

**ARTICLE XI-A - BUSINESS DISTRICT B-2 DT
GENERAL BUSINESS DISTRICT - DOWNTOWN^{8 89}**

11A-1 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.

11A-2 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:

- 11A-2.1 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

11A-3 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:

- 11A-3.1 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
- 11A-3.2 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
- 11A-3.3 Bed and breakfast inn/tourist home.⁴⁴
- 11A-3.4 Retail stores and service establishments.
- 11A-3.5 Grocery stores.
- 11A-3.6 Bake shops.
- 11A-3.7 Drug stores.
- 11A-3.8 Medical and dental supplies and appliances stores.
- 11A-3.9 Auto and home appliance stores.
- 11A-3.10 Wearing apparel stores.
- 11A-3.11 Pick-up laundry and dry-cleaning stations.
- 11A-3.12 Laundromats.
- 11A-3.13 Barber and beauty shops.
- 11A-3.14 Banks.
- 11A-3.15 Restaurants.
- 11A-3.16 Theaters.
- 11A-3.17 Office buildings.
- 11A-3.18 Motels and hotels.
- 11A-3.19 Assembly halls.

- 11A-3.20 Newsstands.
- 11A-3.21 Clubs and lodges.
- 11A-3.22 Funeral homes; crematoriums as an ancillary use to funeral homes.¹⁰⁴
- 11A-3.23 Retail and wholesale building supplies with storage under cover.
- 11A-3.24 Retail and wholesale plumbing and electrical supplies with storage under cover.
- 11A-3.25 Wholesale and retail tire sales not to include tire recapping facilities.
- 11A-3.26 Machinery sales and service limited to yard and garden or similar types of small equipment with storage under cover.
- 11A-3.27 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.
- 11A-3.28 Other retail businesses similar in characteristic to those listed.
- 11A-3.29 Public or semi-public uses such as schools, churches, and libraries.
- 11A-3.30 Public or community operated playgrounds, parks, and similar recreational facilities.
- 11A-3.31 Semi-trailers which are licensed shall be permitted as defined in the Definitions section of this ordinance.⁵⁷
- 11A-3.32 Shipping containers shall be permitted as defined in the Definitions section of this ordinance.⁵⁷ 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 Section 16-20.6 Chart 2).¹⁰⁵
- 11A-3.33 Signs permitted under Chapter 21 of this Ordinance regulating outdoor advertising and subject to review and approval by the Design Committee of Downtown Wytheville, Incorporated.^{24 84}
- 11A-3.34 Off-street parking as required by this Ordinance with exception to be allowed as specified in General Provisions of the Ordinance.

11A-3.35 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.

A. **Establishment:** 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.

B. **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.⁹

11A-3.36 Brewery, Craft or Pub; Brewery, Micro⁸⁷

11A-3.37 Farmers' Markets⁸⁷

11A-3.38 Medical Office⁸⁹

11A-3.39 Homestay.⁹⁸

11A-3.40 Temporary Family Health Care Structure.¹⁰⁰

11A-4 AREA REGULATIONS:

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

11A-5 SETBACK AND FRONTAGE AND YARD REGULATIONS:

None, unless such are considered as necessary by the Design Committee of Downtown Wytheville, Incorporated. ⁸⁴

11A-6 HEIGHT REGULATIONS:

Buildings may be erected up to seventy-five (75) feet in height from grade.⁶⁷

11A-7 CERTIFICATE OF APPROPRIATENESS REQUIRED TO CONSTRUCT, RECONSTRUCT, ALTER, RESTORE OR RAZE A BUILDING OR SIGN:⁸⁴

11A-7.1 In order to promote the general welfare through the preservation and protection of buildings of historic and architectural interest and to promote the improvement and the general appearance of all buildings within the Downtown Wytheville District, the Town hereby establishes an incentive program that will waive building permit fees and sign permit fees for all work that conforms to the recommendations of the Design Committee of Downtown Wytheville, Incorporated (DWI) and receives a Certificate of Appropriateness from the Design Committee of Downtown Wytheville, Incorporated.⁸⁴

11A-7.2 All building construction, reconstruction, restoration, razing or demolition that is funded partially or fully by grants issued or administered by the Town of Wytheville, and or receives waiver of fees, shall receive a Certificate of Appropriateness from the Design Committee of Downtown Wytheville, Incorporated, prior to being issued a building permit or sign permit. Review of an application for a Certificate of Appropriateness by the Design Committee shall include an analysis of the external architectural features, colors, materials, windows, doors, signs, their arrangement and composition and relationship to other structures and shall be, in the opinion of the Design Committee, in accord with the Wytheville B-2 DT Downtown District Design Review Guidelines.⁸⁴

11A-8 APPLICATION FOR CERTIFICATE OF APPROPRIATENESS:

Applications for Certificates of Appropriateness shall be made to the Building Official for the Town of Wytheville, Virginia.⁸⁴

11A-9 REQUIREMENTS FOR DESIGN COMMITTEE REVIEW:⁸⁴

11A-9.1 For the purpose of making effective the provisions above, the Design Committee of Downtown Wytheville, Incorporated (DWI) shall be established consisting of members appointed by the DWI Board.⁸⁴

11A-9.2 Members of the Design Committee shall have a demonstrated interest or knowledge of the architecture or history and unique character of downtown Wytheville, have a property or business interest in the downtown or be a design or construction professional familiar with the revitalization efforts of Downtown Wytheville, Incorporated. The terms of Design Committee members shall be two (2) years, renewable for up to three (3) terms. Design Committee members should be citizens of Wytheville; unless no other qualified candidates are available. There shall be no fewer than five (5) Design Committee members, one of whom shall be the Executive Director of

Downtown Wytheville, Incorporated, and whose term shall run concurrent with the position. Three (3) of four (4) members shall have their initial terms extended by one (1), two (2) and three (3) years so that staggered appointments occur. The DWI Board shall assign these extended initial terms.⁸⁴

11A-10 CHAIRMAN, VICE-CHAIRMAN AND SECRETARY OF THE COMMITTEE:

The Design Committee shall elect a Chair and Vice-Chair from its membership, and the Executive Director of DWI shall serve as secretary.⁸⁴

11A-11 PROCEDURE FOR MEETINGS:⁷³

11A-11.1 The chair shall conduct the meetings of the Design Committee. In his absence, the vice-chair shall preside. The secretary shall keep the minutes of the meetings and a permanent record of all motions, transactions, and determinations. All members of the Design Committee shall be entitled to vote unless a conflict of interest occurs, in which case the affected member shall announce the conflict and abstain from discussion and vote. A quorum of members shall be required for the Design Committee to take any action or approve or disapprove any application for a Certificate of Appropriateness. Upon a majority vote for approval, the Certificate of Appropriateness shall be signed by the DWI Executive Director. In the event of a disapproval, the reasons for the disapproval shall be briefly summarized on the Certificate of Appropriateness and the certificate marked "disapproved." In the event of an approval conditional upon revisions to what is proposed, the revisions upon which the approval was conditioned shall be listed on the certificate. The Design Committee shall meet not less than monthly to review applications for Certificates of Appropriateness. In the event that an application for a Certificate of Appropriateness is disapproved, the applicant has thirty (30) days in which to file an appeal to the DWI Board, and upon a majority vote of the DWI Board, the decision of the Design Committee shall be modified, upheld, or overturned. The DWI Board shall have the authority to determine the schedule for hearing appeals of applicants of the Design Committee, but schedule for an appeal shall be no later than thirty (30) days from receipt of the written appeal from the applicant by the Executive Director of DWI. In the event that DWI upholds the decision of the Design Committee, the applicant may proceed with the project without funding assistance or incentives.⁸⁴

11A-12 11-11A MATTERS TO BE CONSIDERED BY THE DESIGN COMMITTEE IN ACTING ON THE APPROPRIATENESS OF THE ERECTION, RECONSTRUCTION, ALTERATION, RESTORATION OR DEMOLITION OF A BUILDING OR STRUCTURE:⁸⁴

11A-12.1 The Committee shall not consider interior arrangement 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 Design Committee shall consider the following in passing upon the appropriateness of architectural features and uses.⁸⁴

- 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.

11A-13 FENCING & SCREENING REGULATIONS:¹⁰⁵

- 11A-13.1 See Section 16-20 for general fencing and screening regulations.¹⁰⁵
- 11A-13.2 Trash and Refuse Storage: For all business uses, all temporary lodging uses, all multi-family uses with five (5) or more units, all medical arts uses, and all public and semi-public uses, such as schools, churches, libraries, hospitals, and private schools, trash collection and storage areas, including dumpsters and other trash containers, shall be maintained in dumpster enclosures, as described in the chart found in Section 16-20.6. The Zoning Administrator

may waive the dumpster enclosure requirement for small facilities if evidence is provided that an alternative trash removal system is provided.¹⁰⁵

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