

**ARTICLE XI-A - BUSINESS DISTRICT B-2 DT
GENERAL BUSINESS DISTRICT - DOWNTOWN⁸**

Statement of Intent

The Downtown Wytheville District is established to promote the economic, cultural and general welfare of the town through the preservation and protection of historic buildings, or buildings having unusual architectural or cultural interest; through the development of an appropriate setting for such building through the construction of buildings which will be in harmony with, and supplemental to, existing buildings and through benefits resulting to the economy of Wytheville, and for developing and maintaining an attractive downtown business community by way of preservation and appropriate additions.

11-1A CREATION OF BOUNDARIES

In order to preserve and maintain the unique characteristic of downtown Wytheville there is hereby established a district to be known as the downtown Wytheville District. The boundaries are as follows:

Beginning at a point midway between Monroe and North Streets at a point on the line of the east side of Fourteenth Street extended and extending eastwardly parallel to and midway between Monroe and North Streets to a point in the west line of Fifth Street; thence proceeding southwardly along the west line of Fifth Street to a point midway between Monroe and Main Streets; thence proceeding eastwardly along a line midway between Main and

Monroe Streets to a point in the west line of an alley located approximately 170 feet from the west line of Eleventh Street; thence proceeding northwardly along the western line of said alley to a point in the south side of Monroe Street; thence proceeding eastwardly along the southern line of Monroe Street to a point on the west line of Eleventh Street; thence proceeding southwardly along the west line of Eleventh Street to a point on the north line of Spring Street; thence proceeding westwardly along the northern line of Spring Street to a point on the western line of Seventh Street; thence proceeding southwardly along the western line of Seventh Street to a point midway between Spring and Franklin Streets; thence proceeding westwardly with said line midway between Spring and Franklin Streets to a point on the east line of Eighth Street; thence proceeding northwardly along the east line of Eighth Street to a point in the north line of Spring Street; thence proceeding westwardly along the north line of Spring Street to the east line of Fourteenth Street; thence proceeding northwardly along the east line of Fourteenth Street to the point of beginning.²²

11-2A USE REGULATIONS

In the Downtown Wytheville District structures to be erected or land to be used shall be for one or more of the following or similar uses:

11-2.1A Single-family dwellings; permitted residential uses in the area bounded by Fifth Street, Sixth Street, Monroe Street, and Spring Street shall conform to

the R-2 Residential District regulations and permitted residential uses in other areas in the district shall conform to the R-3 residential regulations.⁴³

11-2.2A Multiple-family dwellings; permitted residential uses in the area bounded by Fifth Street, Sixth Street, Monroe Street, and Spring Street shall conform to the R-2 Residential District regulations and permitted residential uses in other areas in the district shall conform to the R-3 residential regulations.⁴³

11-2.2A.1 Bed and breakfast inn/tourist home.⁴⁴

11-2.3A Retail stores and service establishments.

11-2.4A Grocery stores.

11-2.5A Bake shops.

11-2.6A Drug stores.

11-2.7A Medical and dental supplies and appliances stores.

11-2.8A Auto and home appliance stores.

11-2.9A Wearing apparel stores.

11-2.10A Pick-up laundry and dry cleaning stations.

11-2.11A Laundromats.

11-2.12A Barber and beauty shops.

11-2.13A Banks.

11-2.14A Restaurants.

11-2.15A Theaters.

11-2.16A Office buildings.

11-2.17A Motels and hotels.

11-2.18A Assembly halls.

- 11-2.19A Newsstands.
- 11-2.20A Clubs and lodges.
- 11-2.21A Funeral homes.
- 11-2.22A Retail and wholesale building supplies with storage under cover.
- 11-2.23A Retail and wholesale plumbing and electrical supplies with storage under cover.
- 11-2.24A Wholesale and retail tire sales not to include tire recapping facilities.
- 11-2.25A Machinery sales and service limited to yard and garden or similar types of small equipment with storage under cover.
- 11-2.26A Newspaper offices and printing plants; light manufacturing processing operations, light machining operations, all work and storage under cover,¹⁶ creating or likely to create neither smoke, noise, vibration, fumes, odor, nor dust detrimental or likely to become detrimental to the health, safety or general welfare of the community.
- 11-2.27A Other retail businesses similar in characteristic to those listed.
- 11-2.28A Public or semi-public uses such as schools, churches and libraries.
- 11-2.29A Public or community operated playgrounds, parks and similar recreational facilities.
- 11-2.29B Semi-trailers which are licensed shall be permitted as defined in the Definitions section of this ordinance.⁵⁷
- 11-2.29C Shipping containers shall be permitted as defined in the Definitions section of this ordinance.⁵⁷

- 11-2.30A Signs permitted under Chapter 21 of this Ordinance regulating outdoor advertising and subject to review and approval by the Board of Architectural Review.²⁴
- 11-2.31A Deleted 4-27-87.²⁴
- 11-2.32A Off-street parking as required by this Ordinance with exception to be allowed as specified in General Provisions of the Ordinance.
- 11-2.33A Adult uses with a special exception permit, but no adult use may be established within 300 feet of any such other adult use, and no adult use may be established within 600 feet of a residentially zoned district (R-1, R-2, R-3, R-3MH, R-3FH) or any agriculturally zoned district (A-1) or any church or place of worship, public library, public or private school, educational institution, public park, public playground, public playfield, or child care center in existence at the time of the establishment of the adult use.

The establishment of an adult use as defined herein includes the opening of such business, the relocation of such business, the enlargement of such business in size or area, or the conversion in whole or in part of an existing business into any adult use.

Measurement of Distance: All distances specified herein shall be measured from the property line of one use to another. The distance between an adult use and another adult use or a residentially zoned or agriculturally zoned district shall be measured from the property line of the use to the nearest

point of the boundary line of another adult use, residentially zoned use, or agriculturally zoned use.⁶⁴

11-3A AREA REGULATIONS

None, except for off-street parking as required by this Ordinance.

11-4A SETBACK AND FRONTAGE AND YARD REGULATIONS

None, unless such are considered as necessary by the Board of Architectural Review.

11-5A HEIGHT REGULATIONS

Buildings may be erected up to fifty (50) feet in height from grade provided, however, that a building with a greater height may be constructed on approval by the Board of Architectural Review.

11-6A CERTIFICATE OF APPROPRIATENESS REQUIRED TO ERECT, RECONSTRUCT, ALTER, RESTORE, OR RAZE A BUILDING

In order to promote the general welfare through the preservation and protection of buildings of historic and architectural interest, no building within the Downtown Wytheville District may be demolished in whole or in part, nor architectural features of said building which are subject to public view from a public street be altered without prior application to the Board of Architectural Review, hereinafter created. Neither shall any building or structure hereafter be erected, reconstructed, altered or restored within the said Downtown Wytheville District unless and until an application for certificate of appropriateness shall have been approved by the aforementioned Board of Architectural Review. Review of such application by the Board will include

analysis of external architectural features, including signs, which are subject to public view from a public street, way or place.

Structures located in this district which are solely used for residential purposes are exempt from the provisions of this Article. Structures which are used both residentially and commercially are subject to the provisions of this Ordinance. Property owners desiring to perform maintenance on the exterior of any commercial structure and which will not involve the change of color, materials, or texture will be exempt from the provisions of this section.²⁵

11-7A APPLICATION FOR CERTIFICATE OF APPROPRIATENESS

Applications for such certificates of appropriateness shall be made to the Zoning Administrator for the Town of Wytheville, Virginia.

11-8A BOARD OF ARCHITECTURAL REVIEW

11-8.1A For the purpose of making effective the provisions of this article, a "Board of Architectural Review" is hereby established. The Board shall consist of five members, all of which shall be residents and qualified voters of the Town except as hereinafter noted. The Board shall consist of five members appointed by the Town Council. One member of the Board shall be a member of the Council and one member shall be a member of the Planning Commission. The remaining membership of the Board shall be composed of one certified architect, one person with knowledge of, and demonstrated interest in, the historical and unique character of the downtown part of the Town and one property owner in the designated area. In the event there is not a certified architect residing in Town, the Council may, in its discretion,

appoint a certified architect practicing in the community or in the immediate area. The Building Inspector and/or Zoning Administrator shall serve as advisor to the Board.

11-8.2A The term of office of the members shall be for three (3) years except that the term of the Council member and Planning Commission member shall be co-extensive with the term of office to which he is elected or appointed. In order to provide stagger terms, and continuity in membership and policies of the Board, the initial term of the person with knowledge and interest in the historical and unique character of the downtown area to be for one (1) year, the term of the property owner in the designated area to be for two (2) years and the term of the architectural member to be for three (3) years. Any appointed member of the Board may be removed by the Council after public hearing for inefficiency, neglect of duty or malfeasance. An appointment to fill a vacancy shall be only for the unexpired portion of the term. Members shall be eligible for reappointment.

11-9A CHAIRMAN, VICE-CHAIRMAN AND SECRETARY OF THE BOARD

The Board of Architectural Review shall elect its Chairman and Vice-Chairman from its membership and the Building Inspector shall be its secretary.

11-10A PROCEDURE FOR MEETINGS

11-10.1A The chairman shall conduct the meetings of the Board. In his absence the vice-chairman shall preside. The secretary shall keep the minutes of the meetings and a permanent record of all resolutions, motions, transactions,

and determinations. All members of the Board shall be entitled to vote and the decisions of the Board shall be determined by a majority vote. A quorum of three members present is required before the Board may take any official action. The Board shall meet within fourteen (14) days after notification by the Building Inspector of an application for a Certificate of Appropriateness, or permit, requiring action by the Board. The meetings of the Board shall be open to the public, and a full and impartial hearing shall be granted. When voting on any question, no proxy shall be allowed at any time. The Board shall vote and announce the decisions on any matter properly before it not later than fourteen (14) days after the conclusion of the hearing on the matter, unless the time is extended by mutual agreement between the Board and the application. The Board shall not hear the subject matter of any application which has been denied for a period of one year, except in cases where an applicant appears within ninety (90) days with his application amended as hereinafter provided. In case of disapproval of the erection, reconstruction, alteration, restoration, razing of a building or structure, the Board shall briefly state its reasons therefore in writing and it may make recommendations to the applicant with respect to the appropriateness of design, arrangement, texture, material, color, location, and the like, of the building or structure involved. In case of disapproval accompanied by recommendations, the applicant may be heard before the Board if, within ninety (90) days, he comes before the Board with his application so amended that it will comply with all recommendations of the Board. In matters covering

the procedure for meetings not covered by this Article (e.g., schedules for regular periodic meetings), the Board may establish its own rules provided they are not contrary to the spirit of this Article.

11-11A MATTERS TO BE CONSIDERED BY THE BOARD IN ACTING ON THE APPROPRIATENESS OF THE ERECTION, RECONSTRUCTION, ALTERATION, RESTORATION, OR DEMOLITION OF A BUILDING OR STRUCTURE

11-11.1A The Board shall not consider interior arrangement, relative size of the building or structure, detailed design, or features not subject to any public view and shall not make any requirements except for the purpose of preventing developments obviously incongruous or not compatible with the Downtown aspect of the surroundings. The Board shall consider the following in passing upon the appropriateness of architectural features and uses:

- a. Exterior architectural features, including all signs, which are subject to public view from a public street, way or place.
- b. General design and arrangement.
- c. Texture, material and color.
- d. The relation of the factors in a, b, and c above to similar features of buildings and structures and uses in the immediate surroundings.
- e. The extent to which the buildings or structures of the use would be harmonious with or obviously incongruous to the architectural and historical aspect of the surroundings.

- f. In case of a building to be razed, a primary consideration will be the extent to which its continued existence would tend to protect irreplaceable historic places, or places having a unique architectural value, and to preserve generally the existing and harmonic atmosphere of the Town.
- g. The extent to which the building or structures, or the use, will promote the general welfare of the Town, and all citizens by the preservation of historic places and areas, or of places, or buildings, having unique architectural values.
- h. The extent to which said preservation and protection will promote the general welfare by maintaining and increasing real estate values, generating business, creating new positions, attracting tourists and special interest groups, new residents, encouraging existing and new business activities, stimulating interest and study in the history of the Town, preserving our culture and heritage, and making the town a more attractive place in which to live.

11-12A ISSUANCE OF CERTIFICATE OF APPROPRIATENESS

11-12.1A Decisions of the Board will be incorporated in approving certificates of appropriateness or written reasons for disapproval. Immediately upon approval by the Board of any application to erect, reconstruct, alter, restore, or raze a building, a certificate of appropriateness signed by the Chairman of the Board and bearing the date of issuance shall be made available to the applicant. The Building Inspector shall refuse to honor any request for a

building permit without such a certificate of appropriateness; but a certificate of appropriateness will in no way affect the requirement to comply with the other provisions necessary to obtain a building permit.

11-13A RIGHT OF APPEAL

11-13.1A Whenever the Board shall disapprove an application for a certificate of appropriateness, any person shall have the right to appeal to the Board of Zoning Appeals. The Board of Zoning Appeals shall consider all the facts involved, giving due consideration to the stated purpose of actions taken by the Board of Architectural Review. The procedure of appeal to the Board of Zoning Appeals shall be the same as is applicable in respect to other zoning matters.

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