

ORDINANCE NO. 640

AN ORDINANCE REGULATING AND RESTRICTING THE USE OF LAND AND THE USE AND LOCATION OF BUILDINGS AND STRUCTURES; REGULATING AND RESTRICTING THE HEIGHT AND BULK OF BUILDINGS AND STRUCTURES AND DETERMINING THE AREA OF YARDS, COURTS AND OTHER PLACES SURROUNDING THEM; PROVIDING FOR NON-CONFORMING USES, SPECIAL PROVISIONS, AMENDMENTS, ADMINISTRATION AND INTERPRETATION; DEFINITIONS; DIVIDING THE TOWN OF WYTHEVILLE INTO DISTRICTS; ADOPTING THE ZONING MAP OF SAID TOWN SHOWING THE BOUNDARIES AND CLASSIFICATIONS OF SUCH DISTRICTS; ESTABLISHING A BOARD OF ZONING APPEALS; PRESCRIBING PENALTIES FOR THE VIOLATION OF THE PROVISIONS HEREOF AND FOR THE RESTRAINING, CORRECTING OR ABATING BY INJUNCTION OR OTHER APPROPRIATE PROCEEDING OF VIOLATIONS HEREOF; AND REPEALING ORDINANCE NO. 433 AS AMENDED, GENERALLY KNOWN AS THE ZONING ORDINANCE OF THE TOWN OF WYTHEVILLE, AND ANY OTHER ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT WITH THE PROVISIONS HEREOF.

WHEREAS, by act of the General Assembly of Virginia as codified by Chapter 11, Article 8, Sections 15.1-486 through 15.1-498 of the Code of Virginia of 1950, and amendments thereof, the governing body of any municipality may by ordinance divide the territory under its jurisdiction into districts of such number, shape and area as it may deem best suited to carry out the purposes of said article, and in each district it may regulate, restrict, permit, prohibit and determine the following:

- a) The use of land, buildings, structures and other premises for agricultural, commercial, industrial, residential, flood plain and other specific uses;
- b) The size, height, area, bulk, location, erection, construction, reconstruction, alteration, repair, maintenance, razing or removal of structures;
- c) The areas and dimensions of land, water and air space to be occupied by buildings, structures and uses, and of courts, yards and other open spaces to be left

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unoccupied by uses and structures, including variations in the sizes of lots based on whether a public or community water supply or sewer system is available and used;

d) The excavation or mining of soil or other natural resources.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Town of Wytheville, Virginia, that:

ARTICLE II - INTERPRETATION, ADMINISTRATION AND SCOPE

2-1 INTERPRETATION

In the interpretation and application of the provisions of this Ordinance the same shall be held to be the minimum requirements for the general purpose of promoting the health, safety and general welfare of the public and of further accomplishing the objectives of Section 15.1-427 of the Code of Virginia of 1950, as amended. To these ends the provisions of this Ordinance are intended for the following purposes;

- 2-1.1 To provide for adequate light, air, convenience of access and safety from fire, flood and other dangers;
- 2-1.2 To reduce or prevent congestion in the public streets;
- 2-1.3 To facilitate the creation of convenient, attractive and harmonious community;
- 2-1.4 To expedite the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
- 2-1.5 To protect against destruction of or encroachment upon historic areas;
- 2-1.6 To protect against one or more of the following: Overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel

and transportation, or loss of life, health or property from fire, flood, panic or other dangers;

2-1.7 To encourage economic development activities that provide desirable employment and enlarge the tax base.

2-2 RULES FOR DETERMINING DISTRICT BOUNDARY LINES

Unless district boundary lines are fixed by dimensions or otherwise clearly shown or described, and where uncertainty exists with respect to the boundaries of any of the districts as shown on the zoning map, the following rules shall apply:

2-2.1 When district boundaries are indicated as approximately following, or being at right angles to the center lines of streets, highways, alleys, or railroad main tracks, such center line or lines at right angles to such center lines shall be construed to be such boundaries, as the case may be.

2-2.2 Where a district boundary is indicated to follow a river, creek or branch or other body of water, said boundary shall be construed to follow the center line.

2-2.3 If no distance, angle, curvature description or other means is given to determine a boundary line accurately, the same shall be determined by the use of the scale shown on said zoning map, and in case of dispute in the use thereof, the determination of a certified land surveyor or engineer shall be final.

2-3 PROPERTY COMING INTO TOWN AFTER ADOPTION OF ORDINANCE

This Ordinance shall apply to any property coming into the territorial jurisdiction of the Town of Wytheville by annexation or otherwise, pending an orderly amendment of the Ordinance.

2-4 FORMATION OF DEVELOPMENT PLAN

The zoning administrator may require the submission and approval of a plan of development prior to the issuance of building permits to assure compliance with the regulations contained in this ordinance.

2-5 ADMINISTRATION

This Ordinance shall be enforced by the administrator who shall be appointed by Town Council. The administrator shall serve at the pleasure of Town Council. The Town Manager may be appointed as such administrator.

2-6 SCOPE

It is not intended by this Ordinance to repeal, annul or in any way impair or interfere with existing provisions of other laws or ordinances except those specifically repealed by this Ordinance, or with private restrictions placed upon property by covenant, deed or other private agreement. Where this Ordinance imposes a greater restriction upon land, buildings or structures than is imposed or required by such existing provisions of law, ordinance, contract, covenant or deed, the provisions of this Ordinance shall control.

2-7 ENFORCEMENT OF ORDINANCE

The zoning administrator shall have all necessary authority on behalf of the Council of the Town of Wytheville to administer and enforce this Ordinance, including the ordering in writing of the remedying of any condition found in violation of the Ordinance, and the bringing of legal action to insure compliance with the Ordinance, including injunction, abatement, or other appropriate action or proceeding.

2-8 TOWN EMPLOYEES TO COMPLY WITH ORDINANCE

All departments, officials and public employees of the Town of Wytheville who or which are vested with the duty or authority to issue permits of licenses shall conform to the provisions of this Ordinance. They shall issue permits for uses, buildings or purposes only when they are in harmony with the provisions of this Ordinance. Any such permit, if issued in conflict with the provisions hereof, shall be null and void.

2-9 PENALTY FOR VIOLATION

Any person, firm or corporation, whether as principal, agent, employee or otherwise, violating, causing or permitting the violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor or criminal misdemeanor as defined in State Code Section 15.2-2209 as may be amended. Violation of any provision of this ordinance shall be punishable by a fine of not more than two hundred dollars (\$200.00) for the initial summons and not more than five hundred dollars (\$500.00) for each additional summons. Each day during which the violation is found to have existed shall constitute a separate offense. However, specified violations arising from the same operative set of facts shall not be charged more frequently than once in any 10-day period, and a series of specified violations arising from the same operative set of facts shall not result in civil penalties which exceed a total of \$5,000.00.⁷⁴

2-10 COLLECTION OF FEES

Subject to approval by Town Council, the zoning administrator may establish and make provision for the collection of fees to cover the costs of making inspections, issuing permits, advertising notices, and other expenses incident to the administration of this Ordinance or for the filling or processing of any appeal or amendment thereof.

2-11 AMENDMENTS

Whenever the public necessity, convenience, general welfare or good zoning practice require, the regulations, district boundaries, zoning map, classifications and other provisions of this ordinance may, from time to time, be amended, supplemented, changed, modified or repealed by an affirmative vote of at least a majority of the members of Town Council. The notices, referral to the Planning Commission, and other procedures shall be in accordance with the provisions of Section 15.1-493 of the Code of Virginia of 1950, or other applicable statutes of the Commonwealth of Virginia, as the same may from time to time be amended.

2-12 SEVERABILITY

If any section, subsection, paragraph, clause or phrase of this Ordinance shall be declared to be invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance, which shall remain in full force and effect; and to this end, the provisions of this Ordinance are hereby declared to be severable.

2-13

EFFECTIVE DATE OF ORDINANCE

This Ordinance shall be effective at and after 12:01 A.M. on the 15th day of July, 1969; and Ordinance No. 433 of the Town of Wytheville and any other ordinance, or parts of ordinance, or parts of ordinances, in conflict herewith are hereby repealed as of said date and hour.

