

ARTICLE 4
DISTRICT REGULATIONS

Section 1. R-A Low Density Residence District

1.1 Purpose of the District

The purpose of this district is to provide for low-density single-family detached residential development together with those public and semi-public uses and accessory uses as may be necessary or are normally compatible with residential surroundings. Since substantial tracts of vacant land are or may be included in the district, agricultural and open uses are permitted, but in general, urbanization is planned and utilities and public services exist or are planned which will be adequate for the type or types of development contemplated. In order to increase the supply of less expensive housing and to recognize the changes in demography of a neighborhood while continuing to maintain the character of the district, accessory dwelling units are permitted by special exception approved by the Board of Zoning Appeals.

1.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Detached single-family dwellings, including modular homes but not mobile homes. Accessory dwelling units are permitted as a special exception by the Board of Zoning Appeals.
2. Farm, truck garden, nursery or orchard, including temporary open air stands not exceeding 200 square feet in area for seasonal sales of products raised on the premises, but not including the raising of large animals, such as pigs, cows, horses, sheep, or goats, on a farm of less than ten acres, and not including the raising for sale of birds, bees, fish, rabbits, or other small animals on a lot of less than two acres or to such extent as to be objectionable to surrounding residences by reason of odor, dust, noise, or other factors, and provided no retail or wholesale business office or store is permanently maintained on the premises.
3. Cemeteries as a conditional use.
4. Churches and Sunday Schools, rectories, parish houses, convents and monasteries, temples, and synagogues.
5. Convalescent homes, nursing homes or homes for the aged ~~as conditional uses.~~ Updated ORD# 9,2019
6. Family care homes, foster homes or group homes serving mentally retarded or other developmentally disabled persons ~~as conditional uses.~~ Updated ORD# 9,2019
7. Facilities and structures necessary for rendering public utility service, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and under-

ground pipelines or conduits for electrical, gas, sewer, or water service. Public utility buildings, treatment plants, water storage tanks, pumping or regulator stations, storage yards and substations are permitted as conditional uses.

8. Hospital or clinic for humans as a conditional use. *ORD #1, 2021 Adds abuse clinics as Special Use Exception*
9. Nursery schools, kindergartens, child care centers, day nursery, or day care centers, as conditional uses. *ORD # 3, 2022*
10. Private schools, colleges, or universities, as conditional uses.
11. Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways and playgrounds, except those which have been approved as a part of the subdivision plan, as conditional uses. *ORD # 1, 2005 adds Cemeteries*
12. Radio or television transmission or receiving tower more than 50 feet in height as a conditional use.
13. Recreational uses or facilities for a private membership, such as clubs and lodges, golf courses, game courts, swimming pools, archery range, fishing or boating lakes, picnic grounds, or similar activities, and accessory facilities, including sale of food, beverages, bait, incidentals, supplies and equipment, as conditional uses.
14. Stable, private, or keeping of horses, ponies or other livestock for personal enjoyment and not as a business, provided that any building for keeping of animals shall be located at least 100 feet from any side or rear lot line and provided that no more than one such animal shall be kept for each acre of land on the premises.
15. Yard sale or garage sale for disposal of used household items, provided such sales are not held more frequently than once a year on the same lot, are not conducted for more than three days, and include items assembled only from households in the immediate neighborhood, and further provided that a permit has been obtained and prescribed fee paid.
16. Accessory buildings and uses, including but not limited to accessory private garages, farm buildings and structures, servants or caretakers quarters, guest houses, swimming pools, home occupations, accessory storage and accessory off-street parking and loading spaces, and accessory non-illuminated or indirectly illuminated signs as follows:
 - a. A name plate or directional sign, limited in area to two square feet, to identify the owner or occupant of a dwelling or building or a permitted home occupation.
 - b. No trespassing signs, without limitations on number or placement, limited in area to two square feet.

- c. A sign, limited in area to 12 square feet for identification of a subdivision or its occupants.
- d. A sign, limited in area to 32 square feet, for a church bulletin board or identification of permitted public or semi-public uses, recreational uses, or clubs.
- e. Temporary non-illuminated signs, limited in area to four square feet, directing the way to premises which are for sale or rent.
- f. A temporary, non-illuminated sign, limited in area to 32 square feet, advertising real estate for sale or lease or announcing contemplated improvements of real estate on which it is placed.
- g. A temporary sign, limited in area to 32 square feet, erected in connection with new construction work and displayed on the premises only during such time as the actual construction work is in progress.

1.3 Lot Size Standards

	<u>Minimum Lot Area</u>	<u>Minimum, Feet</u>	
		<u>Lot Width</u>	<u>Lot Depth</u>
1. Single-family dwelling:			
a. Without public sewer service or public water service	20,000 sq. ft.	100	150
b. With public water service but not public sewer service	15,000 sq. ft.	100	125
c. With both public water service and public sewer service	10,000 sq. ft.	75	100

Other uses same as for single-family dwelling or as specified in the district regulations.

Lot width is measured at the building line.

Minimum street frontage is 25 feet.

1.4 Yard and Setback Standards

	<u>Minimum in Feet</u>		
	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
1. Single-family dwelling:	35	10	25
2. Other principal structures same as single-family dwelling or as required in the district regulations.			

1.5 Special Provisions for Corner Lots

1. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
2. The side yard on the side facing the side street shall be at least 20 feet for both main and accessory structures.
3. Each corner lot shall have a minimum width at the setback line of 100 feet.

1.6 Height Standards

1. Buildings may be erected up to two-and-one-half stories and 35 feet in height except that:
 - a. The height limit for dwellings may be increased up to 45 feet and up to three stories provided there are two side yards for each permitted use each of which is at least 15 feet plus one foot or more for each side yard for each additional foot of building height over 35 feet.
 - b. A public or semi-public building such as a school, church, or library, may be erected to a height of 60 feet from grade provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.
 - c. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and television antennas and radio aerials up to 50 feet in height, are exempt from height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest.
 - d. No accessory structure which is within ten feet of any party lot line shall be more than one story in height. All accessory structures shall be of less height than the main buildings on the lot.

1.7 Off-Street Parking and Loading Standards

Off-street parking and loading standards and space requirements for particular uses are contained in Article 6.

Section 2. R-B Medium Density Residence District

2.1 Purpose of the District

The purpose of this district is to provide for medium density residential use and to provide for variety in housing types and densities as well as for those public and semi-public uses and accessory uses as may be necessary or are normally associated with residential surroundings. In order to encourage careful use of difficult topography and improve compatibility between uses of different kinds, certain uses, including higher density residential uses, are to be permitted only as conditional uses. In order to increase the supply of less expensive housing and to recognize the changes in demography of a neighborhood while continuing to maintain the character of its dwellings, accessory dwelling units are permitted by special exception approved by the Board of Zoning Appeals.

2.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Detached single-family dwellings, including modular homes but not mobile homes. Accessory dwelling units are permitted as a special exception by the Board of Zoning Appeals.
2. Two-family dwellings, detached or semi-detached, subject to the special regulations of Sec. 2.6 below.
3. Attached single-family dwellings (Townhouses) as a conditional use and subject to the special regulations of Sec. 2.6 below.
4. Multiple-family dwellings as a conditional use and subject to the special regulations of Sec. 2.5 below.
5. Rooming and boarding houses as conditional uses.
6. Churches and Sunday Schools, rectories, parish houses, convents and monasteries, temples, and synagogues.
7. Convalescent homes, rest homes, nursing homes or homes for the aged ~~as conditional uses.~~ Updated ORD# 9, 2019
8. Family care homes, foster homes or group homes serving mentally retarded or other developmentally disabled persons ~~as conditional uses.~~ Updated ORD# 9, 2019
9. Facilities and structures necessary for rendering public utility service, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for electrical, gas, sewer, or water service. Public utility buildings, treatment plants, water storage tanks, pumping or regulator stations, storage yards and substations are permitted as conditional uses.

10. Hospital or clinic for humans as a conditional use. *ORD # 1, 2021 Drug Abuse Clinics as special use exception*
11. Nursery schools, kindergartens, child care centers, day nursery, or day care centers, as conditional uses. *ORD # 3, 2022*
12. Private schools, colleges, or universities, as conditional uses.
13. Professional and business offices as conditional uses.
14. Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways and playgrounds, except those which have been approved as a part of the subdivision plan, as conditional uses. *ORD # 1, 2005 adds cemeteries*
15. Radio or television transmission or receiving tower more than 50 feet in height as a conditional use.
16. Recreational uses or facilities for a private membership, such as clubs and lodges, golf courses, game courts, swimming pools, archery range, fishing or boating lakes, picnic grounds, or similar activities, and accessory facilities, including sale of food, beverages, incidentals, supplies and equipment, as conditional uses.
17. Stable, private, or keeping of horses, ponies or other livestock for personal enjoyment and not as a business, provided that any building for keeping of animals shall be located at least 100 feet from any side or rear lot line and provided that no more than one such animal shall be kept for each acre of land on the premises.
18. Yard sale or garage sale for disposal of used household items, provided such sales are not held more frequently than once a year on the same lot, are not conducted for more than three days, and include items assembled only from households in the immediate neighborhood, and further provided that a permit has been obtained and prescribed fee paid if applicable.
19. Accessory buildings and uses, including but not limited to accessory private garages, servants or caretakers quarters, guest houses, swimming pools, home occupations, accessory storage and accessory off-street parking and loading spaces, and accessory non-illuminated or indirectly illuminated signs as follows:
- a. A name plate or directional sign, limited in area to two square feet, to identify the owner or occupant of a dwelling or building or a permitted home occupation.
 - b. No trespassing signs, without limitations on number or placement, limited in area to two square feet.
 - c. A sign, limited in area to 12 square feet for identification of a subdivision, townhouse or apartment development or its occupants.

- d. A sign, limited in area to 32 square feet, for a church bulletin board or identification of permitted public or semi-public uses, recreational uses, or clubs.
- e. Temporary non-illuminated signs, limited in area to four square feet, directing the way to premises which are for sale or rent.
- f. A temporary, non-illuminated sign, limited in area to 32 square feet, advertising real estate for sale or lease or announcing contemplated improvements of real estate on which it is placed.
- g. A temporary sign, limited in area to 32 square feet, erected in connection with new construction work and displayed on the premises only during such time as the actual construction work is in progress.

2.2.20 - Dormitories as conditional use

2.3 Lot Size Standards

		<u>Minimum, Feet</u>	
		<u>Lot</u>	<u>Lot</u>
		<u>Width</u>	<u>Depth</u>
		<u>Minimum Lot Area</u>	
1.	Single-family dwelling:		
a.	Without public sewer service or public water service	20,000 sq. ft.	100 150
b.	With public water service but not public sewer service	15,000 sq. ft.	100 125
c.	With both public water service and public sewer service	6,000 sq. ft.	50 100
2.	Two-family dwelling:		
a.	Without public sewer service or public water service	22,000 sq. ft.	100 150
b.	With public water service but not public sewer service	16,000 sq. ft.	100 125
c.	With both public water service and public sewer service	8,000 sq. ft.	70 100

See sections below for special regulations on sale of dwelling units of a two-family dwelling. If units are to be sold separately minimums for each unit for lot area, and lot width are one-half of values above.

3.	Three-family dwelling, public water and public sewerage required	10,000 sq. ft.	75	100
4.	Four-families or more, public water and public sewerage required	12,000 sq. ft. And not to exceed 20 units per acre	80	100

Minimum, Square Feet
Average Minimum
Per Unit Lot Area

5.	Townhouse, public water and public sewerage required	3,630 (12 units per acre)	2,000	18	---
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Dwellings for the elderly and handicapped same as for other multiple-dwellings except that above four units density shall not exceed 50 units per acre.

Other uses same as for single-family dwelling or as specified in the district regulations.

Minimum lot area for individual or on-site sewage disposal systems is subject to Health Department requirements.

Lot width is measured at the building line.

Minimum street frontage is 25 feet for detached dwellings.

See sections below for special regulations for two family dwellings, multiple-family dwellings and townhouse developments.

2.4 Yard and Setback Standards

Minimum in Feet
Front Side Rear
Yard Yard Yard

1.	Single-family dwelling:	25	5	20.
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combined
Total width of both side yards shall be at least 15 feet.

Minimum front yard shall be 35 feet if street right-of-way is greater than 50 feet.

2.	Other principal structures same as single-family dwelling or as required in the district regulations.
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2.5 Special Regulations for Multiple-Family Dwellings

1. No multiple-family dwelling shall contain more than 12 dwelling units in any one building. (Does not apply to dwellings for the elderly and handicapped.)
2. At least 500 square feet of commonly useable open space shall be provided for each apartment dwelling unit, at least 200 square feet for each unit of dwellings for the elderly and handicapped.
3. The development or project shall be designed to promote harmonious relationships with surrounding adjacent and nearby developed properties and to this end may employ such design techniques as may be appropriate to a particular case, including use of building types, orientation, spacing and setback of buildings, careful use of topography, maintenance of natural vegetation, location of access points, open spaces, and parking areas, grading, landscaping, and screening.
4. Where community refuse containers are provided as accessory uses to apartment developments, such containers shall be conveniently located for pick-up vehicle access and completely screened from view by means of a fence or wall with outside landscaping and an appropriately designed gate which can be latched open and closed.

2.6 Special Regulations for Two-Family Dwellings and Townhouses

1. The dwelling units and individual lots of a two-family dwelling or townhouse may be sold separately if separate utilities systems are provided and if separate lots for all dwelling units in a building are created at the same time and in conformance with the Subdivision Regulations.
2. The following regulations shall apply to townhouses:
 - a. Overall project density shall not exceed 12 dwelling units per acre exclusive of public rights-of-way.
 - b. A townhouse development or project shall consist of no less than three and no more than eight units contiguous to one another. A townhouse development or project containing 25 or more dwelling units may include units designed as detached or semi-detached dwellings in accord with the development standards therefor but treated as townhouses for the purposes of overall project density and right-of-way and property line setbacks.
 - c. The development or project shall be designed to promote harmonious relationships with surrounding adjacent and nearby developed properties and to this end may employ such design techniques as may be appropriate to a particular case, including use of building types, orientation, and spacing and setback of buildings, careful use of topography, maintenance of natural

vegetation, location of recreation areas, open spaces, and parking areas, grading, landscaping, and screening.

- d. Each townhouse shall be erected or placed on a specifically designated land area or on a lot containing not less than 2,000 square feet. The remaining area (up to 1,630 square feet) required to meet minimum project density shall be incorporated into useable and accessible common open space or spaces and/or private vehicular access or parking areas.
- e. Each lot or designated land area containing a townhouse shall have a minimum width of 18 feet and all townhouses except at the end of a row or group and those on corner lots or areas, shall occupy the full width of the lot or land area. No minimum depth is required.
- f. No townhouse shall exceed three stories and 35 feet in height.
- g. No townhouse shall be located closer than 25 feet from any public right-of-way or project boundary nor within 15 feet from a private drive, access road or open parking area to the front or rear of such townhouse.
- h. No more than four abutting townhouses shall have uniform roof lines or the same setback. Variations in the setback of building faces shall be at least two feet.
- i. Side yard setback from a public right-of-way or from a private access road for corner units shall be at least 20 feet.
- j. A minimum distance of 10 feet shall separate the end units of any two groups or rows of townhouses, or any townhouse from any other abutting use or building type.
- k. Each lot or land area containing a townhouse shall provide a private yard at least 300 square feet in area not including parking area and at least 15 feet in depth, enclosed visually by fences, walls, or planting.
- l. Each townhouse shall contain at least 900 square feet of livable floor area, exclusive of garages, carports; cellars, basements, attics, open porches, patios, or breezeways.
- m. Provision satisfactory to the Planning Commission and approved by the Town Attorney shall be made to assure that non-public areas for the common use and enjoyment of occupants of townhouses, but not in individual ownership by such occupants, shall be maintained in a satisfactory manner without expense to the general taxpayer.
- n. Required off-street parking space of two spaces per dwelling unit may be provided on the lot or within 150 feet of the lot.

2.7 Special Provisions for Corner Lots

1. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.
2. The side yard on the side facing the side street shall be at least 20 feet for both main and accessory structures.

2.8 Height Standards

1. Buildings may be erected up to two-and-one-half stories and 35 feet in height except that:
 - a. The height limit for dwellings other than townhouses may be increased up to 45 feet and up to three stories provided there are two side yards for each permitted use each of which is at least 15 feet plus one foot or more for each side yard for each additional foot of building height over 35 feet.
 - b. A public or semi-public building such as a school, church, library, or general hospital may be erected to a height of 60 feet provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.
 - c. Churchspires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and television antennas and radio aerials up to 50 feet in height, are exempt from height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest.
 - d. No accessory structure which is within 10 feet of any party lot line shall be more than one story in height. All accessory structures shall be of less height than the main buildings on the lot.

2.9 Off-Street Parking and Loading Standards

Off-street parking and loading design standards and space requirements for particular uses are contained in Article 6.

Section 3. R-C Mobile Home Residence District

3.1 Purpose of the District

The purpose of this district is to provide for mobile homes at moderately low-densities in subdivisions or mobile home park developments together with such churches, recreational facilities, public uses, and accessory uses as may be necessary or are normally compatible with residential surroundings. Since substantial tracts of vacant land are or may be included in the district, agricultural and open uses are permitted, but in general, urbanization is planned and utilities and public services exist or are planned which will be adequate for the type or types of development contemplated.

3.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Detached single-family dwellings, conventional construction or modular dwellings. Accessory dwelling units are permitted as a special exception by the Board of Zoning Appeals.
2. Mobile homes on individual lots or in subdivisions.
3. Mobile home parks subject to the design standards of Section 3.5 below.
4. Farm, truck garden, or orchard, including temporary open air stands not exceeding 200 square feet in area for seasonal sales of products raised on the premises, but not including the raising of large animals, such as pigs, cows, horses, sheep, or goats, on a farm of less than ten acres, and not including the raising for sale of birds, bees, fish, rabbits, or other small animals on a lot of less than two acres or to such extent as to be objectionable to surrounding residences by reason of odor, dust, noise, or other factors, and provided no retail or wholesale business office or store is permanently maintained on the premises.
5. Cemeteries as a conditional use.
6. Churches and Sunday Schools, rectories, parish houses, convents and monasteries, temples, and synagogues.
7. Convalescent homes, nursing homes or homes for the aged as ~~conditional uses~~. Updated ORD # 9, 2019
8. Family care homes, foster homes or group homes serving mentally retarded or other developmentally disabled persons as ~~conditional uses~~. Updated ORD # 9, 2019
9. Facilities and structures necessary for rendering public utility service, including poles, wires, transformers, telephone booths and the like for electrical power distribution or communication service, and underground pipelines or conduits for electrical, gas, sewer, or water service. Public utility buildings, treatment plants, water storage tanks, pumping or regulator stations, storage yards and substations are permitted as conditional uses.

10. Nursery schools, kindergartens, child care centers, day nursery, or day care centers, as conditional uses. *ORD# 3, 2022*
11. Public or governmental buildings and uses, including schools, fire stations (volunteer or otherwise), parks, parkways and playgrounds, except those which have been approved as a part of the subdivision plan, as conditional uses. *ORD# 1, 2005 adds cemeteries*
12. Radio or television transmission or receiving tower more than 50 feet in height as a conditional use.
13. Recreational uses or facilities for a private membership, such as clubs and lodges, golf courses, game courts, swimming pools, archery range, fishing or boating lakes, picnic grounds, or similar activities, and accessory facilities, including sale of food, beverages, bait, incidentals, supplies and equipment, as conditional uses.
14. Stable, private, or keeping of horses, ponies or other livestock for personal enjoyment and not as a business, provided that any building for keeping of animals shall be located at least 100 feet from any side or rear lot line and provided that no more than one such animal shall be kept for each acre of land on the premises.
15. Yard sale or garage sale for disposal of used household items, provided such sales are not held more frequently than once a year on the same lot, are not conducted for more than three days, and include items assembled only from households in the immediate neighborhood, and further provided that a permit has been obtained and prescribed fee paid.
16. Accessory buildings and uses, including but not limited to accessory private garages, servants or caretakers quarters, guest houses, swimming pools, home occupations, accessory storage and accessory off-street parking and loading spaces, accessory office and utility buildings for a mobile home park, and accessory non-illuminated or indirectly illuminated signs as follows:
 - a. A name plate or directional sign, limited in area to two square feet, to identify the owner or occupant of a dwelling or building or a permitted home occupation.
 - b. No trespassing signs, without limitations on number or placement, limited in area to two square feet.
 - c. A sign, limited in area to 32 square feet for identification of a subdivision, or a mobile home park or its occupants.
 - d. A sign, limited in area to 32 square feet, for a church bulletin board or identification of permitted public or semi-public uses, recreational uses, or clubs.
 - e. Temporary non-illuminated signs, limited in area to four square feet, directing the way to premises which are for sale or rent.

- f. A temporary, non-illuminated sign, limited in area to 32 square feet, advertising real estate for sale or lease or announcing contemplated improvements of real estate on which it is placed.
- g. A temporary sign, limited in area to 32 square feet, erected in connection with new construction work and displayed on the premises only during such time as the actual construction work is in progress.

3.3 Lot Size Standards

	<u>Minimum Lot Area</u>	<u>Minimum, Feet</u>	
		<u>Lot Width</u>	<u>Lot Depth</u>
1. Single-family dwelling or individual mobile home:			
a. Without public sewer service or public water service	20,000 sq. ft.	100	150
b. With public water service but not public sewer service	15,000 sq. ft.	100	125
c. With both public water service and public sewer service	6,000 sq. ft.	50	100

Other uses same as for single-family dwelling or as specified in the district regulations.

Lot width is measured at the building line.

Minimum street frontage is 25 feet for detached dwellings or individual mobile homes.

3.4 Yard and Setback Standards

	<u>Minimum in Feet</u>		
	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
1. Single-family dwelling or individual mobile home:	25	5	20

Total width of both side yards shall be at least 15 feet.

- 2. Other principal structures same as single-family dwelling or as required in the district regulations.

3.5 Special Regulations for Mobile Home Parks

1. The park shall contain not less than two contiguous acres and shall be under single ownership or control, except that minimum area may be one acre where the proposed park is to be located adjacent to an existing mobile home park containing an area of one acre or more.
2. The minimum width and minimum depth for a mobile home park shall be 200 feet.
3. A portion of a mobile home park consisting of not more than 25 percent of the area of the park may be designated for temporary parking of travel trailers, campers, or other recreational vehicles.
4. The overall density of the mobile home park shall not exceed nine units per gross acre and the net density of any particular acre within such park, whether used for mobile homes or travel trailers, shall not exceed 12 units per acre. Land subject to flooding or otherwise unsuitable for residential use shall be excluded from density computations.
5. Minimum site area for individual mobile homes shall be 3,000 square feet and no mobile home shall occupy more than 25 percent of the area of the site on which it is situated. The minimum width for each site shall be 2.5 times the width of the mobile home, or 25 feet, whichever is greater. Minimum site widths shall be measured at right angles to the long axis of the site at the setback line or rear of the parking stand, whichever is less. No more than one mobile home shall be parked on any one site and no mobile home sites shall be offered for sale or sold. Minimum site area for travel trailer or camper sites shall be 2,000 square feet.
6. The mobile home park shall comply with all sanitary and other requirements prescribed by law or regulations. Each mobile home site shall be provided with individual water and sewer connections to central sewer and water systems designed to serve the entire mobile home park.
7. Where community refuse containers are provided as accessory uses to mobile home park developments, such containers shall be conveniently located for pick-up vehicle access and completely screened from view by means of a fence or wall with outside landscaping and an appropriately designed gate which can be latched open and closed.
8. Each mobile home site shall be provided with electrical outlets installed in accordance with applicable Codes and ordinances.
9. No mobile home shall be parked closer than 50 feet from a public street or road, 10 feet from an interior access drive, or 15 feet from any other mobile home or service building and no part of a mobile home shall extend closer than five feet to the boundaries of the individual mobile home site.

10. Access to the mobile home park shall not be from a minor residential street. Number and location of access drives shall be controlled for traffic safety and protection of surrounding properties, and no mobile home space shall be designed for direct access to a street outside the boundaries of the park. Interior access drives shall be properly lighted and at least 50 feet in width, hard surfaced and maintained at least 20 feet in width in accord with applicable Town specifications and ordinances. Turning radius at the end of a cul-de-sac shall be 35 feet.
11. At least one off-street parking space shall be provided on each mobile home site, and in addition one off-street parking space shall be provided per mobile home in other locations convenient to groups of homes. Additional parking area shall be designated for accessory storage of boats and boat trailers, camping equipment and other recreational vehicles. No parking shall be permitted on the street.
12. The topography of the site shall be such as to facilitate drainage and adequate drainage facilities shall be provided.
13. The overall design shall evidence a reasonable effort to preserve the natural amenities of the site, particularly mature trees.
14. Each mobile home park shall provide not less than one multiple purpose developed recreational area of at least 10,000 square feet in area for the use of occupants of the park.
15. Any part of the mobile home park not used for buildings or other structures, off-street parking, recreation uses, drives and pedestrian walks, central laundry drying yards, or garbage and trash collection stations or other uses shall be planted with appropriate ground cover, trees, flowers, shrub and grass lawns, all of which shall be properly maintained. Where no trees exist, at least two shade trees shall be planted and properly maintained on each mobile home site.
16. The park owner shall require and the unit owner shall insure that open space beneath each mobile home shall be skirted with approved material in accordance with the requirements of the Administrator.
17. Corners for each mobile home site shall be clearly defined by permanent ground markers corresponding to the approved site plan.
18. No mobile home park existing at the effective date of these regulations shall be enlarged or extended unless the enlargement area is in compliance with all requirements for a new mobile home park. Mobile homes may be added within the established boundaries of an existing mobile home park so long as the overall density within said boundaries does not exceed nine units per gross acre.

3.6 Special Provisions for Corner Lots

1. Of the two sides of a corner lot the front shall be deemed to be the shortest of the two sides fronting on streets.

2. The side yard on the side facing the side street shall be at least 20 feet for both main and accessory structures.

3.7 Height Standards

1. Buildings may be erected up to two-and-one-half stories and 35 feet in height except that:
 - a. The height limit for dwellings may be increased up to 45 feet and up to three stories provided there are two side yards for each permitted use each of which is at least 15 feet plus one foot or more for each side yard for each additional foot of building height over 35 feet.
 - b. A public or semi-public building such as a school, church, or library, may be erected to a height of 60 feet from grade provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.
 - c. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and television antennas and radio aerials up to 50 feet in height, are exempt from height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest.
 - d. No accessory structure which is within 20 feet of any adjoining owner lot line shall be more than one story high. All accessory structures shall be of less height than the main buildings on the lot.

3.8 Off-Street Parking and Loading Standards

Off-street parking and loading standards and space requirements for particular uses are contained in Article 6.

Section 4. B-1 Neighborhood Business District

4.1 Purpose of the District

The purpose of this district is to provide sufficient space in appropriate locations for a variety of retail shopping, office uses and miscellaneous recreational and service activities, generally serving the Town, its neighborhoods and the surrounding area of the County, and generally located along major thoroughfares or near development centers where retail and service activities now exist or are planned. Low density residential uses are also permitted.

4.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Any principal use, conditional use, or sign permitted in the R-A Low Density Residence District, except that uses permitted as conditional uses in the R-A District but permitted as of right in the B-1 District shall not require a conditional use permit. Dwellings are subject to the same requirements as in the R-A District except that a single-family dwelling in association with a permitted office, business or commercial use, in the same building or on the same premises for use by the proprietor or an employee of said business shall be permitted but not subject to said requirements. *Accessory apartment Dwellings ORD 7, 98*
2. Animal hospital or commercial dog kennel as a conditional use.
3. Automobile service station, so long as bulk storage of inflammable liquids is underground, as a conditional use.
4. Bakeries, provided that the majority of products produced on the premises are sold at retail on the premises.
5. Banks and other financial institutions.
6. Barber shops or beauty parlors.
7. Bicycle sales and repair shops.
8. Billiard parlors or pool rooms, bowling alleys, dance halls, theatres, electronic game center, miniature golf, or similar recreational establishments, indoor or outdoor, as conditional uses.
9. Catering or delicatessen business.
10. Clinics. *ORD # 1, 2021*
11. Drive-in automatic banking or vending machine station. Groups of vending machines shall be contained in a building.
12. Frozen food lockers for individual or family use.

13. Funeral home or undertaking establishment.
14. Hotel, motel, motor lodge, or tourist home as conditional uses.
15. Institutions, educational or philanthropic, including museums and art galleries, as conditional uses.
16. Janitorial service establishment.
17. Laundries, laundromats or dry-cleaning establishments with floor area not exceeding 2,500 square feet.
18. Lawnmower, yard and garden equipment, rental, sales and service.
19. Nurseries for growing plants, trees and shrubs.
20. Nursery schools, kindergartens, child care centers, day nurseries, or day care centers as conditional uses. *ORD# 3,2022*
21. Offices, general business or professional, including a mobile home for office use as a special exception.
22. Outdoor sales area or flea market as a conditional use.
23. Parking lots, parking spaces and parking areas.
24. Pet shop or dog beauty parlor, provided that any work rooms, cages, pens or kennels be maintained within a completely enclosed, soundproof building and that such shop or parlor be operated in such a way as to produce no objectionable noise or odors outside its walls.
25. Plumbing and electrical supply sales, retail only.
26. Printing, publishing, and engraving establishments, photographic processing or blueprinting with floor area not exceeding 2,500 square feet.
27. Private club, lodge, meeting or assembly hall, or fraternal organization or sorority as conditional uses.
28. Public or governmental buildings and uses, including governmental offices, libraries, schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds, as conditional uses.
29. Public utilities or public service or transportation uses, buildings, (including bus stations), generating, purification or treatment plants, water storage tanks, pumping or regulator stations, telephone exchange, and transformer or substations, as conditional uses. *ORD# 1,2005 adds cemeteries*
30. Radio and television stations and studios or recording studios, but not towers more than 125 feet in height except as a conditional use.
31. Rental of household items, tools and appliances.

32. Restaurants, drive-in or otherwise.
33. Shoe repairing shops with floor area not exceeding 2,500 square feet.
34. Sign fabricating and painting shop.
35. Stores or shops for the conduct of retail business, including sale of accessories, antiques, appliances, art or art supplies, beverages (alcoholic or otherwise), books, carpets, clothing, drugs, fabrics, flowers, food, furniture, jewelry, office supplies and stationery, shoes, paint, wallpaper, sporting goods, and similar stores and shops.
36. Studios or shops for artists, photographers, writers, teachers, jewelers, weavers or other crafts, sculptors or musicians.
37. Taxidermists.
38. Telephone station or booth, including drive-in or talk-from-car stations.
39. Temporary stands, or outdoor areas or temporary truck parking, for sale of produce, Christmas trees, wreaths, holly, and the like.
40. Tire sales and installation.
41. Accessory buildings and uses, including accessory storage of supplies and merchandise normally carried in stock or used in connection with a permitted use, subject to applicable district regulations, and, subject to the general sign regulations of Article 6, accessory illuminated or non-illuminated signs as follows:
 - a. Flat signs, with total aggregate sign area not more than ten percent of the area of walls fronting on a street and no one sign with sign area of more than 200 square feet.
 - b. Projecting signs, if there are no detached signs, one for each business on the premises, with sign area limited to 30 square feet.
 - c. Detached signs, if there are no projecting signs, limited in area to 50 square feet and limited in height to 30 feet, one for each business on the premises. A group of three or more contiguous stores or businesses such as form a shopping center or business group may combine permitted detached sign area to provide a single detached sign advertising the group if there are no other detached signs and if the combined sign area does not exceed 250 square feet.
 - d. Directional signs limited in area to eight square feet, giving directions to motorists regarding the location of parking areas and access drives, shall be permitted as accessory signs and not included in any computation of sign area.

4.3 Lot Size Standards

1. There are no minimum lot size standards for business uses in the B-1 Neighborhood Business District except as may be required by the Health Department for uses utilizing individual or on-site sewage disposal systems. Minimum lot size for dwellings is the same as in the R-A Residence District except as noted in Sec. 4.2 above.

4.4 Yard and Setback Standards

	<u>Minimum in Feet</u>		
	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
1. <u>All structures:</u>	25(a)	None(b)	None(b)
(a)	See Article 6 for exceptions for signs and certain other structures.		
(b)	No structure shall be located closer than 10 feet to the boundary of a residential district. Side and rear yards are required for dwellings except as noted in Sec. 4.2 above.		

4.5 Special Regulations for Business and Commercial Buildings

1. Similar Uses Permitted. Other retail and service uses which, in the opinion of the Administrator, are of the same general character as those permitted uses listed above shall be permitted provided that these and the above specified stores, shops or businesses shall be retail and service establishments primarily selling new merchandise (except antiques) and rendering a personal service and shall be permitted only in accord with the development standards of this Ordinance.
2. Site Plan. Where approval of a site plan is required, the plan shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and to this end may provide effective screening along side and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation.
3. Refuse. Refuse containers or refuse storage shall be located in a paved area and hidden from general public view, either from within or outside the premises, by means of fences, walls, or landscape planting.
4. Drainage. Provision shall be made for proper storm water drainage from parking and loading areas. Water shall not be permitted to drain from such areas onto adjacent property except into a natural watercourse or a drainage easement. Provision shall be made for protection against erosion and sedimentation in accord with applicable Town ordinances.

4.6 Special Provisions for Corner Lots

1. Where a front yard is provided, signs, landscaping, shrubbery, evergreens and trees in excess of three feet in height will not be permitted within 15 feet from the corner of a lot at intersecting streets.

4.7 Height Standards

1. Buildings may be erected up to three stories and 35 feet in height except that:
 - a. A public or semi-public building such as a school, church, or library, may be erected to a height of 60 feet provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.
 - b. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and television antennas and radio aerials up to 125 feet in height, are exempt from height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest.

4.8 Off-Street Parking and Loading Standards

Off-street parking and loading design standards and space requirements for particular uses are contained in Article 6.

B-1 Amendment

ORDINANCE NO. 7, 1998

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA,
A MUNICIPAL CORPORATION, AMENDING THE ZONING ORDINANCE AND
SUBDIVISION REGULATIONS OF THE TOWN OF WISE, PROVIDING FOR
APARTMENTS IN THE B-1 NEIGHBORHOOD BUSINESS DISTRICT

WHEREAS, the Town Council of the Town of Wise, Virginia held a public hearing on Tuesday, August 25, 1998 at 7:00 p.m. in Council Chambers of the Wise Municipal Building at 501 West Main Street for the purpose of consideration of an amendment to the Zoning Ordinance text to allow apartments in the B-1 Neighborhood Business zoning district; and

WHEREAS, notice of the time and place of the meeting of the said Town Council was advertised, as provided by statute, in The Coalfield Progress, a newspaper of general circulation in the town of Wise, Virginia; and

WHEREAS, the Planning Commission considered the same during a public hearing on August 11, 1998, at which time it carefully considered all testimony offered; and

WHEREAS, after due notice, Town Council held its public hearing and carefully considered all testimony offered; and

WHEREAS, the Wise Town Council desires to amend the Zoning Ordinance and Subdivision Regulations of the Town of Wise, Virginia (adopted 3/23/87), as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED AS FOLLOWS:

THAT SECTION 4.2 of Article 4 of the Town of Wise *Zoning Ordinance and Subdivision Regulations* be amended and reenacted to permit apartments in the B-1 Neighborhood Business District as follows:

"4.2.1 Any principal use, conditional use, or sign permitted in the R-A Low Density Residence District, except that uses permitted as conditional uses in the R-A District but permitted as of right in the B-1 District shall not require a conditional use permit. Dwellings are subject to the same requirements as in the R-A District except that a single-family dwelling in association with a permitted office, business or commercial use, in the same building or on the same premises for use by the proprietor or an employee of said business shall be permitted but not subject to said requirements. Accessory apartment dwellings shall be authorized as an ancillary use for existing structures so long as they are clearly subordinate and incidental to the principal use of the premises as a single-family dwelling or a permitted business whether they are a part of the primary structure or are a detached structure on the same lot."

THIS ORDINANCE shall be effective on the 25th day of August, 1998.

ADOPTED this the 25th day of August, 1998.

TOWN OF WISE, VIRGINIA

Cayman A. Smith, Jr.
MAYOR

ATTEST:

Robert M. Bryant
CLERK OF COUNCIL

Section 5. B-2 General Business District

5.1 Purpose of the District

The purpose of this district is to provide sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, and miscellaneous recreational and service activities, generally serving the Town, a wide area of the County, and the traveling public and generally located along major thoroughfares or near development centers where a general mixture of commercial and service activity now exists or is planned, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, or the nuisance factors of dust, odor, and noise, associated with manufacturing.

5.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Any principal use, conditional use, or sign permitted in the R-B Medium Density Residence District, except that uses permitted as conditional uses in the R-B District but permitted as of right in the B-2 District shall not require a conditional use permit. Dwellings are subject to the same requirements as in the R-B District except that a single-family dwelling in association with a permitted office, business or commercial use, in the same building or on the same premises for use by the proprietor or an employee of said business shall be permitted but not subject to said requirements.
2. Animal hospital or commercial dog kennel as a conditional use.
3. Automobile service station, so long as bulk storage of inflammable liquids is underground.
4. Automobile or truck sales, service, and repair, including body or fender repair, but not auto salvage or junk, and any major repair or storage of equipment or materials or damaged vehicles shall be inside a completely enclosed building.
5. Automobile or truck parts sales, wholesale or retail.
6. Automobile storage lot, new or used cars, but not storage or sale of junk.
7. Automobile used car lot, or used truck sales.
8. Bakeries.
9. Banks and other financial institutions.
10. Barber shops or beauty parlors.
11. Bicycle sales and repair shops.

12. Billiard parlors or pool rooms, bowling alleys, dance halls, theatres, electronic game center, miniature golf, or similar recreational establishments, indoor or outdoor, as conditional uses.
13. Boat and boat trailer sales and storage.
14. Bottling works, dyeing and cleaning works, linen service, or laundry, furniture refinishing, plumbing, electrical and heating shop, painting shop, upholstering shop not involving furniture manufacture, shoe repair, tinsmithing shop, tire sales, service and installation (including vulcanizing and re-capping but no manufacturing), appliance repairs, and general service and repair establishments, similar in character to those listed in this item, but provided that no outside storage of material is permitted except as provided in this section.
15. Car-wash or automobile laundry, automatic or otherwise, providing reservoir space for not less than five vehicles for each washing lane of an employee-operated facility.
16. Catering or delicatessen business.
17. Clinics. ORD#1,2021
18. Drive-in automatic banking or vending machine station. Groups of vending machines shall be contained in a building.
19. Exterminating establishment.
20. Farm supply and service establishments, implement sales, rental and service, feed and seed store, including custom milling of grain and feed, milk depots and creameries, fertilizer storage in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building.
21. Frozen food lockers for individual or family use.
22. Funeral home or undertaking establishment.
23. Garages, parking, storage, or repair.
24. General advertising sign limited in area to 200 square feet as a conditional use.
25. Green houses, commercial, wholesale or retail.
26. Hotel, motel, motor lodge, or tourist home.
27. Institutions, educational or philanthropic, including museums and art galleries, as conditional uses.
28. Janitorial service establishment.
29. Laundries, laundromats or dry-cleaning establishments.

30. Lawnmower, yard and garden equipment, rental, sales and service.
31. Lumber and building supply ~~(with storage under cover)~~ and plumbing and electrical supply ~~(with storage under cover)~~. (5,91)
32. Mobile homes park subject to the regulations of the R-C Mobile Home Residence District, as a conditional use.
33. Mobile home sales and display.
34. Monument sales establishments with incidental processing to order, but not including the shaping of headstones.
35. Motorcycle sales and service.
36. Muffler sales and installation.
37. Nurseries for growing plants, trees and shrubs.
38. Nursery schools, kindergartens, child care centers, day nurseries, or day care centers as conditional uses. ORD# 3,2022
39. Offices, general business or professional, including a mobile home for office use as a special exception.
40. Outdoor sales area or flea market as a conditional use.
41. Parking lots, parking spaces and parking areas.
42. Pet shop or dog beauty parlor, provided that any work rooms, cages, pens or kennels be maintained within a completely enclosed, soundproof building and that such shop or parlor be operated in such a way as to produce no objectionable noise or odors outside its walls.
43. Plumbing and electrical supply sales.
44. Printing, publishing, and engraving establishments, photographic processing or blueprinting.
45. Private club, lodge, meeting or assembly hall, or fraternal organization or sorority.
46. Public or governmental buildings and uses, including governmental offices, libraries, schools, fire stations (volunteer or otherwise), parks, parkways, and playgrounds, as conditional uses. ORD# 1,2005 adds cemeteries
47. Public utilities or public service or transportation uses, buildings, (including bus stations), generating, purification or treatment plants, water storage tanks, pumping or regulator stations, telephone exchange, and transformer or substations, as conditional uses.

48. Radio and television stations and studios or recording studios, but not towers more than 125 feet in height except as a conditional use.
49. Rental of household items, tools and appliances.
50. Rental of luggage trailers but not including truck trailer bodies except campers and travel trailers.
51. Restaurants, drive-in or otherwise.
52. Sign fabricating and painting shop.
53. Stores or shops for the conduct of retail business, including sale of accessories, antiques, appliances, art or art supplies, beverages (alcoholic or otherwise), books, carpets, clothing, drugs, fabrics, flowers, food, furniture, jewelry, office supplies and stationery, shoes, paint, wallpaper, sporting goods, and similar stores and shops.
54. Studios or shops for artists, photographers, writers, teachers, jewelers, weavers or other crafts, sculptors or musicians.
55. Taxidermists.
56. Telephone station or booth, including drive-in or talk-from-car stations.
57. Temporary stands, or outdoor areas or temporary truck parking, for sale of produce, Christmas trees, wreaths, holly, and the like.
58. Wholesale brokerage or storage establishments with floor area devoted to storage or warehousing limited to 15,000 square feet.
59. Accessory buildings and uses, including accessory storage of supplies and merchandise normally carried in stock or used in connection with a permitted use, subject to applicable district regulations, and, subject to the general sign regulations of Article 6, accessory illuminated or non-illuminated signs as follows:
 - a. Flat signs, no limit on number or area, provided however that signs painted on walls shall not exceed 200 square feet in area.
 - b. Projecting signs, if there are no detached signs, one for each business on the premises, with sign area limited to 30 square feet.
 - c. Detached signs, if there are no projecting signs, limited in area to ³⁰⁰50 square feet and limited in height to ²⁵30 feet, one for each business on the premises. A group of three or more contiguous stores or businesses such as form a shopping center or business group may combine permitted detached sign area to provide a single detached sign advertising the group if there are no other detached signs and if the combined sign area does not exceed 250 square feet.

- d. Directional signs limited in area to eight square feet, giving directions to motorists regarding the location of parking areas and access drives, shall be permitted as accessory signs and not included in any computation of sign area.

5.2.60 Mobile Food Units
ORD# 2,2019

5.3 Lot Size Standards

- 1. There are no minimum lot size standards for business uses in the B-2 General Business District except as may be required by the Health Department for uses utilizing individual or on-site sewage disposal systems. Minimum lot size for dwellings is the same as in the R-B Residence District except as noted in Sec. 5.2 above.

5.4 Yard and Setback Standards

	<u>Minimum in Feet</u>		
	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
1. <u>All structures:</u>	25(a)	None(b)	None(b)
(a)	See Article 6 for exceptions for signs and certain other structures.		
(b)	No structure shall be located closer than 10 feet to the boundary of a residential district. Side and rear yards are required for dwellings except as noted in Sec. 5.2 above.		

5.5 Special Regulations for Business and Commercial Buildings

- 1. Similar Uses Permitted. Other retail, service, commercial and recreational uses which, in the opinion of the Administrator, are of the same general character as those permitted uses listed above shall be permitted provided that these and the above specified stores, shops or businesses shall be retail and service establishments primarily selling new merchandise (except antiques) and rendering a personal service and shall be permitted only in accord with the development standards of this Ordinance.
- 2. Site Plan. Where approval of a site plan is required, the plan shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and to this end may provide effective screening along side and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation.
- 3. Refuse. Refuse containers or refuse storage shall be located in a paved area and hidden from general public view, either from within or outside the premises, by means of fences, walls, or landscape planting.
- 4. Drainage. Provision shall be made for proper storm water drainage from parking and loading areas. Water shall not be permitted to drain

from such areas onto adjacent property except into a natural water-course or a drainage easement. Provision shall be made for protection against erosion and sedimentation in accord with applicable Town ordinances.

5.6 Special Provisions for Corner Lots

1. Where a front yard is provided, signs, landscaping, shrubbery, evergreens and trees in excess of three feet in height will not be permitted within 15 feet from the corner of a lot at intersecting streets.

5.7 Height Standards

1. Buildings may be erected up to three stories and 35 feet in height except that:
 - a. The height limit may be increased up to four stories and 50 feet provided there are two side yards for each permitted use, each of which is 10 feet or more plus one foot or more for each side yard for each additional foot of building height over 35 feet.
 - b. A public or semi-public building such as a school, church, or library, may be erected to a height of 60 feet provided that required front, side and rear yards shall be increased one foot for each foot in height over 35 feet.
 - c. Church spires, belfries, cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and television antennas and radio aerials up to 125 feet in height, are exempt from height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest.

5.8 Off-Street Parking and Loading Standards

Off-street parking and loading design standards and space requirements for particular uses are contained in Article 6.

B-2 Amendment

ORDINANCE NO. 5, 1991

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA, A MUNICIPAL CORPORATION, AMENDING THE ZONING ORDINANCES AND SUBDIVISION REGULATIONS OF THE TOWN OF WISE, VIRGINIA, PROVIDING FOR AMENDED REGULATIONS FOR BUILDING AND LUMBER SUPPLY AND PLUMBING AND ELECTRICAL SUPPLY BUSINESSES LOCATED IN A B-2 GENERAL BUSINESS ZONING DISTRICT

WHEREAS, the Planning Commission and the Town Council of the Town of Wise, Virginia held a joint public hearing on Monday, June 24, 1991 at 7:00 p.m. in the Board of Supervisors Room of the Wise County Courthouse, Wise, Virginia for the purpose of consideration of an amendment to the regulations in a B-2 General Business zoning district contained in the Zoning Ordinance and Subdivision Regulations of the Town; and

WHEREAS, notice of the time and place of a joint meeting of the said Town Council and Planning Commission of the Town of Wise, Virginia was advertised as provided by statute in The Coalfield Progress, a newspaper of general circulation in the Town of Wise, Virginia; and,

WHEREAS, the matter had been previously referred to the Planning Commission of the Town of Wise, Virginia, who considered the same at its regular meeting on June 10, 1991, and who has submitted a written recommendation to the Town Council; and

WHEREAS, after due notice, Town Council held its public hearing and carefully considered all testimony offered; and

WHEREAS, the Wise Town Council desires to amend the Zoning Ordinance and Subdivision Regulations of the Town of Wise, Virginia, as hereinafter set forth;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED AS FOLLOWS:

THAT SECTION 5.2, Article 31 of the B-2 General Business District zoning regulations be amended and reenacted as follows:

31. Lumber and building supply and plumbing and electrical supply.

THIS ORDINANCE shall be effective on the 24th day of June, 1991.

ADOPTED on this 24th day of June, 1991.

TOWN OF WISE, VIRGINIA


MAYOR

ATTEST:

(ARTICLE 4)
B-3 CENTRAL BUSINESS DISTRICT

Section 8.1 Purpose of the District

The purpose of this district is to provide sufficient space, in the central business portion of the town for a variety of business services, offices, and public uses. The district is designed to promote and encourage the concentration of high intensity uses without the customary requirements for building setback, parking and height limitations. The desired development will reinforce the positive spatial definition and visual identity of the downtown area, encourage organized parking facilities to support downtown activities and develop "people places" to encourage downtown revitalization.

Section 8.2 Permitted Uses

The following uses shall be permitted by right in the B-3 Central Business District:

- 8.2.1 Multiple-family dwellings in existing buildings or portions of existing buildings.
- 8.2.2 Automobile car wash and detailing shop.
- 8.2.3 Automobile and truck sales.
- 8.2.4 Banks and other financial institutions.
- 8.2.5 Barber shops, beauty parlors and similar personal service establishments.
- 8.2.6 Bed and Breakfast facilities.
- 8.2.7 Bus and railroad stations.
- 8.2.8 Clubs and lodges.
- 8.2.9 Churches and other places of religious assembly.
- 8.2.10 Custom dressmaking, millinery, tailoring or similar retail trades employing not more than five persons.
- 8.2.11 Drug stores.
- 8.2.12 Gift and antique shops.
- 8.2.13 Medical clinics. ORD# 1,2021
- 8.2.14 Public buildings.
- 8.2.15 Professional, public and general offices.

- 8.2.16 Parking lots.
- 8.2.17 Taxi stands.
- 8.2.18 Newspaper offices and printing presses.
- 8.2.19 Theaters and assembly halls.
- 8.2.20 Food specialty shops.
- 8.2.21 Video game rooms.
- 8.2.22 Bakeries, delicatessen, catering and similar retail stores.
- 8.2.23 Retail stores and shops not otherwise listed.
- 8.2.24 Public utilities.
- 8.2.25 Accessory uses clearly incidental to a permitted use and which will not create a nuisance or hazard.
- 8.2.26 Signs as permitted by Section 8.11 of this ordinance.
- 8.2.27 Single family detached dwellings.

8.2.28 Adds Temporary Farmers Market
 8.2.29 Adds Holiday Stands
 ORD# 5,1997

Section 8.3 Conditional Uses

The following uses may be permitted in the B-3 Central Business District with a conditional use permit in accordance with regulations in Article 8, ~~Section 8~~ of this Ordinance:

- 8.3.1 Automobile service stations (with major repair under cover).
- 8.3.2 Gasoline stations
- 8.3.3 Hotel, motel, motor lodge, tourist home.
- 8.3.4 Multi level parking garages.
- 8.3.5 Multiple family and attached dwellings.
- 8.3.6 Public billiard parlors and pool rooms, dance halls and similar forms of public amusement.
- 8.3.7 Restaurants, drive-in or otherwise.
- 8.3.8 *ORD# 1,2001* *ORD# 1,2004 - Dormitories*

ORD# 13,2004 - Dry Cleaning

ORD# 3,2009 - Public & Govt Buildings

ORD# 3,2022 Family Day Homes

Section 8.4 Lot area regulations

- 8.4.1 None, except that single family, attached dwellings

and multiple family dwellings are subject to the yard requirements specified in the R-B District.

Section 8.5 Setback requirements

- 8.5.1 None required from property line.
- 8.5.2 None required from alley.
- 8.5.3 Single family, attached dwellings and multiple family dwellings are subject to the setback requirements specified in the R-B District.

Section 8.6 Frontage regulations

None.

Section 8.7 Yard regulations

- 8.7.1 Side. None, except that the minimum side yard for each main structure adjoining or adjacent to a residential district shall be ten feet.
- 8.7.2 Rear. None, except that the minimum rear yard for each main structure adjoining or adjacent to a residential district shall be twenty-five (25) feet.
- 8.7.3 No accessory building shall be closer than five feet to any property line.

Section 8.8 Height regulations

- 8.8.1 None, except that no accessory structure which is within ten feet of any party lot line shall be more than one story high. All accessory buildings shall be no greater than the main building in height.

Section 8.9 Off-street parking regulations.

- 8.9.1 Permitted uses in the B-3 District shall be exempt from off-street parking as required in Article 6 except as may be required as part of the conditional use permit or site plan approval processes outlined in Article 8 & 10.

Section 8.10 Special Regulations for business and commercial buildings.

- 8.10.1 See Article 4 Section 5.5 for special regulations

for business and commercial buildings.

Section 8.11 Sign standards and regulations.

- 8.11.1 Flat surface mounted signs, provided that signs are attached to walls and do not exceed 18 square feet in area, one per business.
- 8.11.2 Where there is no surface mounted sign, one projecting sign not to exceed 9 square feet on each side.
- 8.11.3 A detached sign, limited in area to 30 square feet and limited in height to 25 feet.
- 8.11.4 Advertising signs (billboards are not permitted in the Central Business District.
- 8.11.5 Directional, Portable, roof or window signs are not permitted in the Central Business District.
- 8.11.6 See Article 6 for sign definitions and general regulations.

Section 8.2 Mobile Food Units ORD# 2,2019

Farmers Market X-MAS tree

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA; A MUNICIPAL CORPORATION, AMENDING THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS OF THE TOWN OF WISE, PROVIDING FOR TEMPORARY FARMERS MARKETS AND FOR TEMPORARY CHRISTMAS TREE STANDS IN THE B-3 CENTRAL BUSINESS ZONING DISTRICT

WHEREAS, the Town Council of the Town of Wise, Virginia held a public hearing on Monday, July 28, 1997 at 7:00 p.m. in Council Chambers of the Wise Municipal Building at 501 West Main Street for the purpose of consideration of an amendment to the Zoning Ordinance text to allow temporary farmers markets and temporary Christmas tree stands in the B-3 Central Business Zoning District; and

WHEREAS, notice of the time and place of the meeting of the said Town Council was advertised, as provided by statute, in The Coalfield Progress, a newspaper of general circulation in the town of Wise, Virginia; and

WHEREAS, the matter had been previously referred to the Planning Commission of the Town of Wise, Virginia, who considered the same at its regular meeting on July 7, 1997, and who has submitted a written recommendation to the Town Council; and

WHEREAS, after due notice, Town Council held its public hearing and carefully considered all testimony offered; and

WHEREAS, the Wise Town Council desires to amend the Zoning Ordinance and Subdivision Regulations of the Town of Wise, Virginia (adopted 3/23/87), as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED AS FOLLOWS:

THAT SECTION 8.2 of Article 4 of the B-3 Central Business District zoning regulations be amended and reenacted as follows:

"8.2.28 Temporary farmers market, in operation for a period of time not to exceed 12 months from the date of permit issuance, for the display and sale of locally grown horticultural items, fruits, vegetables, other farm produce, and hand crafts, not to include items which have been commercially produced, processed, or packaged.

8.2.29 Temporary stands, or outdoor areas or temporary truck parking, for sale of produce, Christmas trees, wreaths, holly, and the like."

THIS ORDINANCE shall be effective on the 28th day of July, 1997.

ADOPTED this the 28th day of July, 1997.

TOWN OF WISE, VIRGINIA

Carson A. Smith, Jr.
MAYOR

ATTEST:

April Meade
ASST CLERK OF COUNCIL

SUBMISSION
REGS

B-3
Day Center
Conditional
Use

ORDINANCE NO. 1, 2001

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA,
A MUNICIPAL CORPORATION, AMENDING THE ZONING ORDINANCE AND
SUBDIVISION REGULATIONS OF THE TOWN OF WISE, PROVIDING FOR DAY
CENTERS AND THE LIKE AS A CONDITIONAL USE IN THE
B-3 CENTRAL BUSINESS ZONING DISTRICT**

WHEREAS, the Town Council of the Town of Wise, Virginia held a public hearing on Tuesday, February 27, 2001 at 7:00 p.m. in Council Chambers of the Wise Municipal Building at 501 West Main Street for the purpose of consideration of an amendment to the Zoning Ordinance text to allow day care centers and the like in the B-3 Central Business Zoning District; and

WHEREAS, notice of the time and place of the meeting of the said Town Council was advertised, as provided by statute, in *The Coalfield Progress*, a newspaper of general circulation in the town of Wise, Virginia; and

WHEREAS, the Planning Commission considered the same during a public hearing on March 5, 2001, at which time it carefully considered all testimony offered; and

WHEREAS, after due notice, Town Council held its public hearing and carefully considered all testimony offered; and

WHEREAS, the Wise Town Council desires to amend the Zoning Ordinance and Subdivision Regulations of the Town of Wise, Virginia (adopted 3/23/87), as hereinafter set forth.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED AS FOLLOWS:

THAT SECTION 8.3 of Article 4 of the Town of Wise *Zoning Ordinance and Subdivision Regulations* be amended and reenacted to permit day care centers and the like in the B-3 Central Business Zoning District, as follows:

"Conditional Uses

8.3.8 . Nursery schools, kindergartens, child care centers, day nurseries, or day care centers, as conditional uses"

VOTING "AYE": Clifton Carson, Mayor; Luther Adkins, Vice-Mayor;
Roscoe Archer; Steve Blankenbecler; Caynor Smith, Jr.

VOTING "NAY": _____

ABSENT FROM THE MEETING: _____

ORDAINED, ENACTED, AND EFFECTIVE this the 27th day of February, 2001.

TOWN OF WISE, VIRGINIA

Clifton Carson
MAYOR

ATTEST:

Rebecca M. Bryant
CLERK OF COUNCIL

B-3

ORDINANCE NO. 13, 2004

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA AMENDING ARTICLE 4 OF THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS OF THE TOWN OF WISE, VIRGINIA, ADOPTED MARCH 23, 1987, TO ADD SECTION 8.3.8 TO ALLOW DRY CLEANING ESTABLISHMENTS IN THE B-3 CENTRAL BUSINESS DISTRICT AS PERMITTED CONDITIONAL USES.

WHEREAS, a petition has been filed by Andrew Johnson to amend the Article 4 of the Zoning Ordinance and Subdivision Regulations of the Town of Wise, Virginia adopted March 23, 1987, to add Section 8.3.8 to allow dry cleaning establishments in the B-3 Central Business Districts as permitted conditional uses; and

WHEREAS, the Planning Commission and Town Council of the Town of Wise, Virginia held a joint meeting and public hearing on Tuesday December 7, 2004 at 7:00 p.m. in Council Chambers of the Wise Municipal Building at 501 West Main Street for the purpose of consideration of amendment to Article 4 of the Zoning Ordinance and Subdivision Regulations of the Town of Wise, Virginia; and,

WHEREAS, notice of the time and place of the public hearing and joint meeting of said Planning Commission and Town Council was advertised as provided by statute in The Coalfield Progress, a newspaper having general circulation in the Town of Wise, Virginia, and said hearing was open to the public, and persons wishing to speak, if any, were heard and their testimony considered; and

WHEREAS, the after careful consideration of all testimony presented, the Planning Commission has recommended that Town Council amend Article 4 of the Zoning Ordinance and Subdivision Regulations of the Town of Wise, Virginia (adopted 3/23/87) to add section 8.3.8 to allow dry cleaning establishments as conditional uses in the B-3 Central Business District; and

WHEREAS, the Town Council desires to amend the text of Article 4 of the Zoning Ordinance and Subdivision Regulations of the Town of Wise, Virginia to record allow dry cleaning establishments in the B-3 Central Business District as conditional uses; and

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Wise, Virginia that Article 4 of the Zoning Ordinance and Subdivision Regulations of the Town of Wise, Virginia adopted March 23, 1987 be amended and re-enacted to read as follows:

Section 8.3.8 – Dry Cleaning Establishments permitted with a conditional use permit.

ORDAINED, ENACTED AND EFFECTIVE THIS THE 7th DAY OF DECEMBER, 2004.

VOTING "AYE": Clifton Carson, Luther Adkins, Erra Sutherland
VOTING "NAY": - None -
ABSENT FROM MEETING: Caynor Smith, Jr. and Jarrad Addison
ABSTENTIONS: - None -

TOWN OF WISE, VIRGINIA
Clifton Carson
MAYOR

ATTEST:
Rolinn M. Bryant
CLERK OF COUNCIL

B-3
Conditional Use

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA
AMENDING ARTICLE 4 OF THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS
FOR THE TOWN OF WISE, VIRGINIA ADOPTED MARCH 23, 1987, TO INCLUDE PUBLIC
AND GOVERNMENTAL BUILDINGS AND USES AS CONDITIONAL USES IN THE B-3
CENTRAL BUSINESS ZONING DISTRICT**

WHEREAS, the Wise Town Council wishes to amend Article 4 of the Zoning Ordinance and Subdivision Regulations of the Town of Wise, Virginia to include public and governmental buildings and uses as Conditional Uses in the B-3 Central Business Zoning District; and

WHEREAS, this matter had previously been referred to the Planning Commission of the Town of Wise, Virginia who considered the same at the regularly scheduled Planning Commission meeting held on April 7, 2009, after advertisement and notice as provided by statute and ordinance and the Commission adopted PC Resolution No. 1, 2009, recommending that the Wise Town Council approve said Zoning Ordinance amendment; and

WHEREAS, the Town Council of the Town of Wise, Virginia on April 28, 2009 at 7:00 p.m. in council chambers of the Wise Municipal Building at 501 West Main Street and held a public hearing for the purpose of consideration of an amendment to the Zoning Ordinance text to include public and governmental buildings and uses as conditional uses in the B-3 Central Business Zoning District; and

WHEREAS, notice of the time and place of the public hearing and meeting of said Town Council was advertised as provided by statute and ordinance in The Coalfield Progress, a newspaper having general circulation in the Town of Wise, Virginia, and said hearing was open to the public and persons desiring to be heard were given and opportunity to present testimony; and

WHEREAS, after review of the guidelines and standards for amending the text of the Zoning Ordinance as set forth in Article 9 of the Zoning Ordinance and Subdivision Regulations of the Town of Wise, Virginia, and after careful consideration of all testimony offered, the Wise Town Council wishes to amend Article 4 of the Zoning Ordinance and Subdivision Regulations of the Town of Wise, Virginia to include public and governmental buildings and uses as conditional uses in the B-3 Central Business Zoning District.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Wise, Virginia that Article 4 of the Zoning Ordinance and Subdivision Regulations of the Town of Wise, Virginia adopted March 23, 1987 be amended and re-enacted to read as follows:

Section 8.3.8 – Public and governmental buildings and uses, including governmental offices, libraries, schools, fire stations (volunteer or otherwise), cemeteries, parks, parkways and playgrounds, as conditional uses.

ORDAINED, ENACTED AND EFFECTIVE THIS THE 28th DAY OF APRIL, 2009.

VOTING "AYE": Caynor Smith, Erra Sutherland, Teresa Adkins, Luther Adkins, Clifton Carson

VOTING "NAY": - None -

ABSENT FROM MEETING: - None -

ABSTENTIONS: - None -

ATTEST:
Relina M. Bryant
CLERK TO COUNCIL

TOWN OF WISE, VIRGINIA
Caynor A. Smith
MAYOR

Section 7. I-G General Industrial District

7.1. Purpose of the District

The purpose of this district is to provide for a wide variety of industrial operations, including open storage of products, supplies and equipment, but to restrict or prohibit those industries which have characteristics likely to produce serious adverse effects within or beyond the limits of the district. Certain potentially hazardous industries are permitted only after public hearings and review to assure protection of the public interest and surrounding property and persons. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, business and service uses are limited primarily to those which will be useful to employees in the district and future residential uses are restricted.

7.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Any manufacturing, processing, storing or distributing use permitted in the I-L Limited Industrial District.
2. Agriculture and forestry as permitted in the R-A Low Density Residence District, including a single-family dwelling accessory to a farm of ten acres or more.
3. Dwellings for resident watchmen and caretakers employed on the premises.
4. Retail and service establishments as follows:
 - a. Automobile service station as a conditional use.
 - b. Banks and savings and loan offices.
 - c. Business and office supply establishments.
 - d. Clinics, medical or dental.
 - e. Employment service or agency.
 - f. Janitorial or exterminating service.
 - g. Offices and office buildings, studios and the like, business, professional or administrative. (Mobile offices as a conditional use.)
 - h. Restaurant or cafeteria, drive-in or otherwise.
 - i. Security service office or station.

- j. Temporary stands, or outdoor areas or temporary truck parking, for sale of produce, Christmas trees, wreaths, holly, and the like.
 - k. Trade or business school, including instruction in heavy construction or materials handling equipment or similar vehicles and equipment.
 - l. Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing or distributing use.
5. The following uses and any similar industrial uses which are not likely to create any more offensive noise, vibrations, dust, heat, smoke, odor, glare, or other objectionable influences than the minimum amount normally resulting from other uses permitted, and manufacture, compounding, processing, packaging or treatment of the following products or similar products. In cases of doubt regarding the nature of a process or use, the Administrator may require an engineering report describing the process or use and the probable impact thereof at property lines in terms of the factors listed above or other significant factors as may be associated with a particular process or use. Where doubt remains following such engineering report, the proposal shall be considered as a potentially hazardous use and referred to the Town Council for decision after public hearing.

Abrasive wheels, stones, paper, cloth and related products.

Adhesives, but not glue or size manufacture.

Aircraft and aircraft parts.

Agricultural or farm implements, manufacture, sale storage or repair.

Aluminum extrusion, rolling, fabrication and forming.

Automobile, motorcycle, bus or truck manufacture, assembly or repair, but not a salvage or wrecking yard.

Bag manufacture or cleaning.

Barrell or box manufacturing.

Blacksmith shop.

Building materials (cement, lime in bags or container, sand, gravel, stone, lumber, structural or reinforcing steel, pipe and the like) storage and sales, open or enclosed, but not manufacture or steel fabricating or junk storage.

Candles, including wax or tallow manufacture.

Coal, flour or grain elevator; coal or wood yard.

Concrete products or central mixing and proportioning plant.

Contractor's equipment storage yard or plant or rental of equipment commonly used by contractors.

Engine testing (internal combustion engines), but not jet engines or rockets.

Excelsior, wood fiber.

Fertilizer storage in bags or bulk storage of liquid or dry fertilizer in tanks or in a completely enclosed building, but not manufacture or processing.

Flour, storage, blending and packaging but not milling.

Galvanizing or plating (hot dip).

Glass and glass products.

General advertising sign limited in area to 400 square feet as a conditional use.

Ink manufacture from primary raw materials (including colors and pigments).

Lumber yard.

Meat products, manufacture but not slaughtering of animals and poultry or smoking and curing of meat.

Monuments and architectural stone.

Oils, shortenings, and fats (edible) and storage.

Paper and paperboard (from paper machine only), but not pulp mills.

Petroleum and other inflammable liquids, above ground bulk storage up to 80,000 gallons, but not refining.

Plumbing and electrical supplies, manufacture, sale or storage.

Sand and gravel processing but not extraction or stone crushing or grinding.

Sawmill (including cooperage stock mill), stationary, and planing mill.

Soap products, but not soap manufacture.

Structural iron and steel fabrication.

Tobacco products, cigars, cigarettes.

Truck terminal, freight.

Wallboard and plaster, building, insulation, and composition flooring.

Welding and soldering shops; machine shop.

Well drilling establishment, water, gas or oil, offices storage or service of supplies and equipment.

Wire rope and cable.

Wood chip and fiber board.

Wood preserving treatment, but not creosote manufacture.

7.3 Potentially Hazardous Uses Permitted as Conditional Uses

The following uses or the manufacture, compounding, processing, packaging, or treatment of products not specifically listed above or below, but which may have accompanying hazards, such as fire, explosion, noise, vibration, dust, or the emission of smoke, odor, toxic gasses or other pollutants, may, if not in conflict with any state or county law or ordinance, be located in the I-G General Industrial District, only after the location and nature of such use shall have been approved by the Town Council as conditional uses after public hearing, as provided in Article 8. In cases of doubt regarding the nature of a process or use, the Town Council may require an engineering report describing the process or use and the probable impact thereof at property lines in terms of the factors listed above or other significant factors as may be associated with a particular process or use. The Town Council shall review the plans and statements and shall not permit such buildings, structures, or uses until there has been shown that the public health, safety, morals, and general welfare will be properly protected, and that necessary safeguards will be provided for the protection of streams or other water areas and surrounding property and persons. The Town Council, in reviewing the plans and statements shall consult with other agencies created for the promotion of public health and safety, and shall pay particular attention to protection of the Town, the County and its neighbors from the harmful effects of air or water pollution of any type.

Airport or heliport.

Asphalt or asphalt products, or central asphalt mixing or batching.

Bleaching products, dyestuff, or textile bleaching.

Brick, firebrick, tile or terra cotta and clay products.

Cider and vinegar.

Cleaning and polishing preparations, dressings and blackings, processing.

Coal mining, surface or sub-surface.

Feedlot, commercial.

Film, photographic.

Flour, feed and grain milling or grain drying.

Foundries or forge plant, pneumatic drop and forging hammering.

Glue, hides, hair and raw fur, curing tanning, dressing, dyeing and storage.

Incinerator, industrial or public.

Junkyard or automobile graveyard.

Match manufacture.

Paint, oil, shellac, turpentine, or varnish.

Petroleum and other inflammable liquids, above ground bulk storage over 80,000 gallons, but not refining.

Pickles, sauerkraut vegetable relish and sauces.

Plastic material and synthetic resins, processing only.

Sand and gravel extraction, or similar major excavations.

Sandblasting or cutting.

Slaughtering of animals or poultry and smoking or curing of meat.

Soap manufacture.

Starch manufacture.

Stockyard accessory to a packing plant.

Stone crushing or grinding.

Wool pulling or scouring; felt manufacture.

7.4 Accessory Buildings and Uses

1. Accessory buildings and uses are permitted, including accessory storage of supplies, merchandise, equipment or goods normally carried in stock,

used or produced in connection with a permitted use, subject to applicable district regulations, and, subject to the general sign regulations of Article 6, accessory illuminated or non-illuminated signs as follows:

- a. Flat signs, no limit on number or area.
- b. A detached sign, limited in area to 100 square feet and limited in height to 30 feet, one for each business or industrial use on the premises. A group of three or more contiguous businesses or uses may combine permitted detached sign area to provide a single detached sign advertising the group if there are no other detached signs and if the combined sign area does not exceed 200 square feet.
- c. Directional signs of any type limited in area to ten square feet in such number and in such locations as required for proper management of the premises shall be permitted as accessory signs and not included in any computation of sign area.
- d. A sign limited in area to 50 square feet and limited in height to 15 feet giving the name and/or address or management of a planned industrial subdivision.

7.5 Lot Size Standards

- 1. There are no minimum lot size standards in the I-G General Industrial District except as may be required by the Health Official for uses utilizing individual sewage disposal systems.

7.6 Yard and Setback Standards

	Front <u>Yard</u>	<u>Minimum in Feet</u> Side <u>Yard</u>	Rear <u>Yard</u>
1. <u>All structures:</u>	25(a)	None(b)	None(b)
(a)	See Article 6 for exceptions for signs and certain other structures.		
(b)	No structure shall be located closer than 50 feet to the boundary of a residence district.		

7.7 Special Regulations for Manufacturing and Commercial Buildings

- 1. Site Plan. Where approval of a site plan is required, the plan shall be designed to promote harmonious relationships with adjacent and nearby residential properties, developed or undeveloped, and to this end may provide effective screening along side and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation.

2. Refuse. Refuse containers or refuse storage shall be located in an all-weather surfaced area and hidden from general public view, either from within or outside the premises, by means of fences, walls, or landscape planting.
3. Drainage. Provision shall be made for proper storm water drainage from parking and loading areas. Water shall not be permitted to drain from such areas onto adjacent property except into a natural water-course or a drainage easement. Provision shall be made for protection against erosion and sedimentation in accord with applicable Town ordinances.
4. Fencing. All fencing shall have a uniform and durable character and shall be properly maintained.

7.8 Height Standards

1. There are no maximum height limits in the I-G General Industrial District.

7.9 Off-Street Parking and Loading Standards

Off-street parking and loading design standards and space requirements for particular uses are contained in Article 6.

Section 6. I-L Limited Industrial District

6.1 Purpose of the District

The purpose of this district is to provide for a variety of light manufacturing, fabricating, processing, wholesale distributing and warehousing uses appropriately located for access by highways and providing a controlled environment within which signing is limited, uses are to be conducted generally within completely enclosed buildings or within screened areas, and a moderate amount of landscaping is required. In order to preserve the land for industry, to reduce extraneous traffic, and avoid future conflicts between industry and other uses, business and service uses are limited primarily to those which will be useful to employees in the district and future residential uses are restricted.

6.2 Permitted Uses

A building or land shall be used only for the following purposes:

1. Retail and service establishments as follows:
 - a. Banks and savings and loan offices.
 - b. Business and office supply establishments.
 - c. Clinics, medical or dental.
 - d. Employment service or agency.
 - e. Janitorial or exterminating service.
 - f. Offices and office buildings, studios and the like, business, professional or administrative.
 - g. Security service office or station.
 - h. Retail or wholesale sales and service incidental to a permitted manufacturing, processing, storing or distributing use.
2. Generally those light manufacturing uses similar to those listed below which do not create any more danger to health and safety in surrounding areas and which do not create any more offensive noise, vibration, smoke, dust, lint, odor, heat, glare, or electrical impulse than that which is generally associated with light industries of the types specifically permitted below:
 - a. Manufacture or assembly of spacecraft or component parts, medical and dental equipment, drafting, optical, and musical instruments, watches, clocks, toys, games, electrical or electronic apparatus, and communication equipment.

- b. Manufacture or assembly of boats, boat trailers, bolts, buttons, nuts, screws, and rivets, firearms, photographic and metering equipment, electrical appliances, tools, dies, machinery, and hardware products, sheet-metal products, heating, cooling, and ventilating equipment, and vitreous enameled products.
- c. Beverage blending or bottling, bakery products, candy manufacture, tobacco products, dairy products and ice cream, fruit and vegetable processing and canning, meat and poultry products, but not distilling of beverages or slaughtering of poultry or animals, or processing or bulk storage of grain or feeds for animals or poultry.
- d. Manufacture of rugs, mattresses, pillows, quilts, millinery, hosiery, clothing and fabrics, shoes and leather products, printing and finishing of textiles and fibers into fabric goods.
- e. Manufacture of boxes, furniture, cabinets, baskets, and other wood products of similar nature.
- f. Compounding of cosmetics, toiletries, drugs, and pharmaceutical products.
- g. Molding of candles and soap.
- h. Manufacture of pottery or other similar ceramic products, from previously pulverized clay, and in kilns fired only by smokeless furnaces.

In cases of doubt regarding the nature of a process or use, the Administrator may require an engineering report describing the process or use and the probable impact thereof at property lines in terms of the factors listed above or other significant factors as may be associated with a particular process or use.

- 3. Dwellings for resident watchmen and caretakers employed on the premises.
- 4. Automobile and light truck or recreation vehicle assembling, painting, upholstering, repairing, rebuilding or reconditioning, body or fender work but not auto salvage or junk or heavy truck repair or overhauling.
- 5. Facilities and structures necessary for rendering utility service, including poles, wires, transformers, telephone booths and the like for normal electrical power distribution or communication service, and pipelines or conduits for electrical, gas, sewer, or water service. Public utility buildings, treatment plants, pumping or regulator stations, and substations are permitted as conditional uses.
- 6. Greenhouse or nursery, commercial, wholesale or retail.

7. Laboratories, research, experimental or testing, but not testing explosives.
8. Lumber and building materials store, wholesale or retail, but not a lumber yard or manufacture of brick or concrete blocks.
9. Monument sales establishments with incidental processing to order but not including shaping of headstones.
10. Printing, publishing, and engraving establishment, photographic processing, blueprinting, photocopying and similar uses.
11. Private club, lodge, meeting hall, labor union or fraternal organization or sorority.
12. Public or governmental buildings and uses, including governmental offices, libraries, schools, fire stations (volunteer or otherwise), parks, parkways and playgrounds, as conditional uses.
13. Radio or television broadcasting studios and offices, but transmission and receiving towers of height greater than 125 feet only as a conditional use.
14. Rug and carpet cleaning and storage with incidental sales of rugs and carpets.
15. Sign fabricating and painting.
16. Telephone station or booth, including drive-in or talk-from-car stations.
17. Temporary stands, or outdoor areas or temporary truck parking, for sale of produce, Christmas trees, wreaths, holly, and the like.
18. Tire rebuilding or recapping.
19. Wholesale merchandising or storage warehouse or distribution center but not a truck or freight terminal.
20. Accessory buildings and uses, including accessory storage of supplies, merchandise, equipment or goods normally carried in stock, used or produced in connection with a permitted use, subject to applicable district regulations, and, subject to the general sign regulations of Article 6, accessory illuminated or non-illuminated signs as follows:
 - a. Flat signs, with total aggregate sign area not more than ten percent of the area of walls fronting on a street and no one sign with sign area of more than 200 square feet.
 - b. A detached sign, limited in area to 50 square feet and limited in height to 30 feet, one for each business or industrial use on the premises. A group of three or more contiguous businesses or

uses may combine permitted detached sign area to provide a single detached sign advertising the group if there are no other detached signs and if the combined sign area does not exceed 100 square feet.

- c. Directional signs of any type limited in area to 10 square feet in such number and in such locations as required for proper management of the premises shall be permitted as accessory signs and not included in any computation of sign area.
- d. A sign limited in area to 50 square feet and limited in height to 15 feet giving the name and/or address or management of a planned industrial subdivision.

6.3 Lot Size Standards

- 1. There are no minimum lot size standards in the I-L Limited Industrial District except as may be required by the Health Official for uses utilizing individual or on-site sewage disposal systems.

6.4 Yard and Setback Standards

	<u>Minimum in Feet</u>		
	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>
1. <u>All structures:</u>	25(a)	15(b)	40(b)
(a)	See Article 6 for exceptions for signs and certain other structures.		
(b)	No structure shall be located closer than 100 feet to the boundary of a residence district.		

6.5 Special Regulations for Manufacturing and Commercial Buildings

- 1. Similar Uses Permitted. Other manufacturing uses which, in the opinion of the Administrator, are of the same general character as those permitted uses listed above shall be permitted. All uses shall be conducted so as not to produce hazardous, objectionable or offensive conditions at property line boundaries by reason of odor, dust, smoke, cinders, fumes, noise, vibration, heat, glare, wastes, fire or explosion.
- 2. Enclosed Buildings. All uses shall be conducted within a completely enclosed building of permanent and durable construction, with no open storage of waste material. Products or equipment used or manufactured on the premises may be stored in the open if screened from the street or from a residential district by landscaping, fences or walls.
- 3. Landscaping. Any part of the front yard not used for parking or accessways shall be landscaped with grass, trees, shrubs or pedestrian walks.

4. Site Plan. Where approval of a site plan is required, the plan shall be designed to promote careful use of topography and to promote harmonious relationships with adjacent and nearby residential and business properties, developed or undeveloped, and to this end may provide effective screening along side and rear property lines by means of fences, walls, hedges, planting screen or natural vegetation.
5. Refuse. Refuse containers or refuse storage shall be located in a paved area and hidden from general public view, either from within or outside the premises, by means of fences, walls, or landscaping planting.
6. Drainage. Provision shall be made for proper storm water drainage from parking and loading areas. Water shall not be permitted to drain from such areas onto adjacent property except into a natural water-course or a drainage easement. Provision shall be made for protection against erosion and sedimentation in accord with applicable Town ordinances.
7. Fencing. All fencing shall have a uniform and durable character and shall be properly maintained.

6.6 Special Provisions for Corner Lots

1. Where a front yard is provided, signs, landscaping, shrubbery, evergreens and trees in excess of three feet in height will not be permitted within 15 feet from the corner of a lot at intersecting streets.

6.7 Height Standards

1. Buildings may be erected up to 45 feet in height except that:
 - a. A building may be erected to a height of 60 feet provided that it is located at least 100 feet from any lot line.
 - b. Cupolas, monuments, water towers, chimneys, flues, and flag poles of any height, and television antennas and radio aerials up to 125 feet in height, are exempt from height regulations. Parapet walls may be up to four feet above the height of the building on which the walls rest.

6.8 Off-Street Parking and Loading Standards

Off-street parking and loading design standards and space requirements for particular uses are contained in Article 6.

FLOOD

ORDINANCE NO. 1, 2006

AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF WISE, VIRGINIA AMENDING ARTICLE 4 OF THE ZONING ORDINANCE AND SUBDIVISION REGULATIONS OF THE TOWN OF WISE, VIRGINIA, ADOPTED MARCH 23, 1987, ADDING SECTION 9 – FLOOD PLAIN OVERLAY DISTRICT

WHEREAS, the Wise Town Council wishes to amend Article 4 of the Zoning Ordinance and Subdivision Regulations of the Town of Wise, Virginia adopted March 23, 1987, to incorporate the original flood plain ordinance dated February 23, 1981 as amended, along with changes required by the Department of Conservation and Resources to create Section 9 of Article 4 to said Zoning Ordinance; and

WHEREAS, this matter had been previously referred to the Planning Commission of the Town of Wise, Virginia who considered the same at a meeting held on January 3, 2006 after advertisement and notice as provided by statute and ordinance, and the Commission adopted PC Resolution No. 1, 2006, recommending that the Wise Town Council approve said Zoning Ordinance amendment; and

WHEREAS, the Town Council of the Town of Wise, Virginia met on Tuesday January 24, 2006 at 7:00 p.m. in Council Chambers of the Wise Municipal Building at 501 West Main Street and held a public hearing for the purpose of consideration of an amendment to Article 4 of the Zoning Ordinance text to add Section 9 – Flood Plain Overlay District; and

WHEREAS, notice of the time and place of the public hearing and meeting of said Town Council were advertised as provided by statute and ordinance in The Coalfield Progress, a newspaper having general circulation in the Town of Wise, Virginia, and said hearing was open to the public, and persons desiring to be heard were given an opportunity to present testimony; and

WHEREAS, after review of the guidelines and standards for amending the text of the Zoning Ordinance as set forth in Article 9 of the Zoning Ordinance and Subdivision Regulations of the Town of Wise, Virginia and careful consideration of the testimony offered, the Wise Town Council wishes to amend Article 4 of said Zoning Ordinance to add Section 9 – Flood Plain Overlay District.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Wise, Virginia that Article 4 of the Zoning Ordinance and Subdivision Regulations of the Town of Wise, Virginia adopted March 23, 1987 be amended and re-enacted to include Section 9 – Flood Plain Overlay District attached hereto and made a part hereof.

BE IT FURTHER ORDAINED AND ENACTED by said Town Council that all other provisions of the aforementioned Ordinance shall remain unchanged. The authority for this amendment is contained in Virginia Code Section 15.2-1427-D and in Article 9 of the Zoning Ordinance and Subdivision Regulations of the Town of Wise, Virginia.

ORDAINED, ENACTED AND EFFECTIVE THIS THE 24TH DAY OF JANUARY, 2006.

VOTING "AYE": Clifton Carson, Caynor Smith, Jr., Luther Adkins, Erra Sutherland

VOTING "NAY": - None -

ABSENT FROM MEETING: Jarrad Addison

ABSTENTIONS: - None -

TOWN OF WISE, VIRGINIA

Clifton Carson
MAYOR

ATTEST:

Rolinn Bryant
CLERK OF COUNCIL

SECTION 9. FLOOD PLAIN DISTRICT

9.1 Purpose of the District

The purpose of this district is to provide standards and regulations of flood plain management in order that the Town may be eligible for Federal Insurance under the national Flood Insurance Program of the Federal Insurance Administration (FIA), and to adopt the criteria and standards set forth in the Federal Register of October 26, 1976, Part II. **The Flood Plain District shall include all areas subject to inundation by the waters of the One Hundred Year (100 year) Flood.** The source of this delineation shall be the Flood Insurance Study for the Town of Wise, Virginia, as prepared by the Federal Insurance Administration, dated February 1980, as amended. The Flood Plain District shall be deemed an overlay on any existing, or hereafter established, zones or districts within the Town of Wise, Virginia.

9.2 Subdistricts of the Flood Plain District

The flood Plain District shall be comprised of two (2) subdistricts as follows:

- (1) Floodway (F-1) is delineated for purposes of this Ordinance using the criteria that a certain area within the flood plain must be capable of carrying the waters of the one hundred (100) year flood without increasing the water surface elevation of that flood more than one (1) foot at any point. These areas included in this District are specifically defined in Table 3 of the above referenced Flood Insurance Study and shown on the accompanying Flood Boundary and Floodway Map.
- (2) Floodway Fringe (F-2) shall be that area of the 100 year flood plain not included in the Floodway District. The boundaries of this District are shown on the Flood Boundary and Floodway Map; however, the exact outermost boundary shall be the 100 year flood elevations contained in the flood profiles of the above referenced Flood Insurance Study.

9.3 Amendments and Modifications to the Delineation of the Flood Plain District

The delineation of the Flood Plain District may be revised, amended and modified by the Town Council in compliance with the National Flood Insurance Program when:

- (1) there are changes through natural or other causes;

- (2) changes are indicated by future detailed hydrologic and hydraulic studies and/or;
- (3) when social and economic factors favor a realignment.

All such changes shall be subject to the review and approval of the Federal Insurance Administrator.

All such changes shall be referred to the Town of Wise, Virginia Planning Commission pursuant to Section 15.2-2285 of the Code of Virginia, and after a public hearing as provided by Sections 15.2-2204 and 15.2-2206 of the Code of Virginia.

- 9.4 Zoning Permit Required All uses, activities and development occurring within any flood plain district shall be undertaken only upon the issuance of a zoning permit. Such development shall be undertaken only in strict compliance with the provisions of this ordinance and with all other applicable codes and ordinances to include the Virginia Uniform Statewide Building Code and the Town of Wise Subdivision Regulations. . Prior to the issuance of any such zoning permit, the Zoning Officer shall require all applications to include compliance with all applicable State and Federal Laws. Under no circumstances shall any use, activity, and/or development adversely affect the capacity of the channels or floodways or any watercourses, drainage ditch, or any other drainage facility or system. Prior to any alteration or relocation of any channels or floodways of any watercourses, stream, etc. within a municipality, approval shall be obtained from the State Water Control Board. Further notification of the proposal shall be given to all affected adjacent municipalities. Copies of such notification shall be forwarded to both the State Water Control Board, the Department of Conservation and Recreations (Virginia Floodplain Management Program) and the Federal Insurance Administration.
- 9.5 Maintaining Records – The Town Zoning Officer shall obtain and maintain records of the lowest floor elevation and flood proofing levels of all new structures and of all existing structures which are modified, altered, repaired, reconstructed, or improved to an extent or amount of fifty (50%) percent or more of market value, if such are located within the Flood Plain District.
- 9.6 Definitions: For the purposes of this ordinance the following terms shall have the following meanings:
- A. Base Flood – The flood which has been selected to serve as the basis upon which the flood plain management provisions of this and other ordinances have been prepared; for purposes of this ordinance, the One hundred year flood.
 - B. Base Flood Elevation – The 100 year flood elevation. Within the approximated flood plain the base flood elevation shall

be established as a point at the boundary of the approximated flood plain which is nearest to the construction site in question.

- C. **Basement** – Any area of the building having its floor subgrade (below ground level) on all sides.
- D. **Development** – Any man-made change to improved or unimproved real estate including but not limited to buildings or other structures, the placement of manufactured homes, streets, and other paving, utilities, filling, grading, excavation, mining dredging or drilling operations.
- E. **Existing construction** means for the purposes of determining rates, structures for which the “start of construction” commenced before the effective date of the FIRM or before January 1, 1975, for FIRMs effective before that date. “Existing construction” may also be referred to as “existing structures”.
- F. **Flood** – A temporary inundation of normally dry land areas.
- G. **Flood Plain** – A relatively flat or low land area adjoining a river, stream or watercourse which is subject to partial or complete inundation; an area subject to unusual and rapid accumulation or runoff of surface waters from any source. For the purpose of this ordinance, the 100 year flood plain as defined by HUD/FIA.
- H. **Floodproofing** – Any combination of structure or non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
- I. **Freeboard** – A factor of safety usually expressed in feet above a flood level for purposes of floodplain management.
- J. **Historic Structure** – Any structure that is :
 - 1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
 - 2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - 3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or

4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:
 - a. by an approved state program as determined by the Secretary of the Interior or;
 - b. Directly by the Secretary of the Interior in states without approved programs.
- K. **Lowest Floor** – The lowest floor of the lowest enclosed area (including basement).
- L. **Manufactured Home** - A structure transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.
- M. **Manufactured Home Park/Subdivision, Existing** – A parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.
- N. **One hundred Year Flood** – A flood that has one chance in one hundred or a percent chance of being equaled or exceeded in any year.
- O. **Recreational Vehicle** – A vehicle which is:
 1. build on a single chassis;
 2. 400 square feet or less when measured at the largest horizontal projection;
 3. designed to be self-propelled or permanently towable by a light duty truck; and
 4. designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational camping, travel or seasonal use.
- P. **Substantial Damage** – Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- Q. **Substantial Improvement** – Any reconstruction, rehabilitation, addition or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures, which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code

specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions or any alteration of a "historic structure", provided that the alteration will not preclude the structures continued designation as a "historic structure".

9.7 Floodway (F-1)

In the Floodway, the placement of any manufactured home, except in an existing manufactured home park or manufactured home subdivision, shall be prohibited. All uses, activities, and developments shall be undertaken in strict compliance with the floodproofing provisions contained in all other applicable codes, ordinances and regulations. In the Floodway District, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and/or State authorities.

9.8 Floodway Fringe (F-2) and Approximated Flood Plain (F-2)

In the Floodway Fringe and Approximated Flood Plain, the development and/or use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and regulated provisions contained in all applicable codes, ordinances, and regulations including the Virginia Uniform Statewide Building Code and the Town of Wise Subdivision Regulations.

9.9 District Boundaries

Initial interpretations of the boundaries of the Flood Plain Districts shall be made by the Zoning Officer. Should a dispute arise concerning the boundaries of any of the Districts, the Board of Zoning Appeals shall make the necessary determination. The person questioning or contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the Board and to submit his own technical evidence if he so desires.

9.10 Design and Construction Criteria for Flood Plain District Development

- A. All new or replacement sanitary sewer systems and facilities, including package sewer treatment plants and onsite wastewater treatment systems, whether public or private, shall be located, designed and constructed to minimize or eliminate impairment or infiltration due to the 100 year flood. In addition, such systems and facilities shall be designed and constructed to minimize or eliminate discharges into flood waters.

- B. All new or replacement water supply systems and facilities, whether public or private, shall be located, designed and constructed to minimize or eliminate impairment or infiltration due to the 100-year flood.
- C. All other utilities and facilities, such as gas lines, electrical and telephone systems shall be located, designed and constructed to minimize or eliminate impairment or infiltration due to the 100-year flood.
- D. Adequate storm drainage shall be provided for development within any Flood Plain District. Storm drainage facilities shall be designed to convey the flow of storm water runoff in a safe and efficient manner. **The system shall insure drainage at all points along streets, and provide positive drainage away from buildings. The system shall also be designed to prevent the discharge of excess runoff onto adjacent properties.**
- E. Recreational Vehicles placed on sites either:
 - 1. Be on the site for fewer than 180 consecutive days, be fully licensed and ready for highway use, or
 - 2. Meet the permit requirements for placement and the elevation and anchoring requirements for manufactured homes as contained in the Uniform Statewide Building code.

A recreational vehicle is ready for highway use if it is on its wheels or jacking system is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.

9.11 Nonconformities in the Flood Plain District

- A. Existing nonconformities (structures and/or uses) located in the floodway shall not be expanded or enlarged (unless the effect of the proposed expansion or enlargement on flood heights is fully offset by accompanying stream improvement).
- B. Any modification, alteration, repair, reconstruction, or improvement of any kind to a nonconformity (structure and/or use) located in the Floodway to an extent or amount of less than fifty (50%) percent or more of its value, shall be elevated and/or floodproofed to the greatest extent possible.
- C. The modification, alteration, repair, reconstruction, or improvement of any kind to a nonconformity (structure and/or use) regardless of location, to an extent or amount of fifty (50%) percent or more of its market value shall be undertaken only in full compliance with the provisions of this and any other applicable ordinance.
- D. Uses or adjuncts thereof which are, or become, nuisances shall not be permitted to continue.

9.12 Factors to be considered by the Board of Zoning Appeals When Reviewing Cases for Variances in the Flood Plain District:

In the floodway, no structural development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying stream improvements which have been approved by all appropriate local and/or state authorities. When a developer proposes to offset the effects of structural development in the Floodway by construction of stream improvements, he shall submit an engineering study prepared by a Registered Professional Engineer which fully evaluates the effects of such construction. The report shall use the Base Flood as herein defined as the basis of analysis. All adjacent communities and the Virginia Water Control Board shall be notified by the developer by certified mail of all such intended activities prior to any alteration or relocation of a watercourse, and the developer shall submit copies of such notifications to the Department of conservation and Recreation (Virginia Floodplain Management Program) and the Federal Insurance Administrator. In addition, the developer shall assure the Town in writing that the flood carrying capacity within the altered or relocated portion of the watercourse in question will be maintained.

9.13 Permitted Uses

In the floodway the following uses and activities are permitted provided that they are in compliance with the provisions of the underlying zoning district and are not prohibited by any other ordinance and provided that they do not require structures, fill, or storage of materials and equipment which would result in an increase in the flood levels of the base flood:

- A. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.
- B. Public and private recreational uses and activities such as parks, day camps, picnic grounds, golf courses, boat launching and swimming areas, hiking and horseback riding trails, wildlife and nature preserves, game farms, fish hatcheries, trap and skeet ranges, and hunting and fishing areas.
- C. Residential uses such as yard areas, gardens, play areas and parking areas.
- D. Industrial and commercial uses such as yard areas, parking and loading areas, airport landing strips, etc.

9.14 Uses Permitted by Special Exception by the Board of Zoning Appeals:

The following uses and activities may be permitted by Special Exception provided that they are in compliance with the provisions of the underlying district and are not prohibited by any other ordinance:

- A. Small structures generally considered necessary for the activities listed in Section 9.13 above.

- B. Utilities and public facilities and improvements such as railroads, streets, bridges, transmission lines, pipe lines, water and sewage treatment plants, and other similar or related uses.
- C. Water-related uses and activities such as marinas, docks, wharves, piers, etc., if designed to minimize impact on and damages from flooding.
- D. Extraction of sand, gravel, coal and other materials.
- E. Temporary uses such as circuses, carnivals and similar activities.
- F. Storage of materials and equipment provided that they are not buoyant, flammable or explosive, and are not subject to major damage by flooding, or provided that such material and equipment is firmly anchored to prevent floatation or movement and/or can be readily removed from the area within the time available after flood warning.

9.15 Variances

- A. Variances and/or special exceptions shall not be issued by the Board of Zoning Appeals within the designated floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances may be issued by the Board of Zoning Appeals for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, in conformance with the procedures of this Ordinance.
- C. Variances and/or Special Exceptions shall only be issued by the Board of Zoning Appeals upon:
 - 3. A showing of good and sufficient cause;
 - 4. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
 - 5. A determination that granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- D. Variances and/or special exceptions shall only be issued upon determination that the variance and/or special exceptions are the minimum necessary, considering the flood hazard to afford relief.
- E. The Board of Zoning Appeals shall notify the applicant in writing over the signature of a community official that the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, such construction below base flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
- F. The Board of Zoning Appeals shall maintain a record of all variance actions, including justification for their issuance, and report such

variances issued in its annual report submitted to the Federal Insurance Administrator.

- G. The Board of Zoning Appeals shall grant a variance under the aforesaid sections only after giving notice as required by Section 15.2-2204 and 15.2-2206 of the Code of Virginia.
- H. **Warning and Disclaimer of Liability** – The degree of flood protection sought by the provisions of this Ordinance is considered reasonable for regulatory purposes and is based on acceptable engineering methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Ordinance does not imply that areas outside the flood plain districts, or that land uses permitted within such districts will be free from flooding or flood damages.

This Ordinance shall not create liability on the part of the Town of Wise, Virginia, or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder. The Town Manager is designated as agent for the Town of Wise, Virginia to execute all documents and enter into all contracts with reference to emergency assistance under the Emergency Disaster Act, the State Emergency Services and any other agency of the Federal Government and the State of Virginia under the Commonwealth of Virginia Emergency Services and Disaster Law of 1973.

FLOOD

AN ORDINANCE AMENDING THE ZONING ORDINANCES OF THE
TOWN OF WISE , VIRGINIA PROVIDING FOR THE ESTABLISHMENT
OF REGULATIONS OF LAND SUBJECT TO FLOOD

WHEREAS the Town of Wise, Virginia desires to amend the Flood Plain Ordinance to comply with the rules published in The Federal Register on August 24, 1986 by the Federal Emergency Management Agency (FEMA) and revising National Flood Insurance Program (NFIP) Flood Plain Management criteria; and,

WHEREAS, notice of a public hearing on the amendments to the zoning ordinance and flood regulations was published in The Coalfield Progress, a newspaper of general circulation in the Town of Wise , Virginia, pursuant to Section 15.1-431 of the Code of Virginia of a joint public hearing with the Planning Commission, who recommended adoption of the ordinance; and,

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Town Council of the Town of Wise, Virginia as follows:

FIRST: That the definition of Mobile Home in Article I, Section 1 be eliminated and repealed and the words "Manufactured Home" is inserted throughout the ordinance based upon the definition of Manufactured Mobile Home which is hereby adopted as an addition to Article I, Section 1, as follows:

MANUFACTURED HOME: Manufactured home means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days.

SECOND: That the definition of "Development" in Article I, Section I be amended to read as follows:

DEVELOPMENT: Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the placement of manufactured homes , streets, and other paving, utilities, filling, grading, excavation, mining dredging, or drilling operations.

THIRD: That the definition of Mobile Home Park Subdivision be eliminated, repealed (Article I, Section I) and the following be adopted in lieu thereof:

MANUFACTURED HOME PARK OR SUBDIVISION: A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

FOURTH: That Section XII, No. 6-Floodway F-1, be repealed and reenacted as follows:

FLOODWAY F-1

In the Floodway, the placement of any manufactured home, except in an existing manufactured home park or manufactured home subdivision, shall be prohibited. All uses, activities, and developments shall be undertaken in strict compliance with the floodproofing provisions contained in all other applicable codes and ordinances and regulations. In the Floodway District, no development shall be permitted except where the effect of such development on flood heights is fully offset by accompanying improvements which have been approved by all appropriate local and/or State authorities.

FIFTH: That Section XII-7 Floodway Fringe F-2 and Approximated Flood Plain F-2 be repealed and reenacted as follows:

7. FLOODWAY FRINGE F2 & APPROXIMATED FLOOD PLAIN F-2

In the Floodway Fringe and Approximated Flood Plain, the development and/or use of land shall be permitted in accordance with the regulations of the underlying district provided that all such uses, activities, and/or development shall be undertaken in strict compliance with the floodproofing and regulated provisions contained in all applicable codes and ordinances and regulations including the Building Code and the Subdivision Regulations.

SIXTH: This Ordinance shall be effective March 30, 1987.

ADOPTED THIS 23 day of March, 1987.

TOWN OF WISE, VIRGINIA


MAYOR

ATTEST:


CLERK