: none"> 2. Town Clerk – advise by letter 3. Town Treasurer – proceed with Real Property taxes due date 4. Town Clerk – amend Town Code 7. Town Manager – forward to Wythe County |
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