



Agenda
Monday, November 24, 2025, 6:30 PM

Work Session, 6:00 PM

Council Chambers Conference Room, City Hall, 114 North Broad Street, Salem, Virginia 24153

Regular Session, 6:30 PM, City Hall, 114 North Broad Street, Salem, Virginia 24153

WORK SESSION

1. Call to Order
2. New Business
 - A. Discussion Items
 - 1) Review School FY25 Fund Balance Requests and FY 27-32 Capital Improvement Plan - Dr. Curtis Hicks
3. Adjournment

REGULAR SESSION

1. Call to Order
2. Pledge of Allegiance
3. Bid Opening, Awards, Recognitions
 - A. **Salem High School - State Championship - Golf**

Consider the adoption of Resolution 1512 honoring Salem High School Golfer Ashnoor Kaur for her State Championship in 2025.
4. Consent Agenda
 - A. **Citizen Comments**

Comments from the public, limited to five minutes, on matters not already having a public hearing at the same meeting.
 - B. **Minutes**

Consider acceptance of the November 10, 2025, Regular Meeting minutes.

5. Old Business

A. **Amendment to City Code - Chapter 78**

Consider adoption of ordinance on second reading amending Chapter 78 – Subdivisions – Articles I – Generally, Section 78-103; Article II – Administration, Sections 78-200, 201, 204, and 206; Article III – Definitions, Section 78-300; Article IV – Review of plats, Sections 78-400, 401, 402, 403, 404, 405, 406, 407, 408, 416, 421; Article V – Security for the construction of public improvements, Sections, 78-501 and 503; Article VI – Requirements for design standards and public improvements, Sections 78-600, 602, 606, 607, 611, 615, 617, 625, 629, 634, and 642; and Article VII – Vacation of plats, Sections 78-701 and 706 of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to plan review by designated agent and timeframe of local approvals. (Adopted on first reading at the November 10, 2025, meeting.)

B. **Amendment to City Code - Chapter 106**

Consider adoption of ordinance on second reading amending Chapter 106 – Zoning, Article II – District Regulations, Section 106-232 pertaining to Industrial park overlay district; Article III – Use and design standards, Section 106-318 pertaining to Urban agriculture; Article IV – Development standards, Section 106-400 pertaining to site plans, 402 pertaining to nonconforming uses and sites, 406 pertaining to plot plans; Article V – Administration, Section 106-520 pertaining to amendments to ordinance, 524 pertaining to special exception permits and use not provided for permits; Article VI – Definitions and Use Types, and Section 106-600 pertaining to site plans, of the CODE OF THE CITY OF SALEM, VIRGINIA. (Adopted on first reading at the November 10, 2025, meeting.)

C. **Amendment to City Code - Chapter 82**

Consider adoption of ordinance on second reading amending Sections 82-136 through 82-147 Article V, Chapter 82, of The CODE OF THE CITY OF SALEM, VIRGINIA, pertaining to Transient Occupancy Tax. (Adopted on first reading at the November 10, 2025, meeting.)

D. **Amendment to City Code - Chapter 94**

Consider adoption of ordinance on second reading amending Chapter 94, Nuisances, Section 94-3, Declaration of nuisances; abatement required, pertaining to trees of the CODE OF THE CITY OF SALEM, VIRGINIA. (Adopted on first reading at the November 10, 2025, meeting.)

E. **Amendment to the Zoning Ordinance**

Consider adoption of ordinance on second reading for the request of Pillis Enterprises Inc., property owner, to rezone the property located at 522 South Market Street (Tax Map #s 160 - 4 - 2) from RSF Residential Single Family District to HBD Highway Business District. (Adopted on first reading at the November 10, 2025, meeting.)

6. New Business

A. **Appropriation of Funds**

Request to amend the School General Fund, Grants Fund, School Capital Projects

Fund, and School Reserve Fund budgets as approved by the School Board on October 14, 2025. **Audit - Finance Committee**

B. Performance Agreement - LOS POLLOS AMIGOS, INC. (dba Wings Etc.)

Consider a request authorizing the City Manager to finalize and execute a local performance agreement between LOS POLLOS AMIGOS INC. (dba Wings Etc.), the City of Salem, and the Economic Development Authority of the City of Salem.

C. Performance Agreement - McClung Lumber Company, Incorporated

Consider a request authorizing the City Manager to finalize and execute a local performance agreement between McClung Lumber Company Incorporated, the City of Salem, and the Economic Development Authority of the City of Salem.

D. Boards and Commissions

Consider appointments to various boards and commissions.

7. Closed Session

Hold a closed session in accordance with Section 2.2-3711 (A)(7) of the 1950 Code of Virginia, as amended, for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

8. Adjournment



Item #: 3.A.

AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SALEM,
VIRGINIA HELD AT CITY HALL

MEETING DATE: November 24, 2025

AGENDA ITEM: **Salem High School - State Championship - Golf**
Consider the adoption of Resolution 1512 honoring Salem High School Golfer Ashnoor Kaur for her State Championship in 2025.

SUBMITTED BY: Rob Light, Assistant City Manager/Clerk of Council

SUMMARY OF INFORMATION:

This time has been set aside to recognize Salem High School Golfer Ashnoor Kaur for her State Championship in 2025.

FISCAL IMPACT:

N/A

STAFF RECOMMENDATION:

Staff recommends approval.

ATTACHMENTS:

1. Item 3A 11-24-25 HighSchoolResolution-GolfKaur2025-Council



IN THE COUNCIL OF THE CITY OF SALEM, VIRGINIA, November 24, 2025:

RESOLUTION 1512

RESOLUTION HONORING SALEM HIGH SCHOOL 2025 GOLF STATE CHAMPION

WHEREAS, it is with a great deal of pride and enthusiasm that the City of Salem champions the development of its young people by providing an array of opportunities in both the academic and sporting arenas; and

WHEREAS, throughout the years, our youth have excelled in both areas, bringing numerous accolades to the city and school division; and

WHEREAS, the high school golf program instills in its participants the significance of teamwork and creates accord and purpose among its participants and coaches; and

WHEREAS, Ashnoor Kaur distinguished herself, her school, her community, and the Commonwealth by capturing the Virginia High School League's Class 4 Coed State Title; and

WHEREAS, the VHSL Class 4 Individual State Championship was won on October 14, 2025, at the Heritage Oaks Golf Course in Harrisonburg, as Ashnoor defeated the top 60 male and female golfers in the state with a 1-over-par round of 71; and

WHEREAS, the Salem High School junior claimed the title by exhibiting amazing mental toughness and resilience as she battled cold and windy conditions on the course throughout her title clinching round; and

WHEREAS, along with the state title, she also was named the Roanoke Valley Golf Hall of Fame's Junior Girls Player of the Year. Ashnoor finished with 4 individual wins on the season, and she never finished lower than 6th in any tournament. Her best round of the season was a 5-under-par-66 at the Botetourt Country Club; and

WHEREAS, Ashnoor was rewarded for her outstanding play throughout the 2025 golf season as she was named a First Team All-District, All-Region, and All-State performer; and

WHEREAS, along with Golf Coach Blaine Hancock, Ashnoor Kaur and her teammates have showcased their skills and shown the ability to carry on Salem's strong golf traditions; and


NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALEM, VIRGINIA, that Council joins with the citizens of the City of Salem in saluting Ashnoor's amazing achievements during the 2025 golf season.

BE IT FURTHER RESOLVED that a copy of this resolution be presented to the coaches and each team member and that a copy be placed on display at Salem High School.

Salem City Council:

John Saunders
Hunter Holliday
Randy Foley
Anne Marie Green
Renée Ferris Turk


Mayor, City of Salem

ATTEST: 
H. Rob Light Clerk of Council
City of Salem, Virginia



CITY COUNCIL

MINUTES

Monday, November 10, 2025, at 6:30 PM

Regular Session, 6:30 PM, City Hall, 114 North Broad Street, Salem, Virginia 24153

WORK SESSION

WORK SESSION IS CANCELLED FOR NOVEMBER 10, 2025

REGULAR SESSION

1. Call to Order

A regular meeting of the Council of the City of Salem, Virginia, was called to order at 6:30 p.m., there being present the following members to wit: Renée Ferris Turk, Mayor; Anne Marie Green, Vice-Mayor; Councilmembers: Byron Randolph Foley, Hunter Holliday, and John Saunders; with Renée Ferris Turk, Mayor, presiding together with Chris Dorsey, City Manager; Rob Light, Assistant City Manager and Clerk of Council; Rosie Jordan, Director of Finance; Mary Ellen Wines, Planning and Zoning Administrator; Max Dillon, Planner; Kristi Chittum, Commissioner of the Revenue; A. K. Briele, Director of Electric Department; Mike Stevens, Director of Communications; and Jim Guynn, City Attorney.

2. Pledge of Allegiance

3. Bid Opening, Awards, Recognitions

Mayor Turk asked Master Deputy Lynch and Joshua Salmon to come forward. She introduced Joshua L. Salmon, a new hire from the Salem City Sheriff's Office, in attendance this evening. She noted that he has been employed in Law Enforcement since 2004 and that his experience in corrections will bring a wealth of knowledge to the Sheriff's Office. Council welcomed him.

4. Consent Agenda

A. **Citizen Comments**

Comments from the public, limited to five minutes, on matters not already having a public hearing at the same meeting.

John Breen, 142 Bogey Lane, expressed concern that City operations lack openness and opportunities for public participation. Specific issues noted included limited access to information on zoning and planning matters, restrictions on citizen speaking time, and the absence of town hall meetings or surveys to gauge public satisfaction. Mr. Breen urged Council to adopt stronger transparency practices, including timely sharing of information, expanded opportunities for citizen engagement, and greater collaboration between officials and residents to build trust and accountability in local government.

Jim Watts, 2405 Barnside Court, addressed Council on behalf of the Salem Rotary Club, inviting Council and the public to join them for the closing celebration of the Field of Honor at American Legion Hall 530 on Veteran's Day. He shared a copy of the agenda with Council.

B. **Minutes**

Consider acceptance of the October 14, 2025, Work Session and Regular Meeting minutes; the October 22, 2025, Special Meeting minutes, and the October 29, 2025, Special Meeting minutes.

The minutes were approved as written.

C. **Financial Reports**

Consider acceptance of the Statement of Revenues and Expenses for the three months ending September 2025.

The Financial Reports were received.

5. Old Business

A. **Vacation of Right-of-Way**

Consider ordinance on second reading permanently vacating and disposing of an approximate 1/10-acre unimproved dead-end section of Penguin Lane (Public hearing was held at the September 8, 2025, meeting). (Council approved on first reading at the October 14, 2025, meeting.)

Randy Foley motioned to adopt the ordinance on second reading, permanently vacating and disposing of an approximate 1/10-acre unimproved dead-end section of Penguin Lane. Hunter Holliday seconded the motion.

Ayes: John Saunders, Hunter Holliday, Randy Foley, Anne Marie Green, Renée Turk

Nays: None

Abstaining: None

6. New Business

A. **Receive Findings from the Planning Commission on the Energy Storage Project Conformance with the Comprehensive Plan**

Receive findings of the Planning Commission approving Comprehensive Plan conformance for the Energy Storage Project between the City of Salem and Salem, VA BESS 1 LLC within the existing electric substation located at 407 Electric Road, Tax Map#150-2-4.

City Manager Dorsey noted that there would be more information on this with the next agenda item. He explained that this was considered at the November 10, 2025, Planning Commission meeting, dealing with the siting for the battery storage component of the City's electrical infrastructure. This was unanimously approved by the Planning Commission. The next step is to hold a public hearing and to bring this before Council.

Mayor Turk noted that the Planning Commission findings have been received by Council.

B. **Energy Storage Project Siting Agreement**

Hold public hearing and consider authorizing the City Manager to finalize and execute documents related to an Energy Storage Project Siting Agreement between the City of Salem and Salem VA BESS 1 LLC proposing a 4-megawatt battery energy storage facility within the existing electric substation located at 407 Electric Road, Tax Map # 150 – 2 – 4. (Advertised in the October 23 and 30, 2025, issues of *Cardinal News*.)

Mayor Turk asked Mr. Dorsey if he had any information to share.

Mr. Dorsey noted that the property at 407 Electric Road consists of a 2.2-acre tract of land which currently sits within the Heavy Manufacturing zoning designation. A portion of the property is currently utilized as a substation assisting in the distribution of electricity throughout the City. On November 12, 2024, Council approved Resolution 1487 authorizing the City Manager to execute the lease agreement, access agreement, and electricity interconnection agreement for this project. Approval of a siting agreement for the development of this 4-megawatt alternating current is the next step required for this project that will promote reduced power supply costs to the City, including reduced PJM locational reliability charges and AEP transmission charges during the term of the 20-year agreement.

A. K. Briele, Director of the Electric Department, provided a brief overview of what this means for the City. He noted that the City's contract with AEP will expire next May. The City will then purchase power directly from the market. To help manage costs, an energy storage system will be used to store power during off-peak periods and discharge it during peak demand times, thereby reducing system load and transmission expenses.

Mayor Turk noted that the City had been seeing a constant increase of transmission costs.

Mr. Briele noted that transmission and capacity charges are determined by peak usage periods, and efforts will focus on minimizing those peaks to control future costs.

Mayor Turk thanked Mr. Briele and Ms. Jordan, Director of Finance, for all of their work on this project.

Mayor Turk opened the public hearing.

No one came forward to speak.

Mayor Turk closed the public hearing.

Anne Marie Green motioned to authorize the City Manager to finalize and execute documents related to this agreement in a form acceptable to the City Attorney. John Saunders seconded the motion.

Ayes: John Saunders, Hunter Holliday, Randy Foley, Anne Marie Green, Renée Turk

Nays: None

Abstaining: None

C. Amendment to City Code - Chapter 78

Hold a public hearing and consider adoption of ordinance on first reading amending Chapter 78 – Subdivisions – Articles I – Generally, Section 78-103; Article II – Administration, Sections 78-200, 201, 204, and 206; Article III – Definitions, Section 78-300; Article IV – Review of plats, Sections 78-400, 401, 402, 403, 404, 405, 406, 407, 408, 416, 421; Article V – Security for the construction of public improvements, Sections, 78-501 and 503; Article VI – Requirements for design standards and public improvements, Sections 78-600, 602, 606, 607, 611, 615, 617, 625, 629, 634, and 642; and Article VII – Vacation of plats, Sections 78-701 and 706 of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to plan review by designated agent and timeframe of local approvals. (Advertised in the October 23 and 30, 2025, issues of *Cardinal News*.) (Planning Commission recommended approval by a unanimous vote.)

Mayor Turk asked Ms. Wines to share information on this item.

Ms. Wines reported that the Planning Commission previously reviewed major subdivision site plans and plats, but state law now requires these approvals to occur through an administrative process. Because subdivision plats and site plans must be approved when they meet all adopted regulations, the Planning Commission's role is

removed in order to streamline development review and support housing-related timelines.

The proposed amendments to Chapter 78 would:

- Shift approval authority for major subdivision plats and site plans from the Planning Commission to the City, with the City Manager or designee serving as the designated agent.
- Reduce the review period for preliminary plats from 60 days to 45 days.
- Reduce the review period for major subdivision site plan and plat reviews from 60 days to 40 days.
- Require corresponding updates to Planning Commission bylaws if adopted.

The City Attorney's Office has reviewed Senate Bill 974, House Bill 2660, and the proposed amendments for consideration by Council.

Mayor Turk opened the public hearing.

John Breen, 142 Bogey Lane, raised concerns about several elements of the proposed code amendments. He questioned whether the review timelines referenced in the amendments referred to business days or calendar days and urged clarification. He also raised questions about the level of authority granted to the City Manager's designated agent. Additional comments addressed the ability to waive elements of preliminary plats and recommendations for stronger safeguards and clarification throughout the approval process.

Stella Reinhard, 213 N. Broad Street, observed that recent state-level efforts to accelerate development may be more suited to other regions of Virginia than to the local area. She supported earlier comments regarding the need to clarify whether review timelines are measured in business days or calendar days, noting that the distinction could significantly affect the process. Ms. Reinhard encouraged the City to find ways to increase public involvement and offered suggestions for doing so. She also recommended making more complete design information available earlier in the process to allow for meaningful public review and feedback.

Mayor Turk closed the public hearing.

Randy Foley motioned to adopt ordinance on first reading amending Chapter 78 as specified in the agenda packet and read by Mayor Turk. John Saunders seconded the motion.

Councilman Holliday asked for clarification in regards to whether the amendment referred to calendar days or business days as this would play a role in time frame.

Ms. Wines responded that they would get clarification for the second reading.

Councilman Holliday asked for an estimate of the normal time frame for the site plan process.

Ms. Wines provided clarification on the review process for subdivision plats and site plans. It was noted that although a designated agent ultimately signs the approval, the review is a multi-department, multi-staff process. Departments involved include Electric, Water and Sewer, Streets, Engineering, Building, and Planning and Zoning. Each review plans within their areas of expertise. She explained that initial comments on a site plan or plat are typically completed within approximately two weeks, well within the state-mandated timelines. Once comments are returned to the developer, the length of time for resubmission is determined by the applicant. Staff then re-reviews the materials following the same coordinated process. It was emphasized that the 45-day review window applies to providing the applicant with the initial set of comments, and all concerns must be identified at that stage. Ms. Wines noted that the shortened timelines are intended to address delays common in larger jurisdictions, but are not an issue for the City's current review practices.

Councilman Holliday asked if there would be anything to prohibit putting these plans on the website for the public to view.

Ms. Wines explained that subdivision and site plan submissions become public documents once filed and may be viewed at any time upon request. However, she emphasized that the standards used in reviewing plats and plans are the regulations already adopted by City Council, along with established planning and engineering principles. Once those rules are in place, staff must approve any plat or plan that meets them, and they are not subject to further discretionary debate during the review of an individual application. She also noted that broader public input is most appropriate during the development or amendment of laws and regulations—such as during zoning ordinance updates—rather than during the technical review of specific plans. Ms. Wines observed that while all plan iterations are public once submitted, confusion sometimes arises when members of the public reference outdated versions that have since been revised. Despite this challenge, all submitted plans remain accessible for public inspection, and the public is welcome to come by Community Development and request to see a plan.

Councilman Holliday asked to confirm that the final decision would be made by the City Manager.

Ms. Wines clarified that the final approved plan will be signed off by the city manager or his designee; however the plan must be approved by the staff of various departments prior to the final sign off.

Vice-Mayor Green asked to confirm that the designated agent is not a single person

with a job description, but that there would continue to be different people signing off on the different parts of the plan.

Ms. Wines confirmed that this was correct and that there would be one ultimate agent who signs off on the plan. She confirmed that there is not a new role or position.

Mayor Turk called for a roll call vote.

Ayes: John Saunders, Hunter Holliday, Randy Foley, Anne Marie Green, Renée Turk

Nays: None

Abstaining: None

D. Amendment to City Code - Chapter 106

Hold a public hearing and consider adoption of ordinance on first reading amending Chapter 106 – Zoning, Article II – District Regulations, Section 106-232 pertaining to Industrial park overlay district; Article III – Use and design standards, Section 106-318 pertaining to Urban agriculture; Article IV – Development standards, Section 106-400 pertaining to site plans, 402 pertaining to nonconforming uses and sites, 406 pertaining to plot plans; Article V – Administration, Section 106-520 pertaining to amendments to ordinance, 524 pertaining to special exception permits and use not provided for permits; Article VI – Definitions and Use Types, and Section 106-600 pertaining to site plans, of the CODE OF THE CITY OF SALEM, VIRGINIA. (Advertised in the October 23 and 30, 2025, issues of *Cardinal News*.) (Planning Commission recommended approval by a unanimous vote.)

Mayor Turk requested that Ms. Wines share information on this item.

Ms. Wines reported that the current zoning ordinance, adopted in 2005, requires periodic updates to remain aligned with City needs and state code. The City Attorney's Office has reviewed the proposed amendments. The first section she addressed was in regard to the Industrial Park Overlay District. The amendment proposes expanding the Industrial Park Overlay District, currently limited to the south side of Salem Industrial Drive, to include Southside Drive, Midland/Intervale, and Cook Drive. The overlay provides flexibility in landscaping requirements to support industrial expansion while maintaining required buffers along major corridors.

The next section that Ms. Wines addressed was the section on Keeping of Chickens in the City of Salem. The chicken-keeping permit period would shift from the fiscal year to the calendar year. Initial inspections of coops and enclosures would be conducted by the Planning and Zoning Office rather than Animal Control due to staffing constraints.

Next, Ms. Wines reviewed changes to the Site Plan Review Requirements section. The proposed change clarifies when site plans are required and establishes

three categories: plot plans, minor site plans, and major site plans, based on complexity and utility/stormwater needs. She explained the distinctions between each of the three categories or levels. The “25% rule” for triggering site upgrades during renovations would be moved to the site plan section for clarity. Also, part of the recommended change is raising this threshold to 50% to lessen the financial burden on small businesses, with the intention to revisit the standard during the zoning ordinance rewrite and potentially scale this threshold. Additional amendments for this section include: requiring a site plan when conditional rezoning includes physical site design elements, clarifying when erosion and sediment control and stormwater plans are required, and requiring construction of site-plan-related improvements within 90 days when triggered by a zoning violation.

Additionally, Ms. Wines addressed the section pertaining to Rezoning and Special Exception Applications. Staff has recommended that applications be accepted only for lots that meet zoning district standards to avoid unnecessary referrals to the Board of Zoning Appeals for variances. She noted that site issues can instead be addressed through proffers or conditions during rezoning or special exception review.

The last section that Ms. Wines highlighted related to public hearing signage. The amendment proposes updating language to allow durable, reusable public-hearing signs that include a QR code, website, and contact information rather than date-specific signage. These signs are posted voluntarily by the City.

Ms. Wines concluded the zoning section changes overview and invited questions before moving on.

Mayor Turk opened the public hearing.

John Breen, 142 Bogey Lane, expressed concerns about the clarity of the proposed site plan review language. He recommended identifying specific City positions to receive site plan submissions and offered specific suggestions for adding checks and balances. Concerns were also raised about allowing the zoning administrator to waive certain required elements of a minor site plan without additional review. Mr. Breen commented on the number of physical copies required for site plan submissions, noting that the draft ordinance no longer specifies how many physical copies of a site plan must be submitted and suggested reinstating a required number to avoid inefficiency and cost. Mr. Breen requested that Council closely review the proposed amendments for accuracy.

Stella Reinhard, 213 N. Broad Street, requested clarification regarding the proposed changes to public-hearing signage for rezonings. She asked whether the new signs, with QR codes and more permanent materials, would still display the date, time, and location of the public hearing on the sign itself, or whether that information would only be accessible through the QR code. Ms. Reinhard also sought clarification on staff’s reference to the signage requirement being “voluntary.”

Ms. Wines clarified that the information on date and time was handwritten on the previous signs in a temporary manner so that the signs could be reused. The new signs will utilize a QR Code that leads to a link including the specific information as to meeting date, time, and location.

Ms. Reinhard asked for clarification on the referral to this being done voluntarily.

Ms. Wines responded that the state code did not require that the City place any signs on parcels that involved a public hearing.

Ms. Reinhard asked if this was new information.

Ms. Wines responded that this was always true and that the City had voluntarily placed those signs to ensure that citizens were kept informed.

City Manager Dorsey asked if a phone number for Community Development was included on the sign for the benefit of citizens that might not have a cell phone.

Ms. Wines responded that a QR Code, phone number and physical address for Community Development, email address, and the website for the City are included on the sign.

Ms. Reinhard requested that the City consider posting development applications and related materials on the City's website as early as possible. She suggested providing specific online guidance on where full plans and agenda materials can be accessed. She stated that making preliminary information available, especially for complex or high-interest projects, would be a helpful gesture to the community. Ms. Reinhard concluded by expressing support for posting public-hearing signs on nearby major roads, whether required by the state or done voluntarily by the City. She appreciated the addition of QR codes but urged that the signs also display the meeting date and time, suggesting the use of a writable surface for easy updates so that information can be seen as to when the hearing will occur.

Mayor Turk closed the public hearing.

Hunter Holliday motioned to adopt the ordinance on first reading, amending Chapter 106 as specified in the agenda packet and read by Mayor Turk. John Saunders seconded the motion.

Vice-Mayor Green stated concern about increasing the site-improvement threshold from 25% to 50% but acknowledged staff's explanation and expressed interest in evaluating a possible sliding-scale approach during the upcoming zoning ordinance rewrite. She indicated willingness to wait for that broader review and to see how the change functions in practice.

Councilman Holliday expressed support for raising the improvement threshold from 25% to 50%, noting that the change would significantly benefit small and newly established businesses that may not have the financial capacity to make extensive site upgrades before generating revenue. He stated that reducing this burden would help businesses get started and succeed.

Mayor Turk also emphasized the importance of supporting small businesses and expressed approval of increased flexibility in the ordinance to help new businesses establish themselves in Salem. She stated that trying the proposed change and comparing outcomes to the prior 25% threshold would be beneficial.

Vice-Mayor Green indicated that it was her understanding that this was in relation to renovating and expanding, and not a new business going in.

Ms. Wines clarified that this could apply to a new business as well if they were renovating a building more than 25%.

Councilman Holliday commented on the example of the work that was done in the recent opening of Wings Etc. in Salem.

Vice-Mayor Green noted that while a business might qualify under the proposed higher improvement threshold, the exterior appearance of buildings remains important because it influences how the community is perceived. She emphasized the value of maintaining attractive exteriors but acknowledged the reasoning behind the proposed change. She also noted that the change would apply to all businesses, not just small ones, and expressed interest in how this issue would be addressed during the zoning ordinance update.

Ayes: John Saunders, Hunter Holliday, Randy Foley, Anne Marie Green, Renée Turk
Nays: None
Abstaining: None

E. Amendment to City Code - Chapter 82

Consider adoption of ordinance on first reading amending Sections 82-136 through 82-147 Article V, Chapter 82, of The CODE OF THE CITY OF SALEM, VIRGINIA, pertaining to Transient Occupancy Tax.

Kristi Chittum, Commissioner of the Revenue, explained that the proposed changes to Section 82 are intended to add definitions currently not included in the City Code and to align local regulations with state law. The update also includes the addition of “intermediaries,” such as Airbnb, Expedia, and similar platforms, which were not previously addressed in the code.

Anne Marie Green motioned to adopt the City ordinance amendment to City Code

Chapter 82 on first reading. Randy Foley seconded the motion.

Ayes: John Saunders, Hunter Holliday, Randy Foley, Anne Marie Green, Renée Turk

Nays: None

Abstaining: None

F. Amendment to City Code - Chapter 94

Consider adoption of ordinance on first reading amending Chapter 94, Nuisances, Section 94-3, Declaration of nuisances; abatement required, pertaining to trees of the CODE OF THE CITY OF SALEM, VIRGINIA.

Ms. Wines explained that the City previously expanded the nuisance ordinance to address issues beyond weeds and tall grass, including trees, to help citizens with potentially hazardous trees on neighboring properties. However, regulating trees that have not yet caused damage has proven difficult and resource intensive. Staff has recommended removing the language regarding trees “in imminent danger of falling” from the ordinance, while retaining provisions for trees growing into structures and causing actual damage, as private property laws are more effective for addressing potential hazards.

Hunter Holliday motioned to adopt the ordinance on first reading, amending Chapter 94, Nuisances, Section 94-3. Randy Foley seconded the motion.

Ayes: John Saunders, Hunter Holliday, Randy Foley, Anne Marie Green, Renée Turk

Nays: None

Abstaining: None

G. Amendment to the Zoning Ordinance

Hold a public hearing and consider adoption of ordinance on first reading for the request of Pillis Enterprises Inc., property owner, to rezone the property located at 522 South Market Street (Tax Map #s 160 - 4 - 2) from RSF Residential Single-Family District to HBD Highway Business District. (Advertised in the October 23 and 30, 2025, issues of *Cardinal News*.) (Planning Commission recommended approval by a unanimous vote.)

Ms. Wines reported that the subject property, currently zoned Residential Single-Family, is a 0.108-acre tract that previously contained a residential structure demolished in the 2010s. The property owners have requested rezoning to Highway Business District to use the site as an overflow parking lot for the 4th Street garage. The rezoning is necessary to accommodate this intended use.

Mayor Turk opened the public hearing.

Steve and Robin Pillis, 1726 Amy Lane, expressed the reasons for the rezoning request, citing ongoing parking difficulties in the area and the need for additional off-street parking. They noted that a nearby property previously used for similar purposes is now closed, and the existing lot behind their business, though currently a grass lot,

is inadequate for standard parking use due to costs and engineering requirements. They emphasized that rezoning the property to Highway Business District would not only help address parking needs but also make the property more attractive to potential buyers for future commercial use.

Mayor Turk closed the public hearing.

Randy Foley motioned to rezone the property located at 522 S. Market Street (Tax Map #160-4-2) from Residential Single-Family District to Highway Business District. John Saunders seconded the motion.

Ayes: John Saunders, Hunter Holliday, Randy Foley, Anne Marie Green, Renée Turk
Nays: None
Abstaining: None

H. **Back to Salem's Future - Comprehensive Plan 2045**

Hold a public hearing and consider adopting Resolution 1512 approving "Back to Salem's Future - Comprehensive Plan 2045" for the City of Salem. The plan addresses housing, redevelopment, open space, City government, transportation & infrastructure, land use, and other information used to outline the City's long-term vision and goals for development and growth. (Advertised in the October 23 and 30, 2025, issues of *Cardinal News*.) (Resolution of recommendation adopted by the Planning Commission at the September 10, 2025, meeting by a unanimous vote.)

Mayor Turk requested that Mr. Dillon provide information for Council and the public on the Comprehensive Plan.

Mr. Dillon presented the "Back to Salem's Future - Comprehensive Plan 2045", the City's comprehensive plan rewrite, highlighting the following points:

- The plan aims to celebrate Salem's current strengths while positioning the city to capitalize on future opportunities.
- The planning process began in October 2023 and included numerous public meetings and engagement opportunities.
- The Planning Commission unanimously approved the plan in September 2025, and staff have since presented it in a City Council work session and at Coffee with Council for citizen engagement.
- One change was made to the plan since the Planning Commission recommendation: the South Broad neighborhood (generally speaking the area bounded on the West by Union, on the right by Colorado, to the North by downtown, and to the South by 4th Street) was shifted from mixed-use

transition back to residential on the Future Land Use Map, with the understanding that future small-area planning may further refine designations.

- The central goal of the plan is usability, with regular updates planned to track progress and respond to city priorities, market trends, and community needs.
- Staff emphasized that adoption of the plan marks a milestone, not an endpoint, and will serve as a foundation for future planning initiatives.

Mayor Turk opened the public hearing.

Chris McCart, 316 N. Broad Street, shared a copy of the Comprehensive Plan with Council that had been studied and marked up with comments by herself and other citizens as well as other exhibits. She noted that she hoped that Council would vote against the adoption of the Comprehensive Plan this evening and detailed some of her main concerns regarding the draft Comprehensive Plan. Ms. McCart questioned whether the Comprehensive Plan Commission conducted sufficiently thorough surveys and studies of existing conditions, as required by state guidance. Another concern was raised about the financial modeling for housing affordability, including the use of mean vs. median values and conclusions that appear inconsistent with the model outputs. Overall, Ms. McCart encouraged a careful, detailed review of the Comprehensive Plan to address inaccuracies, data issues, and unsupported claims before final adoption.

Stella Reinhard, 213 N. Broad Street, expressed concerns about insufficient public notice for the Comprehensive Plan, noting that required legal notices have not been consistently posted on the City's official website and that the November 10 meeting was not labeled as a public hearing. She requested delaying plan adoption to allow additional public meetings, one focused on maps and another on open space, stating that previous materials were incomplete or unclear. Ms. Reinhard also urged clearer identification and planning for remaining open spaces and noted concerns about central Salem's zoning designations.

John Breen, 142 Bogey Lane, stated that the Comprehensive Plan lacks clear priorities, timelines, and implementation steps, citing the housing study as an example needing a formal RFP and target date. He objected to the plan's use of "polling" instead of "surveying," noting that state code requires comprehensive surveys, and urged the City to conduct a new independent survey before adoption. Mr. Breen also questioned whether the plan's impact on several City Code sections requiring consistency with the Comprehensive Plan had been evaluated.

Mayor Turk closed the public hearing.

Councilman Foley motioned to review this item further.

Councilman Holliday stated that he agreed with Mr. Foley and noted that there remained questions that the public felt had not been answered to their satisfaction.

Councilman Saunders stated that he agreed and suggested that Mr. Holliday use one of his Tuesday sessions for the large maps meeting.

Councilman Holliday stated that he did not mind doing that; however, he felt they may need to do an evening session for this and possibly use a larger venue for the meeting. He also noted that this is a living document and asked to confirm that it could be amended even after a vote was taken. He emphasized that the Comprehensive Plan is a flexible document that can be amended as conditions change and should be reviewed regularly to keep it current. He noted that both Council and City administration, with input from citizens, share responsibility for maintaining the plan. Mr. Holliday stated he had no objection to postponing its adoption.

Mayor Turk asked for a second to the motion.

Mr. Holliday seconded the motion.

Mr. Light asked for clarification from Mr. Guynn on the appropriate action to take this evening with this resolution.

Mr. Guynn responded that generally an action is tabled to a specific date.

A discussion was held on the best action to take.

Councilman Saunders asked Mr. Guynn what his recommendation was.

Mr. Guynn responded that he would decline the motion and then pick it back up at a later date.

It was noted that there was already a motion on the table.

Vice-Mayor Green noted that she was not opposed to the motion on the floor but asked for clarification on the intent of the motion and action moving forward.

Councilman Holliday noted that he felt another public hearing should provide availability of larger maps.

Mayor Turk asked Ms. Wines if citizens were able to come to Community Development if they wished to see larger maps.

Ms. Wines responded affirmatively.

Further discussion was held among Council about what is an appropriate course of

action.

Councilman Saunders asked if any more meetings could be set up before the end of the year where staff could be available at the Civic Center and Council could be in attendance to listen to questions and responses.

Ms. Wines noted that staff is open to whatever Council would like for them to do and that they have been available the past two years for questions and comments.

Mayor Turk asked if some of the comments that had been made were ones that staff had heard previously.

Ms. Wines confirmed that some of them were.

Councilman Holliday noted that he did not have a problem having another meeting.

Mayor Turk noted that she did have an issue with having another meeting and that the past two years had been sufficient. She called for a roll call vote.

Mr. Light asked to confirm if the motion is to delay or to deny this request.

Councilman Foley responded that his motion was to delay the item.

Discussion was held on the timeframe.

Randy Foley motioned to amend the original motion and delay the vote on this item until the December 8, 2025, Council meeting. Hunter Holliday seconded the motion.

Ayes: John Saunders, Hunter Holliday, Randy Foley, Anne Marie Green

Nays: Renée Turk

Abstaining: None

Mayor Turk requested that citizens with questions or comments put them in bullet point format and email them to Council to review and communicate with Community Development and staff before the December 8 meeting.

I. Appropriation of Funds

Request to transfer the fiscal year 2026 operating budget for the financed purchase of Taser 10s from the General Fund to the Debt Service Fund.

Mayor Turk asked Ms. Jordan to provide background on this item.

Ms. Jordan explained that the contract for purchasing new Tasers was determined to meet new accounting standards for a financed purchase, which requires the expenditure to be recorded in the Debt Service Fund rather than the General Fund. Because this was not clear at the time of budgeting, staff has requested transferring

the previously budgeted funds to the appropriate fund for proper accounting.

Randy Foley motioned to transfer the Fiscal Year 2026 operating budget for the financed purchase of Taser 10s from the General Fund to the Debt Service Fund. Anne Marie Green seconded the motion.

Ayes: John Saunders, Hunter Holliday, Randy Foley, Anne Marie Green, Renée Turk
Nays: None
Abstaining: None

J. Appropriation of Funds

Request to amend the School Operating Fund, School Cafeteria Fund and School Grants Fund budgets as approved by the School Board on October 14, 2025. **Audit - Finance Committee**

The School Operating Fund, School Cafeteria Fund, and School Grants Fund budgets were amended for Fiscal Year 2025-2026 by the School Board at their meeting on October 14, 2025. The Board amended the revenues and expenditures of the Operating Fund budget, resulting in a net change of \$0, an increase in the Cafeteria Fund budget of \$439, and an increase in the Grants Fund budget of \$582,986. The memo included in the agenda packet detailed the appropriation changes totaling \$0, \$439, and \$582,986 made to the Operating Fund, Cafeteria Fund, and Grants Fund, respectively.

Randy Foley motioned to approve the School Board's appropriation changes of \$0 to the School Operating Fund, \$439 to School Cafeteria Fund, and \$582,986 to the School Grants Fund as approved by the School Board at their October 14, 2025, meeting. Hunter Holliday seconded the motion.

Ayes: John Saunders, Hunter Holliday, Randy Foley, Anne Marie Green, Renée Turk
Nays: None
Abstaining: None

K. Transfer and Appropriation of Funds

Request to transfer and appropriate capital reserve funds for Salem Memorial Park stadium improvements. **Audit - Finance Committee**

The City needs to complete projects that are necessary to meet Major League Baseball's Professional Development League (PDL) standards for Salem Memorial Park. These standards were implemented by Major League Baseball in 2021 and include a detailed scoring matrix by which each PDL (formerly referred to as minor league) stadium is graded. Each stadium is audited by Major League Baseball periodically and must be within a maximum number of points based on the scoring matrix. Salem Memorial Park was audited this summer, and the stadium must be in compliance by the start of the 2026 season. Staff has thoroughly evaluated each deficiency and identified the most cost-effective projects to attain the necessary

scoring requirement.

The first project involves the replacement of the light fixtures around the field at Salem Memorial Park. The current fixtures were installed 30 years ago. There is no option to refurbish or otherwise enhance the existing lighting system to meet the lighting requirements. The lights will be replaced with LED fixtures, including a 25-year warranty that guarantees compliance with PDL lighting requirements. In addition to addressing the PDL requirements, the LED fixtures will reduce recurring electricity costs to the City for the stadium.

The second project involves modifications to both bullpens. Deficiencies include clearance requirements, elevation and slope modifications, overall dimension requirements, sight-line specifications, and fencing/wall issues. The not-to-exceed estimate for the cost of both projects is \$990,000. City staff is requesting to transfer the funds needed for both projects from the capital reserve account in the capital reserve fund. If any funds remain after completion of both projects, these funds will be transferred back to the capital reserve account.

The transfer of \$990,000 from the capital reserve account and appropriation of the funds for the projects will allow City staff to move forward with the upgrades needed at Salem Memorial Park.

Randy Foley motioned to transfer \$990,000 from the Capital Reserve account to the Capital Reserve Fund account, Salem Memorial Park Renovations. He also motioned to grant administrative rights to transfer any remaining funds after completion of the projects back to the Capital Reserve account. John Saunders seconded the motion.

Mr. Dorsey noted that they had just started to receive some quotes back on the bullpen and that, although they had an approximation, the quotes that have been received back so far have significantly exceeded the estimate. He asked that Council consider raising that number.

Mr. Light added that they need to add another approximately \$250,000.

Randy Foley amended the motion to include the additional \$250,000 and to transfer \$1,240,000. John Saunders seconded the motion.

Ayes: John Saunders, Hunter Holliday, Randy Foley, Anne Marie Green, Renée Turk

Nays: None

Abstaining: None

L. Boards and Commissions

Consider appointments to various boards and commissions.

Randy Foley motioned to appoint Chris Yeakel to fill the unexpired term of Dr. Forest Jones for the remainder of a three-year term ending December 31, 2026, to the Blue Ridge Behavioral Healthcare Board; appoint a replacement for David Robbins for the

remainder of a four-year term ending March 9, 2028, to the Economic Development Authority; appoint Anne Marie Green to fill the vacancy of Heath Rickmond for the remainder of a four-year term ending June 30, 2026, to the Social Services Advisory Board; and appoint Dr. Michael Maxey to fill the unexpired term of Dr. Forest Jones for the remainder of a four-year term ending June 30, 2026, to the Virginia Western Community College Local Advisory Board. Hunter Holliday seconded the motion.

Ayes: John Saunders, Hunter Holliday, Randy Foley, Anne Marie Green, Renée Turk

Nays: None

Abstaining: None

7. Closed Session

Hold a closed session in accordance with the following sections of the 1950 Code of Virginia, as amended: 1) Section 2.2-3711 (A)(1) for discussion of a personnel matter pertaining to prospective candidates for School Board appointments. 2) Section 2.2-3711 (A)(7) for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

Anne Marie Green motioned that, in accordance with Section 2.2-3711 A of the 1950 Code of Virginia, as amended, Council hereby convenes to closed session at 8:05 p.m. for the purpose of discussing the following specific matters:

1. Section 2.2-3711 (A)(1) for discussion of a personnel matter pertaining to prospective candidates for School Board appointments.
2. Section 2.2-3711 (A)(7) for consultation with legal counsel and briefings by staff members or consultants pertaining to actual or probable litigation, where such consultation or briefing in open meeting would adversely affect the negotiating or litigating posture of the public body.

Randy Foley seconded the motion.

Ayes: John Saunders, Hunter Holliday, Randy Foley, Anne Marie Green, Renée Turk

Nays: None

Abstaining: None

Mayor Turk noted that there likely will be action taken when they come back out of closed session.

Anne Marie Green motioned to reconvene at 8:49 p.m. in accordance with Section 2.2-3712 D. of the Code of Virginia, 1950 as amended to date. Council certifies that in closed session only items lawfully exempted from open meeting requirements under the Virginia Freedom of Information Act and only such items identified in the motion by which the closed session was convened were heard, discussed, or considered by the Council. Mayor Turk seconded the motion.

Ayes: John Saunders, Hunter Holliday, Randy Foley, Anne Marie Green, Renée Turk
Nays: None
Abstaining: None

Randy Foley motioned to appoint Andy Raines and Michael Crawley to the Salem City School Board. Hunter Holliday seconded the motion.

Ayes: John Saunders, Hunter Holliday, Randy Foley, Anne Marie Green, Renée Turk
Nays: None
Abstaining: None

Mr. Foley noted that in a previous motion he had omitted a name for the appointment to the Economic Development Authority; therefore, he motioned to appoint Kim Blair as a replacement for David Robbins for the remainder of a four-year term ending March 9, 2028, to the Economic Development Authority. Anne Marie Green seconded the motion.

Ayes: John Saunders, Hunter Holliday, Randy Foley, Anne Marie Green, Renée Turk
Nays: None
Abstaining: None

8. Adjournment

The meeting was adjourned at 8:50 p.m.

Submitted by:

H. Robert Light
Clerk of Council

Approved by:

Renée Ferris Turk
Mayor



Item #: 5.A.

AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SALEM,
VIRGINIA HELD AT CITY HALL

MEETING DATE: November 24, 2025

AGENDA ITEM: **Amendment to City Code - Chapter 78**
Consider adoption of ordinance on second reading amending Chapter 78 – Subdivisions – Articles I – Generally, Section 78-103; Article II – Administration, Sections 78-200, 201, 204, and 206; Article III – Definitions, Section 78-300; Article IV – Review of plats, Sections 78-400, 401, 402, 403, 404, 405, 406, 407, 408, 416, 421; Article V – Security for the construction of public improvements, Sections, 78-501 and 503; Article VI – Requirements for design standards and public improvements, Sections 78-600, 602, 606, 607, 611, 615, 617, 625, 629, 634, and 642; and Article VII – Vacation of plats, Sections 78-701 and 706 of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to plan review by designated agent and timeframe of local approvals. (Adopted on first reading at the November 10, 2025, meeting.)

SUBMITTED BY: Mary Ellen Wines, Planning & Zoning Administrator

SUMMARY OF INFORMATION:

Largely in response to the current housing crisis, the Virginia General Assembly passed two bills affecting the subdivision ordinance and its regulated procedures during its 2025 Regular Session.

SB974: Subdivision ordinance; plan review by designated agent. Removes planning commission and governing body approval authority for the administrative review process for plats and plans and assigns such authority solely to a designated agent, defined in the bill for localities with a population of 5,000 or more. The bill also expedites the review process by shortening the timeframe for forwarding plats and plans to state agencies for review.

HB2660: Subdivision ordinance; local approvals; report. Shortens the timeframes for various local government approvals of subdivision plats and site plans.

Additionally, the bill calls on the Virginia Code Commission to convene a work group consisting of various stakeholders to review existing provisions related to the submission, review, and approval of subdivision plats and site plans to hopefully create and organize procedural steps to streamline the Virginia Code and improve its usability. That group is to report to the General Assembly by November 1, 2025.

As a result of these two bills, an amendment to the subdivision ordinance is necessary. The proposed Code changes have been reviewed by the City Attorney and reflect the amendments as directed by the state.

REQUIREMENTS:

The request meets the requirements of Title 15.2, Chapter 22, Article 6 of the Code of Virginia pertaining to Land Subdivision and Development.

FISCAL IMPACT:

STAFF RECOMMENDATION:

Staff recommends adoption of the ordinance on second reading.

ATTACHMENTS:

1. September 10 2025 PC mins
2. Legal Ad 10.23 and 10.30 Cardinal News
3. Ordinance Chapter 78 Subdivision



PLANNING COMMISSION MINUTES

Work Session, 5:30 PM, Council Chambers Conference Room, City Hall,
114 North Broad Street, Salem, Virginia 24153
Regular Session, 6:30 PM, City Hall, 114 North Broad Street, Salem, Virginia 24153

WORK SESSION

1. Call to Order

A work session meeting of the Planning Commission of the City of Salem, Virginia, was held in the Council Chambers Conference Room, City Hall, 114 North Broad Street, at 5:30 p.m., on Wednesday, September 10, 2025, there being present the following members of said Commission, to wit: Denise P. King, Reid Garst, Jackson Beamer, Mark Henrickson, and Nathan Routt, constituting a legal quorum, with Chair King, presiding; together with Christopher Dorsey, City Manager and Executive Secretary and, Robert Light, Assistant City Manager and Deputy Executive Secretary, both ex officio members of said Commission, William Simpson, Assistant Director Community Development and City Engineer, Mary Ellen Wines, Planning & Zoning Administrator, Maxwell S. Dillon, Planner, and Jim Guynn, City Attorney; and the following business was transacted:

Chair Denise King reported that this date, place, and time had been set in order for the Commission to hold a work session. The work session meeting was called to order at 5:30 p.m.

2. New Business

A discussion was held regarding the items on the current agenda as well as the October agenda as follows:

- A. "Comprehensive Plan 2045" for the City of Salem
- B. Chapter 78 Subdivisions' code changes
- C. Chapter 106 Zoning Ordinance Code changes
- D. Items on the October agenda
 - 1. 522 South Market Street RSF to HBD

3. Adjournment

Chair King adjourned at 6:19 p.m.

REGULAR SESSION

1. Call to Order

A regular meeting of the Planning Commission of the City of Salem, Virginia, was held in the Council Chambers Conference Room, City Hall, 114 North Broad Street, at 6:30 p.m., on Wednesday, September 10, 2025, there being present the following members of said Commission, to wit: Denise P. King, Reid Garst, Jackson Beamer, Mark Henrickson, and Nathan Routt, constituting a legal quorum, with Chair King, presiding; together with Christopher Dorsey, City Manager and Executive Secretary and, Robert Light, Assistant City Manager and Deputy Executive Secretary, both ex officio members of said Commission, William Simpson, Assistant Director of Community Development and City Engineer, Mary Ellen Wines, Planning & Zoning Administrator, Maxwell S. Dillon, Planner, and Jim Guynn, City Attorney; and the following business was transacted:

Chair Denise King called the September meeting of the City of Salem Planning Commission to order at 7:00 p.m. Chair King reported that this date, place, and time had been set in order for the Commission to hold a public meeting.

A. Pledge of Allegiance

B. Roll call

Mr. Routt - Here
Mr. Henrickson - Here
Mr. Beamer - Here
Vice-Chair Garst - Here
Chair King – Here

2. Consent Agenda

A. Minutes

Consider acceptance of the minutes from August 13th, 2025, regular meeting.

Chair King stated that under the consent agenda, they have the minutes of the August 13th, 2025, Commission work session and regular meeting. Chair King asked the Commission if anyone had any questions, additions, or comments. Hearing none the minutes will be considered accepted.

3. New Business

A. Adopting a Resolution of Recommendation

Consider adopting a resolution of recommendation regarding Salem's Comprehensive Plan "Back to Salem's Future, Plan 2045". The plan addresses housing, redevelopment, open space, city government, transportation, & infrastructure, land use, and other information used to outline the City's long-term vision and goals for development and growth.

Max Dillon, Planner, greeted the Commission and began by providing a high-level recap of the comprehensive plan, explaining that it had been in development for some time. He explained that the Planning and Zoning staff had initiated the process for a new comprehensive plan in October 2023. The goal from the beginning had been to develop a plan that capitalized on the various elements that make Salem unique while recognizing that cities must evolve over time to meet market demands, citizen preferences, and best planning practices. To support this vision, the "Back to Salem's Future" brand was created, encompassing a set of strategies and actions intended to position Salem for a promising future while honoring its historic identity. He elaborated that the plan addressed numerous interconnected topics such as transportation, housing, parks, and commercial redevelopment. It was organized into themes and strategies designed to reflect the natural overlap among these issues. He emphasized that throughout the planning process, staff had conducted extensive community engagement efforts. These included online public polls, regular updates on the city website, social media posts, email subscriptions, and a total of 10 public meetings and open houses. Subcommittees made up of City Council members, Planning Commissioners, and staff also participated in shaping the plan. Mr. Dillon acknowledged that many of the Commission members had been deeply engaged in the process. He remarked that the planning occurred during a particularly challenging period for local governments, where public engagement had become increasingly contentious. Nonetheless, the plan prioritized inclusivity and the diverse needs of the community. Mr. Dillon clarified that the plan encouraged a housing portfolio supportive of various preferences and income levels while rejecting the idea of growth for growth's sake. Instead, it recognized that local realities and political factors shape the future more than broad population projections. He pointed out that the plan would serve as a foundation for future initiatives such as small area planning, a potential housing study, and eventual zoning and subdivision ordinance rewrites. He mentioned that although Salem participates in regional transportation planning through the Roanoke Valley-Alleghany Regional Commission, the city had also requested a review from VDOT to ensure alignment with broader state plans. VDOT confirmed the plan's compatibility in a formal memo. He highlighted that one of the defining strengths of the document was its structure. Many comprehensive plans, he noted, are adopted only to be forgotten because of poor usability. This plan, however, had been deliberately designed to be user-friendly, readable, marketable to businesses, accessible to citizens of various education levels, and actionable by city staff. Mr. Dillon explained that instead of duplicating existing strategic plans, the document referenced them and their sources. It also included an "Action Plan" to help prioritize implementation strategies. He concluded by stating that the plan satisfied Virginia State Code requirements, aligned with VDOT, and most importantly, was based on community input and several rounds of revision. He emphasized that while the current plan was a milestone, it marked the beginning of further planning efforts.

Chair King asked if there were any questions or comments from the Commission. She thanked Mr. Dillon and Ms. Wines, adding that when she first reviewed the comprehensive plan, she had felt it included too many pictures. However, upon comparing it with plans from other localities, she came to realize that visuals were important for conveying Salem's features to those unfamiliar with them. For instance, while locals understand references like "the duck pond," outsiders wouldn't grasp the significance without a photo. She concluded by thanking Max and Mary Ellen for enlightening her throughout the process.

Mr. Dillon responded, "Certainly, and thank you."

Chair King then opened the floor for further comments.

Vice-Chair Garst, Mr. Beamer, Mr. Henrickson, and Mr. Routt all commended Mr. Dillon and Ms. Wines for their work.

Vice-Chair Garst noted that he hoped the "community engagement" summary would include a clear list of the public outreach efforts for the record.

Mr. Dillon agreed, stating that they would ensure those materials were included.

Chair King added that, if citizens questioned the level of public engagement, they could point to the comprehensive summary of outreach efforts as proof.

Mr. Henrickson emphasized the importance of recognizing the citizens and stakeholders who contributed to the process. He said that he and his fellow commissioners had spoken to many people throughout Salem, gathering diverse opinions. While the plan was general in nature, he believed that was by design to allow flexibility in the future. He noted that he had studied the document extensively and could practically recite page 132. He thanked everyone involved again.

Mr. Dillon responded by thanking the citizens, Commission members, board members, and Council members who participated. He gave a special shoutout to Glenn Walters, of Town Studio, who had played a major role early on, even though his involvement lessened toward the end of the process. Mr. Dillon acknowledged the challenges but appreciated Glenn's responsiveness.

Chair King opened the public hearing. She directed the citizens who had signed up to speak to come forward as their names were called and reminded them of the 3-minute speaking limit.

Vice-Chair Garst announced the speakers: Ms. Reinhart, Ms. Crotts, and Mr. Breen.

Ms. Reinhart, 213 N. Broad Street appeared before the Commission raising concerns about the lack of clear zoning information in the plan. She recalled older plans that included specific descriptions of multifamily residential areas and corresponding zoning maps, which she felt were missing from this version. While the presentation was visually

appealing, she wanted assurance that residents would have opportunities to comment during future zoning code revisions. She worried about the possibility of neighboring properties being redeveloped into apartments or short-term rentals without proper community input. She also questioned whether a 60-day review period could be granted to allow further feedback, especially since the latest version was only uploaded to the website on September 5th. She emphasized the importance of translating the plan's language and visuals into policies that benefit and reflect the community.

Ms. Donna Crotts, 307 N. Broad Street, appeared before the Commission stating that her perspective had shifted somewhat after listening to the meeting. She appreciated the diligent work put into the plan but noted a lack of recent citizen meetings since April, particularly after the plan had been revised. She raised concerns about Salem's slow population growth and questioned why young people weren't returning. While Salem was once known for its schools, she believed the quality had declined. She emphasized the need to investigate what younger generations think and want from the city.

Vice-Chair Garst thanked her and added that staff had previously visited the high school to gather student feedback early in the process.

Mr. John Breen, 142 Bogey Lane, appeared before the Commission criticizing the foundation of the comprehensive plan, claiming that the survey used to support it was biased and flawed. He expressed concern that developers were already referencing it and that the plan might lead to additional consulting fees. He believed the city should revisit the original contract to verify whether all deliverables had been met and was alarmed to learn that the documents were owned by Town Studio rather than the City of Salem. Breen suggested that the process be paused, giving citizens who contributed a final opportunity to review the plan.

Chair King asked if anyone else wished to speak. Seeing none, she closed the public hearing. She asked the staff if they had any final comments. Hearing none, Chair King made a point to state that the Commission took citizen input very seriously and regretted that Chris McCart, a citizen and researcher, was not present. McCart had brought VDOT's 2022 guidelines to the Commission's attention, which led Chair King to follow up directly with VDOT. After reviewing the documents, she noted that the language was confusing—at one point requiring VDOT approval and elsewhere making it optional. Following up on McCart's concerns, the city sent the plan to VDOT, which reviewed and approved it. Chair King thanked Ms. McCart and emphasized that citizen concerns were acted upon. She also detailed the extent of public outreach: open houses, events like Pumpkin Fest, outreach at Salem Red Sox games, church visits, business meetings, and engagement with school staff, realtors, and home builders. The city had also distributed a citywide mailer, although not everyone received it due to address records. She emphasized that few other actions could have been taken to ensure public input.

Vice-Chair Garst added that the current draft of the plan was essentially unchanged from six months ago. The September updates were mostly related to VDOT documentation.

Mr. Dillon clarified that the first comprehensive draft was posted in May and earlier sections had been released for review. The September version involved design and

organization tweaks but no significant content changes.

Chair King then asked Mr. Dillon and Ms. Wines to explain the process for future small area plans and potential housing forums involving public participation.

Ms. Wines confirmed that small area plans would include public input through open houses, hearings, and comment opportunities.

Vice-Chair Garst asked if the model would follow the "East Bottom" plan approach.

Ms. Wines confirmed, explaining that meetings would be held in the neighborhoods in question, with broader community access encouraged.

Chair King said that this approach would likely be standard for future planning efforts, and emphasized the goal of engaging residents directly in their neighborhoods.

Vice-Chair Garst noted that the East Bottom plan was referenced in the comprehensive plan as a model for future efforts.

Ms. Wines affirmed this, adding that the zoning rewrite process would include a committee, citizen participation, open houses, and public hearings. The city intended to gather broad input on housing as well.

Chair King asked for any final comments. Hearing none, she called for a motion.

On motion by Commissioner Routt, seconded by Commissioner Beamer, and duly carried, the resolution of recommendation regarding Salem's Comprehensive Plan "Back to Salem's Future, Plan 2045" be hereby adopted and forwarded to City Council

Roll call vote.

Mr. Routt - aye
Mr. Henrickson - aye
Mr. Beamer - aye
Vice-Chair Garst - aye
Chair King - aye

Chair King stated that the Commission is a research and recommending body to City Council, however in this instance it is the responsibility of the Planning Commission to oversee the creation of the comprehensive plan, and this will go on to City Council with the Commission's recommendation to approve it.

B. Chapter 78 – Subdivisions

Consider amending Chapter 78 – Subdivisions – Articles I – Generally, Section 78-103, Article II – Administration, Sections 78-200, 201, 204, and 206, Article III – Definitions, Section 78-300, Article IV – Review of plats, Sections 78-400, 401, 402, 403, 405, 406, 407, 408, 416, 421, and Article V – Security for the

construction of public improvements, Sections, 78-501 and 503, Article VI – Requirements for design standards and public improvements, Sections 78-600, 602, 606, 607, 611, 615, 617, 625, 629, 634, and 642, Article VII – Vacation of plats, Sections 78-701 and 706 of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to plan review by designated agent and timeframe of local approvals.

Mary Ellen Wines, Planning and Zoning Administrator, appeared before the Commission explaining that, as the Commission was aware, the state legislature, in response to the housing crisis, had made a decision this past year to streamline the development approval process. This change applied specifically to Chapter 78, the subdivision ordinance, and removed the Planning Commission from the development approval process. All the changes referenced by Mr. Light, she continued, essentially indicated that the Planning Commission was now removed from that role. Approval responsibility now rested with the designated agent, who, per Commission bylaws, was determined to be the assistant City Manager and, the Director of Community Development. Staff, as a whole, would continue to review major site subdivision plans and major subdivision plats. These plans would still go through a multi-departmental approval process. By state code, if these plans or plats met code requirements, the City was obligated to approve them. This was not a flexible or variable approval process — it was administrative. The state's intent was to remove barriers for localities, especially those where development approvals took years, in an effort to help address the housing crisis.

Vice-Chair Garst asked, for the benefit of the public, what authority the Planning Commission retained.

Ms. Wines answered that, in regard to major subdivisions and site plans, the Commission retained none.

Chair King added that the removal of the Commission's authority was in response to the housing crisis and acknowledged that several citizens had expressed dissatisfaction with the change. However, she emphasized that the City had no control over the matter — nor did City Council. Concerned citizens were encouraged to contact their state delegate and senator.

Mr. Henrickson reiterated that the change was due to state code and not the City of Salem's own decisions. The changes were aimed at larger municipalities with more complex bureaucracies. In contrast, Salem had historically processed development much more efficiently. Still, he acknowledged that the City was bound to follow the state code.

Ms. Wines noted that Salem had been fortunate and was not experiencing the housing crisis as acutely as other localities.

Mr. Henrickson commented that the tides were beginning to shift.

Ms. Wines responded with agreement.

Chair King opened the public hearing on the matter.

Mrs. Stella Reinhart, 227 North Broad Street, appeared before the Commission stating that she had a few questions. She noted that sometimes the state code required a minimum number of public hearings, such as one by the Planning Commission. Given that this change was recent, she admitted she had not yet researched it fully but wondered whether the City's charter might protect the current development process, similar to other localities like Falls Church, Virginia. In that case, their charter granted them the authority to continue operating under their previous system. She suggested checking Salem's charter. Her second concern involved minimum standards. She questioned whether, even if the state only required a single public hearing, the City could voluntarily add more. She expressed concern that recent development proposals lacked clear information for residents, particularly in regard to site plans. The process had lost transparency when those plans no longer required public hearings. She asked whether public engagement could be incorporated back into the process. She thanked the Commission.

Mr. John Breen, 142 Boogie Lane, appeared before the Commission stating that his concern about the state's imposition on local authority, particularly in Salem. He warned that the new policy concentrated unchecked power in the hands of a designated agent. As a result, an individual — or a very small group — could approve a plat or site plan without public or Commission knowledge. He viewed this as a threat to transparent governance. To address this, Mr. Breen proposed two specific actions: one, modify Section 78-201.1 to require (rather than allow) the designated agent to seek assistance when making decisions and two, amend Section 78 to require the designated agent to notify the City Manager, Planning Commission, City Council, and the public via the city's website within seven days of receiving any new plat or site plan. He added that associated staff reports should also be shared publicly. This, he argued, would ensure that residents and local officials remain informed. He also raised a question about who had the authority to appoint the designated agent, suggesting that the Virginia Code appeared to assign this role to the governing body, not the Planning Commission. He urged the Commission to revisit this point and consider stronger oversight language. He concluded by respectfully asking the Commission to consider these changes to ensure transparency and accountability.

Chair King asked if anyone else wished to speak.

Mr. Alexander Boone, 3934 Electric Road, appeared before the Commission stating he hadn't planned to speak but wanted to offer a different perspective. He appreciated Mr. Breen's comments but spoke from the point of view of a developer and former lawyer. In his view, the plat review process was — and should remain — administrative. He described a frustrating experience in another locality where Planning Commission and City Council approval were required for plats, which delayed development needlessly. In his opinion, if a plan met all zoning and code requirements, it should be approved without delay. Requiring unnecessary review steps only served to delay housing production, which he found counterproductive. While the public could still access plats at the courthouse, the decision to approve them was, in practice, a matter of compliance — not policy. He praised the updated state law for streamlining this process and stated that, from a practical perspective, it was a beneficial change. He thanked the Planning Commission for its consideration.

Mrs. Reinhart reappeared stating that during both the work session and the hearing, it had been stated that the approval process was simply administrative and based on whether requirements were met. However, she had reviewed the applicable legislation and found that there were, in fact, some circumstances under which a plat or site plan could be denied — even if zoning requirements were met. She urged the Commission to explore those exceptions and consider whether they allowed for additional scrutiny or discretion. While she acknowledged the expertise of the Commission, she offered this information as a helpful contribution to the discussion.

Chair King thanked Ms. Reinhart and asked if anyone else wished to speak. Hearing none, she closed the public hearing.

Chair King then asked Mr. Guynn to confirm whether state law superseded the City's charter.

Mr. Guynn confirmed that it did.

Chair King clarified that even if the City's zoning ordinance or charter contained specific requirements, state law took precedence. She reiterated that unless the state code specifically allowed for additional items to be considered in plan denial, the City could not arbitrarily introduce other conditions. She asked if there were any additional comments.

Vice-Chair Garst asked for clarification, noting that while the Planning Commission would no longer review site plans, it would still review significant development proposals such as Steelton Mills.

Mr. Guynn responded that the Commission would not review the site plan but confirmed the overall development would require Commission involvement in certain cases.

Chair King asked Ms. Wines to elaborate.

Ms. Wines explained that projects requesting a Cluster Housing Overlay, rezoning, or Planned Unit Development (PUD) would still come before both the Planning Commission and City Council. Only administrative plan approvals were removed from the Commission's role.

Vice-Chair Garst asked if prior cases like Newman Drive, Simms Farm, and Hope Tree had come before the Commission because they were rezonings or PUDs.

Ms. Wines confirmed that they had.

Vice-Chair Garst concluded that, under the changes, nothing significant that the Commission had reviewed in the past two years would change, apart from the final procedural approval of plats.

Ms. Wines confirmed his understanding.

Chair King asked if there were any more questions or comments. Hearing none, she entertained a motion.

On motion made by Commissioner Routt, seconded by Commissioner Henrickson, and duly carried, the Planning Commission of the City of Salem hereby recommends to City Council that the amendments to the City Code, Chapter 78, Subdivisions, be adopted as presented.

Roll call vote.

Mr. Routt – Aye
Mr. Henrickson – Aye
Mr. Beamer – Aye
Vice-Chair Garst – Aye
Chair King – Aye

Chair King announced that city code change will go on to City Council for adoption.

C. Chapter 106 – Zoning

Consider amending Chapter 106 – Zoning Article II – District Regulations, Section 106 – 232 pertaining to Industrial park overlay district, Article III – Use and design standards, Section 106 – 318 pertaining to Urban agriculture, Article IV – Development standards, Section 106 – 400 pertaining to site plans, 402 pertaining to nonconforming uses and sites, 406 pertaining to plot plans, Article V – Administration, Section 106-520 pertaining to amendments to ordinance, 524 pertaining to special exception permits and use not provided for permits, Article VI – Definitions and Use Types, Section 106 – 600 pertaining to site plans, of the CODE OF THE CITY OF SALEM, VIRGINIA.

Chair King began by asking if any staff member would like to present the next item.

Ms. Wines, addressed the Commission to discuss updates to the city’s zoning ordinance. She began by explaining that the ordinance was originally adopted in 2005, and it requires regular updates to remain effective. A comprehensive rewrite is planned for the future, but in the meantime, she introduced a few targeted changes intended to ensure continued functionality and alignment with sound planning practices and zoning law. She explained that Section 106-232, the Industrial Park Overlay District, currently only applies to Salem Industrial Drive south of the railroad tracks. It provides flexibility for industrial development—particularly in areas like parking and landscaping—though it does not alter stormwater management requirements. She stated that the proposal is to expand this overlay to additional industrial areas, including Salem Industrial Drive, Cook Drive, Midland, and Intervale.

Commissioner Beamer asked if Southside would be included in the expansion.

Ms. Wines confirmed that it would. She also mentioned that several of these industrial areas front major roads like Apperson, Riverside, and Electric Road. To maintain the

visual character of these corridors, lots along those streets would be required to include a substantial evergreen buffer. She continued that the next section of amendments would be Section 106-318, the chicken-keeping regulations, noting that there were no changes to the rules themselves. However, responsibility for inspections would shift from the Police Department to the Community Development team in order to reduce the burden on law enforcement. Next, she discussed proposed revisions to Section 106-400, which addresses site plan requirements. She clarified that the actual process and requirements were not changing—instead, the language would be revised for clarity, making it easier to determine when a site plan is required and what type is applicable. She outlined three types of site plans: a plot plan, typically a certified plat for minor additions or parking space changes; a minor site plan, used for improvements like parking or landscaping that do not involve utilities or stormwater; and a major site plan, which encompasses all aspects including stormwater and utility work. Ms. Wines continued with Section 106-402 pertaining to nonconforming uses. She stated the current rule for legal non-conforming sites is that if interior renovations exceed 25% of a building's fair market value, the property owner must also upgrade parking and landscaping—even if the exterior remains untouched. She stated that this requirement has placed a strain on small businesses. To address this, the proposed change would increase the threshold to 50% of the fair market value before such upgrades would be triggered. Continuing, Ms. Wines explained that also in Section 106-400 was the matter of zoning violations and the timeline for addressing them. Currently, there is no deadline for completing required improvements when a site plan is triggered by a violation. The proposal would establish a 90-day construction deadline, with flexibility to grant extensions when weather or other factors—such as the inability to plant trees in winter—interfere with compliance. She continued that in Section 106-520 and 524 the code states that under current rules, if a lot does not meet minimum frontage or width requirements, even if it is legally buildable, the owner must first obtain a variance from the Board of Zoning Appeals before applying for a rezoning or special exception. Ms. Wines described this as an unnecessary extra step and proposed eliminating that requirement, especially since rezoning and special exception applications are already subject to public hearings. Lastly, Ms. Wines noted that clear definitions for the three site plan types plot, minor, and major—would be added to Section 106-600 to ensure better understanding.

Chair King thanked Ms. Wines for her presentation and asked if there were any questions. Hearing none, she opened the public hearing.

Stella Reinhart of 213 N. Broad Street was the first to speak. She began by questioning a previous assertion regarding state law superseding local charters. After briefly researching the matter on her phone, she indicated that the Virginia Code does not generally override a city charter unless specifically stated, suggesting it might be worth further review. She then shifted her attention to the industrial overlay proposal and asked whether it would apply to both light and heavy manufacturing. Wines responded that it would. Reinhart sought further clarification, pointing out that the city previously had only one industrial park overlay and was now expanding it to areas that were not originally designated as such but already had some industrial use. Chair King confirmed that interpretation, and Vice-Chair Garst added that the areas in question shared the same character, despite not being previously designated. Reinhart shared her observations from biking along the Greenway near Cook Drive, noting the industrial buildings present

in the area. She encouraged the Commission to consider more intentional planning for the future of these spaces. Referencing examples from Roanoke and elsewhere, she highlighted successful conversions of industrial buildings into public spaces like breweries, climbing gyms, and art centers. She suggested that creative reuse, including elements like murals, lighting, seating, and sculptures, could help better integrate these areas into the community and enhance their public appeal. She emphasized that shaping the character of development was as important as permitting it and noted that even small enhancements, such as trees and public art, could make a meaningful difference. Before stepping down, she expressed her trust in the Commission's judgment.

Chair King thanked her and acknowledged the merit of her suggestions, while clarifying that the proposal at hand was limited to applying existing overlay standards to more locations and did not directly address elements like murals or public art.

Ms. Wines added that murals are in fact permitted in industrial areas, along with trees and sculptures.

Chair King asked if there was anyone else here tonight to speak about this matter, seeing none, she closed the meeting to the public.

On motion made by Commissioner Henrickson, seconded by Vice-Chair Garst, and duly carried, the Planning Commission of the City of Salem hereby recommends to City Council that the amendments to the City Code, Chapter 106, Zoning, be adopted as presented.

Roll call vote.

Mr. Routt – Aye
Mr. Henrickson – Aye
Mr. Beamer – Aye
Vice-Chair Garst – Aye
Chair King – Aye

4. Adjournment

Chair King stated there was no additional business for the Planning Commission and the meeting was adjourned at 7:31p.m.

Notice of Hearing

Published in Cardinal News on October 23, 2025

Location

Virginia County, Virginia

Notice Text

Notice of Public Hearing

Notice is hereby given to all interested persons that the Council of the City of Salem, at its regular meeting on Monday, November 10, 2025, at 6:30 p.m., in Council Chambers, City Hall, 114. N. Broad Street, in the City of Salem, Virginia, will hold a public hearing, pursuant to Section 15.2-2204 of the Code of Virginia, as amended, to consider the following requests relative to the CODE OF THE CITY OF SALEM, VIRGINIA:

Consider approval and adoption of Salem s Comprehensive Plan "Back to Salem s Future, Plan 2045". The plan addresses housing, redevelopment, open space, city government, transportation & infrastructure, land use, and other information used to outline the City's long-term vision and goals for development and growth.

2. Consider amending Chapter 78 Subdivisions Articles I Generally, Section 78-103, Article II Administration, Sections 78-200, 201, 204, and 206, Article III Definitions, Section 78-300, Article IV Review of plats, Sections 78-400, 401, 402, 403, 404, 405, 406, 407, 408, 416, 421, and Article V Security for the construction of public improvements, Sections, 78-501 and 503, Article VI Requirements for design standards and public improvements, Sections 78-600, 602, 606, 607, 611, 615, 617, 625, 629, 634, and 642, Article VII Vacation of plats, Sections 78-701 and 706 of the CODE OF THE CITY OF SALEM, VIRGINIA pertaining to plan review by designated agent and timeframe of local approvals.

3. Consider amending Chapter 106 Zoning, Article II District Regulations, Section 106-232 pertaining to Industrial park overlay district, Article III Use and design standards, Section 106-318 pertaining to Urban agriculture, Article IV Development standards, Section 106-400 pertaining to site plans, 402 pertaining to nonconforming uses and sites, 406 pertaining to plot plans, Article V Administration, Section 106-520 pertaining to amendments to ordinance, 524 pertaining to special exception permits and use not provided for permits, Article VI Definitions and Use Types, Section 106-600 pertaining to site plans, of the CODE OF THE CITY OF SALEM, VIRGINIA.

Copies of the proposed plans, ordinances or amendments may be examined in the Office of Community Development, 21 South Bruffey Street, Salem, Virginia.

At said hearing, parties in interest and citizens shall have an opportunity to be heard relative to the said requests.

THE COUNCIL OF THE CITY OF SALEM, VIRGINIA

BY:

H. Robert Light
Clerk of Council

Notice of Hearing

Published in Cardinal News on October 30, 2025

Location

Virginia County, Virginia

Notice Text

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At said hearing, parties in interest and citizens shall have an opportunity to be heard relative to the said requests.

THE COUNCIL OF THE CITY OF SALEM, VIRGINIA

BY:

H. Robert Light

Clerk of Council

AN ORDINANCE TO AMEND, REVISE, AND REORDAIN CHAPTER 78, SUBDIVISIONS, ARTICLES I – GENERALLY, SECTION 78-103, ARTICLE II – ADMINISTRATION, SECTIONS 78-200, 201, 204, AND 206, ARTICLE III – DEFINITIONS, SECTION 78-300, ARTICLE IV – REVIEW OF PLATS, SECTIONS 78-400, 401, 402, 403, 404, 405, 406, 407, 408, 416, 421, AND ARTICLE V – SECURITY FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS, SECTIONS, 78-501 AND 503, ARTICLE VI – REQUIREMENTS FOR DESIGN STANDARDS AND PUBLIC IMPROVEMENTS, SECTIONS 78-600, 602, 606, 607, 611, 615, 617, 625, 629, 634, AND 642, ARTICLE VII – VACATION OF PLATS, SECTIONS 78-701 AND 706 OF THE CODE OF THE CITY OF SALEM, VIRGINIA PERTAINING TO PLAN REVIEW BY DESIGNATED AGENT AND TIMEFRAME OF LOCAL APPROVALS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SALEM, VIRGINIA, THAT SECTION 78-103, ARTICLE I; SECTIONS 78-200, 201, 204, AND 206, ARTICLE II; SECTION 78-300, ARTICLE III; SECTIONS 78-400, 401, 402, 403, 404, 405, 406, 407, 408, 416, 421, ARTICLE IV; SECTIONS 78-501 AND 503, ARTICLE V; SECTIONS 78-6002, 602, 060, 607, 611, 615, 617, 625, 629, 634, QNE 642, ARTICLE VI; AND SECTIONS 78-701 AND 706, ARTICLE VII OF CHAPTER 78, SUBDIVISIONS, OF THE CODE OF THE CITY OF SALEM, VIRGINIA BE AMENDED, REVISED, AND REORDAINED TO READ AS FOLLOWS:

Chapter 78 SUBDIVISIONS¹

ARTICLE I. GENERALLY

Sec. 78-103. Jurisdiction and applicability of chapter.

- (a) These regulations shall govern the subdivision of all land located within the corporate limits of the city occurring on or after the effective date of this chapter. No land may be subdivided through the use of any legal description other than a plat approved by the ~~planning commission or~~ agent in accordance with this chapter.
- (b) No existing subdivision shall be modified except by approval in accordance with this and other applicable ordinances of the city.
- (c) This chapter shall govern residential and nonresidential subdivisions.

¹Editor's note(s)—Printed herein is the Salem Subdivision Ordinance adopted by City Council on March 14, 2005, effective July 1, 2005.

Cross reference(s)—Health and sanitation, ch. 38; manufactured homes and trailers, ch. 54; planning, ch. 62; signs, ch. 66; streets, sidewalks and other public places, ch. 74; utilities, ch. 90; zoning, ch. 106.

State law reference(s)—Land subdivision and development, Code of Virginia, § 15.2-465 et seq.; Subdivided Land Sales Act of 1978, Code of Virginia, § 55-336 et seq.

ARTICLE II. ADMINISTRATION

Sec. ~~78-200.~~ Planning commission.

~~(a) The planning commission, or its designated agent, shall have the authority to review, approve and disapprove the preliminary and final plats for all subdivisions of land within the corporate limits of the City of Salem. The planning commission shall perform its duties in regard to subdivisions in accordance with this chapter, and the Land Subdivision and Development Act, Title 15.2, Chapter 22, Article 6 of the Code of Virginia.~~

Sec. 78-201. Designated Agent.

~~(a) The planning commission is appointed by city council to administer and enforce this chapter.~~

~~(b) The planning commission's agent shall be appointed by planning commission to administer and enforce this chapter.~~

~~(c) The planning commission or its agent shall exercise authority to review, approve and disapprove plans for the construction of public facilities within all new subdivisions within the corporate limits of the city.~~

(a) The City Manager and his or her designee are appointed as the Designated Agent to administer and enforce this chapter.

(b) The Designated Agent shall exercise authority to review, approve and disapprove preliminary and final plats for all subdivisions of land, and plans for the construction of public facilities within all new subdivisions within the corporate limits of the city in accordance with this chapter, and the Land Subdivision and Development Act, Title 15.2, Chapter 22, Article 6 of the Code of Virginia.

(c) ~~(d)~~ All departments, officials and public employees of the city who are vested with the duty or authority to issue permits or approvals under this chapter shall adhere and conform to the provisions of this chapter. Any such approvals or permits issued in conflict with the provisions of this chapter shall be null and void.

Sec. 78-201.1. Designated Agent authority to consult.

(a) The ~~planning commission or its agent~~ Designated Agent may call for opinions or decisions, either oral or written, from the city attorney, other departments or other agencies in considering details of any submitted plat.

Sec. 78-201.2. Designated Agent additional authority.

(a) The Designated Agent may establish any reasonable administrative procedures deemed necessary for the proper administration of this chapter.

Sec. 78-204. Enforcement.

- (a) No person shall subdivide any tract of land that is located within the jurisdiction of the city except in conformity with the provisions of this chapter and any other applicable city ordinance.
- (b) No person shall subdivide land without making and recording a plat of such subdivision and without fully complying with the provisions of this subdivision chapter and of general law.
- (c) No such plat of any subdivision shall be recorded unless or until it shall have been submitted to and approved by the **planning commission Designated Agent, or its designee, as appropriate.**
- (d) No person shall sell or transfer any land of a subdivision before the plat has been approved and recorded as provided herein unless such subdivision was lawfully created prior to the adoption of this chapter or any predecessor subdivision ordinance; provided, however, that nothing herein shall be construed as preventing the passage of title of property.
- (e) Any person violating the foregoing provisions of this section shall be subject to a fine of not more than \$500.00 for each lot or parcel of land so subdivided or transferred or sold; and the description of such lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or transferring shall not exempt the transaction from such penalties or from the remedies herein provided.
- (f) The **Designated Agent** and city attorney may take such other legal action as may be necessary to enforce the provisions of this chapter, including suit for injunction, for abatement or restraining order or other appropriate proceeding.
- (g) The zoning administrator shall not approve a site development plan nor issue a zoning permit for any lot that was created in violation of this chapter.

Sec. 78-206. Waivers authorized.

- (a) In cases of unusual situations or where strict adherence to the general regulations in this chapter would result in substantial injustice or hardship, the **planning commission Designated Agent** may waive standards contained in Article VI of this chapter, under the terms, procedures, and conditions established in this chapter. No waiver shall be granted which is illegal or which would prejudice the health and safety of citizens of the city.

Sec. 78-206.1. Waiver process.

- (a) Each request for a waiver from the terms of this chapter shall be made in writing by the subdivider, stating specifically the provision from which the waiver is requested, and the grounds therefore. Where possible, the subdivider should submit a request for a waiver with the preliminary plat submission. All waiver requests shall be accompanied by such plats, drawings, and engineering documents required by the **Designated Agent** to allow the **planning commission Designated Agent** to understand and act on the waiver.

Sec. 78-206.2. Authority to grant waiver.

- (a) The ~~planning commission~~ **Designated Agent** shall review, approve or disapprove any request for a waiver.

Sec. 78-206.3. Time period for consideration of waiver request; notice.

- (a) The ~~planning commission~~ **Designated Agent** shall take action on a request for a waiver within 60 days after the application is filed. ~~At~~ **At** least ten days prior to final action, the ~~planning commission~~ **Designated Agent** shall give written notice by regular mail or by delivery to landowners adjoining the plat involved in the request.

Sec. 78-206.4. Action on waiver request.

- (a) The ~~planning commission~~ **Designated Agent** shall grant or deny each request in writing, stating the reasons therefore. The action of the **Designated Agent**~~planning commission~~ shall be final. As to each waiver, the ~~planning commission~~ **Designated Agent** shall preserve and record the application and the basis for the waiver or denial of the waiver.

ARTICLE III. DEFINITIONS

Sec. 78-300. Definitions.

- (a) For the purposes of this chapter, the words and terms set out in this section shall have the meanings described below. Any word or phrase used in this chapter shall have the same meaning as that set forth in the City of Salem Zoning Ordinance.

- (b) Definitions:

Acceptance: The point when the public improvement is either:

- (1) Accepted by resolution of the city council; or
- (2) Taken over for operation and maintenance by the city or other public authority which is responsible for maintaining and for operating such facility upon acceptance.

Designated Agent: ~~Representatives of the planning commission who have been appointed to~~ **The City Manager or his or her designee shall serve as its Designated Agent** in administering this chapter, as hereinafter is specifically provided.

Aggrieved person: A person or group of people with an immediate, pecuniary and substantial interest in a subdivision as opposed to a remote or indirect interest. The subdivider may be an aggrieved person. A person is also aggrieved if the person suffers a denial of some personal or property right or imposition of a burden or obligation different from that suffered by the public in general.

Alley: A service roadway providing a secondary means of access to abutting property and not intended for general traffic circulation.

Boundary line adjustment: The adjustment of a common lot line between two or more lots within a subdivision, or the vacation of a lot line for the purpose of combining two or more lots. A boundary line adjustment shall not include any action which results in the creation of one or more additional building lots, nor the vacation of any street, alley, access easement, or other public feature.

CBR: California Bearing Ratio.

Chapter: The "Subdivision Ordinance of Salem Virginia.

Circuit Court: The Salem Virginia Circuit Court.

Commission: The planning commission of Salem, Virginia.

Dedication: The transfer of private property to public ownership and use as a requirement of plat and/or plan approval.

Final subdivision plat: The map of a subdivision submitted to the **Designated Agent** for final approval and subsequently to be recorded with the Clerk of the Salem Circuit Court.

Governing body: The City Council of Salem, Virginia.

Major subdivision: A subdivision creating six or more lots, or any subdivision involving the creation of a public or private rights-of-way.

Minor subdivision: A subdivision creating five or fewer lots.

Performance security: Cash in the form of a certified check payable to the city, cash escrow agreement, or letter of credit.

Preliminary plat: The preliminary drawing or drawings, including the elements required by this chapter, indicating the proposed manner or layout of the subdivision to be submitted for approval.

Public improvement: Any drainage ditch, roadway, parkway, sidewalk, bicycle or pedestrian way, or other facility for which the City may ultimately assume the responsibility for maintenance and operation, or which may **affect** an improvement for which local government responsibility is established.

Resubdivision: A change in a map or an approved or existing subdivision plat if such change affects any street layout on such map or area reserved thereon for public use or any lot line.

Sidewalk: A paved walk located in a rights-of-way adjacent to the public street.

Street, arterial: A heavily traveled thoroughfare or highway that carries a large volume of through traffic.

Street, collector: A street that conducts traffic between arterial and local streets and provides for the collection of traffic within, or for an entrance to, or a principal means of circulation within one or more subdivisions.

Street, cul-de-sac: A street with only one outlet and an appropriate turnaround for a safe and convenient reversal of traffic movement.

Street, local: A street that provides direct public access to the abutting properties.

Street width: The total width of the improved vehicle travel way as measured from face of curb to face of curb, or edge of pavement to edge of pavement for roads without a curb.

Subdivide: To divide any tract, parcel or lot of land into two or more parts for the purpose, whether immediate or future, of transfer of ownership or building development, and including all changes in street or lot lines.

Subdivider: An individual, corporation, partnership, or other entity owning any property to be subdivided.

Subdivision site plan: The maps or drawings accompanying a subdivision plat and showing the specific location and design of public improvements to be installed in the subdivision in accordance with the requirements of the subdivision ordinance as a condition of approval of the plat.

VDOT: Virginia Department of Transportation.

ARTICLE IV. REVIEW OF PLATS

Sec. 78-400. Submission of plat and plans to **Designated Agent**.

- (a) Whenever the owner of any tract of land located at least in part within the city desires to subdivide the tract, and before the sale of any lot located in said subdivision, the subdivider shall submit a plat and subdivision site plan of the proposed subdivision to the **Designated Agent**. The **Designated Agent** shall process the plat and plan in accordance with the provisions of this article.
- (b) Any change in a recorded subdivision plat that modifies, or creates lot lines shall be approved in the manner and under the requirements provided herein. This section applies to any subdivision plat of record, whether or not recorded prior to the adoption of a subdivision ordinance. Where a street, alley, easement for public passage, or other public area or easement laid out or described in such plat is affected, the plat, or pertinent part thereof, shall be vacated prior to resubdivision.

Sec. 78-401. Boundary line adjustments.

- (a) Notwithstanding, subsection 78-400(b) above, the **Designated Agent** may waive the procedural requirements of this chapter and approve the minor adjustment of boundary lines of any two legal lots or record, provided no additional lots are created. No such boundary line adjustment shall involve the relocation of any street, alley, easement for public passage, or other public area. No easement or utility rights-of-way shall be adjusted or relocated without the express consent of all persons holding any interest therein.

-
- (b) All boundary line adjustments shall be depicted on a valid plat which shall be executed, acknowledged, and recorded by the owner or owners of such land as provided in § 15.2-2264 of the Code of Virginia.
 - (c) No boundary line adjustment shall result in the creation of any new violation of the zoning ordinance, however, any existing nonconformity of lot size, frontage or setback may continue so long as such nonconformity is not enlarged, extended, or expanded.

Sec. 78-402. Approval process, major subdivision.

- (a) Any applicant for a major subdivision involving more than 50 lots shall submit a preliminary plat to the **Designated Agent** for review. Any applicant for a major subdivision involving 50 or fewer lots may submit a preliminary plat. After the approval of the preliminary plat by the **Designated Agent**, the applicant shall submit a final plat to the ~~planning commission~~ **Designated Agent** and a subdivision site plan to the **Designated Agent** for review and approval.

Sec. 78-403. Approval process, minor subdivision.

- (a) Any applicant for a minor subdivision shall submit a preliminary plat and final plat and subdivision site plan, if required, to the city director of community development, who shall be authorized to coordinate the review and approval of said plats and plans. The director of community development shall have the right to refer any minor subdivision to the ~~planning commission~~ **Designated Agent** for its review and approval.

Sec. 78-404. Series of minor subdivision plats.

- (a) The **Designated Agent** may determine that a series of minor subdivision plats in fact constitutes a major subdivision if the series of plats relates to the same parcels or related groups of parcels. If the **Designated Agent** determines that the series of plats in fact constitutes a major subdivision then the **Designated Agent** shall require the subdivider to follow the process for the review of major subdivision plats.

Sec. 78-405. Changing plats after approval.

- (a) No change, erasure or revision shall be made on any preliminary or final plat of a subdivision, nor on accompanying plans, after approval by the ~~planning commission or~~ **Designated Agent**, unless authorization for such change has been granted in writing by the ~~planning commission or~~ **Designated Agent**. In no case shall the ~~planning commission or~~ **Designated Agent** approve a revision of a previously approved plat unless the date of the revision and the fact that it is a revised plat is clearly stated thereon.

Sec. 78-406. Pre-application conference.

- (a) The applicant may schedule a conference with the **Designated Agent** to review a concept sketch for any proposed minor or major subdivision, in order to determine whether the sketch generally meets the requirements of the zoning and subdivision ordinances, and to identify any concerns or issues raised by the proposed subdivision. The **Designated**

Agent's comments on the sketch shall be informal, and shall not constitute a formal approval or disapproval of the subdivision plat.

Sec. 78-407. Concept sketch standards.

- (a) The concept sketch should conform to the following guidelines:
 - (1) Be drawn on white paper or on a print of a topographic map of the property.
 - (2) Be at a scale of not less than 200 feet to the inch.
 - (3) Include the name, location, dimensions of all streets entering the property, adjacent to the property or terminating at the boundary of the property to be subdivided.
 - (4) Show the approximate location of natural features, such as watercourses and slopes with approximate gradients.
 - (5) Show the approximate location and dimensions of all proposed streets, lots, parks, playgrounds and other proposed uses of the land to be subdivided.
 - (6) Include the approximate dimensions of the property to be subdivided.

Sec. 78-408. Preliminary plats.

Sec. 78-408.1. Size and information required on a preliminary plat.

- (a) All preliminary plats shall be 18 by 24 inches in size, and submitted in digital format.
- (b) Prior to final approval by the ~~planning commission~~ or **Designated Agent**, the preliminary plat shall be signed by the owner of the land proposed for subdivision. The signature shall certify that the owner is aware of the requirements imposed by the plat and applicable city codes, and shall further certify that the owner agrees to comply with these requirements, unless modified in accordance with the City Code.
- (c) The preliminary plat shall demonstrate compliance with the requirements of the Salem Zoning Ordinance and this chapter. The **Designated Agent** may require the following elements:
 - (1) Name of the subdivision, with the notation, "Preliminary Plat".
 - (2) Name(s) of owner(s) of subdivision.
 - (3) Name of surveyor or engineer.
 - (4) Location of proposed subdivision by vicinity map showing adjoining roads, and names of roads.
 - (5) Adjoining subdivisions.
 - (6) Parcel tax numbers.
 - (7) Deed references.
 - (8) True, record or grid north.

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- (9) Identification of any graves, objects, or structures marking a place of human burial.
 - (10) Scale of drawing.
 - (11) Boundary survey.
 - (12) Total acreage in overall parcel or parcels involved.
 - (13) Total acreage of subdivided area.
 - (14) Number of lots.
 - (15) Area of each lot.
 - (16) Frontage of each lot.
 - (17) Purpose of dedication of land to public use, if any.
 - (18) Area, if any, in common open space, park or public lands.
 - (19) Names of all existing, platted and proposed streets.
 - (20) Width of existing, platted and proposed streets.
 - (21) Location of existing buildings within the boundaries of the tract.
 - (22) Existing and proposed utility and other easements.
 - (23) Any sidewalks or bikeways proposed.
 - (24) Existing and proposed storm drainage facilities and provisions for stormwater management.
 - (25) Location and names of water courses.
 - (26) Topography at contour intervals satisfactory to the **Designated Agent** for full engineering review.
 - (27) Road profiles showing existing and proposed street grades.
 - (28) Proposed connections with existing sanitary sewers.
 - (29) Proposed connections with existing water supply.
 - (30) Contiguous land owned or controlled by the subdivider.

Sec. 78-408.3. Acceptance of preliminary plat and plan.

- (a) The **Designated Agent** is authorized to reject a preliminary plat or subdivision site plan on account of significant deficiencies.
- (b) Preliminary plats or subdivision site plans which are found deficient shall not be accepted until the deficiencies have been properly addressed and remedied. Resubmittals shall reactivate the review period.
- (c) A preliminary plat or subdivision site plan accepted for review and accompanied by the correct fee shall be deemed officially submitted to the city.

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- (d) For all subdivisions, the **Designated Agent** shall review the accepted preliminary plat and subdivision site plan.

Sec. 78-408.4. Review of preliminary plats.

- (a) The preliminary plat for each phase of a multi-phased development shall demonstrate compliance with this chapter, the zoning ordinance, and other applicable city standards and ordinances.
- (b) The **Designated Agent** shall act to approve or disapprove the preliminary plat within **60 45** days of its acceptance; provided, however, that if referral to a state agency for review is necessary, the **Designated Agent** shall act within **45 20** days after receiving approval from all state agencies. If a plat is disapproved, the **Designated Agent** shall state the reasons therefore and shall state what corrections or modifications will permit approval of the preliminary plat by the ~~planning commission~~ **Designated Agent**.

Sec. 78-408.5. Term of validity of preliminary plat.

- (a) A preliminary subdivision plat remains valid for five years from the date of approval provided the subdivider submits a final subdivision plat for all or a portion of the property within one year of such approval and thereafter diligently pursues approval of the final subdivision plat. "Diligent pursuit of approval" means that the subdivider has incurred extensive obligations or substantial expenses relating to the submitted final subdivision plat or modifications thereto. However, no sooner than three years following such preliminary subdivision plat approval, and upon 90 days' written notice by certified mail to the subdivider, **Designated Agent** may revoke such approval upon a specific finding of facts that the subdivider has not diligently pursued approval of the final subdivision plat.
- (b) The final plat and final plan shall meet all of the submittal requirements established by this chapter for the subdivision or section thereof. Failure to do so shall make the preliminary plat approvals null and void.

Sec. 78-408.6. Multi-phase subdivisions.

- (a) After approval of the preliminary plat by the **Designated Agent**, the subdivider may request an extension for the recordation of the final plats of the subdivision from the ~~planning commission~~ **Designated Agent**. The final plats for all phases must be recorded within five years of the first recordation of a final plat for any phase, unless this period is extended by the ~~planning commission~~ **Designated Agent** within 45 days of the approval of the preliminary plat. The ~~planning commission~~ **Designated Agent** may grant the extension for such time as it may deem to be reasonable, taking into consideration the size and phasing of the proposed subdivision. The final plats for unrecorded phases shall be subject to the terms and conditions of the engineering and construction standards and zoning requirements in effect at the time that each remaining phase is recorded, except if they conflict directly with the approved preliminary plat.

(Ord. of 3-14-05(1); Ord. of 3-28-2022(1))

Sec. 78-408.7. Appeal of failure to act on preliminary plat.

- (a) If the **Designated Agent** fails to approve or disapprove the preliminary plat within 90 days after it has been officially submitted for approval, the subdivider, after ten days' written notice to the ~~planning commission or Designated Agent~~, may petition the circuit court for an order with respect thereto as it deems proper, which may include directing approval of the plat.

Sec. 78-408.8. Appeal of disapproval of preliminary plat.

- (a) If the **Designated Agent** disapproves a preliminary plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, the subdivider may appeal to the circuit court which shall hear and determine the case as soon as may be. The appeal must be filed with the circuit court within 60 days of the written disapproval by the ~~planning commission or Designated Agent~~.

Sec. 78-416. Subdivision site plans.

Sec. 78-416.1. Subdivision site plan specifications.

- (a) Every subdivision site plan shall be 24 by 36 inches in size and at a scale of not smaller than 50 feet to the inch (1" = 50'), except in cases where the **Designated Agent** has approved an alternate scale.
- (b) Prior to final approval by the city, subdivision site plans shall be signed by the owner of the land proposed for subdivision. The signature shall certify that the owner is aware of the design requirements imposed by the plan and other applicable city codes, and shall further certify that the owner agrees to comply with these requirements, unless modified in accordance with the City Code.
- (c) The subdivision site plan shall include the following:
 - (1) *General information:*
 - a. Name of subdivision.
 - b. True, record, or grid north (identified as such).
 - c. Scale of drawing.
 - d. Number of sheets.
 - e. Name and address of person and firm preparing the plan.
 - f. Approval block providing for signature and date.
 - g. Vicinity map indicating adjoining roads and road names, and at a scale not smaller than 1" = 2,000'.

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- h. Date drawing prepared, and revision dates.
- (2) *General notes:*
- a. Name and address of owner and developer.
 - b. Address and tax parcel number of property to be subdivided.
 - c. Zoning district.
 - d. Number of lots.
 - e. Total area of subdivision.
 - f. Means of providing public water and sewer service to each lot.
- (3) *Street information:*
- a. Plan and profile of all streets.
 - b. Vertical and horizontal curve data for all streets.
 - c. Sight distances.
 - d. Typical section of all streets including pavement structure proposed and typical grading.
 - e. Traffic projections and analysis where necessary to estimate warrants for signalization, turn lanes, and other related features.
- (4) *Stormwater management information:*
- a. Engineering calculations establishing pre- and post-development runoff for the subdivision.
 - b. Detention facility calculations establishing the adequacy of proposed measures and downstream channels.
 - c. Erosion and sediment control plan and narrative.
 - d. Plan and profile and grading of a typical section of proposed detention facilities.
- (5) *Drainage information:*
- a. Plan and profile of all proposed street drain pipes and channels identifying all inlets, specifying material type and size, with design of invert and top elevation.
 - b. All existing and proposed drainage easements.
 - c. Watercourses, springs and other natural drainage features.
- (6) *Water supply information:*
- a. Plan and profile, including material, size, cover and utility crossings, of existing and proposed water mains.
 - b. Existing and proposed hydrants, valves and other associated features.
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- c. Existing and proposed service laterals and meter locations.
 - d. Existing and proposed easements.
 - e. Fire flow and water pressure calculations.
- (7) *Sanitary sewer information:*
- a. Plan and profile, including material, size, cover, grade, structures, invert, top elevation and utility crossings.
 - b. Existing and proposed service laterals and clean out locations.
 - c. Existing and proposed easements.
 - d. Downstream sewer capacity analysis.
 - e. Lowest floor elevation sewerable by gravity on each lot.
- (8) *Other information:*
- a. Information, details or design as necessary to demonstrate or achieve compliance with the standards of this chapter.
 - b. Existing and proposed topographic lines at two-inch intervals.

Sec. 78-416.2. Waiver of subdivision site plan elements.

- (a) The **Designated Agent** may waive the requirement to show on the subdivision site plan specific items if, in his or her opinion, and based on recognized engineering principles and in an effort to achieve the goals of this chapter, they are unnecessary to determine compliance with appropriate codes and standards and ordinances. Such waiver shall not be construed to authorize the reduction or waiver of any standard or required improvement.

Sec. 78-416.4. Process for approval of subdivision site plans.

- (a) Subdivision site plans for the design and construction of required public facilities shall be submitted with the final plat. The **Designated Agent** shall approve or disapprove plans within **6040** days of their submission. In the event of the failure of the **Designated Agent** to act within such period, the plans may be submitted, after ten days' notice to the city, to the circuit court for its approval or disapproval.

Sec. 78-416.5. Effect of approval.

- (a) Approval by the **Designated Agent** of the subdivision site plan shall, upon issuance of all necessary permits including, but not limited to, land disturbing permits constitute authority to commence development and construction activities which are in accordance with the approved plan but only within such section or sections which have received approval. Nothing in this provision however, shall be interpreted to authorize the construction of any structure on any proposed lot other than such structures which are appurtenant to utility installations.

Sec. 78-421. Final plats.

Sec. 78-421.1. Elements of final plats.

- (a) All final subdivision plats shall be clearly and legibly drawn in ink, at a scale of not smaller than 50 feet to the inch (1' = 50'), except in cases where the **Designated Agent** has approved an alternate scale, on sheets being 18 by 24 inches in size.
- (b) The final plat shall show the following information:
- (1) *General information:*
- a. Name of subdivision.
 - b. True, record, or grid north.
 - c. Scale of drawing, which shall be not smaller than 1" = 50', without approval of the **Designated Agent**.
 - d. Number of sheets.
 - e. Name and address of person and firm preparing plat.
 - f. Vicinity map indicating adjoining roads and road names, and at a scale not smaller than 1" = 2,00'.
 - g. Date drawing prepared, and revision dates.
- (2) *General notes:*
- a. Name and address of owner and developer.
 - b. Address and tax parcel number of property to be subdivided.
 - c. Zoning district.
 - d. Number of lots.
 - e. Total area of subdivision.
 - f. Means of providing water and sewer service to each lot.
- (3) *Plat information:*
- a. Metes and bounds of the perimeter of the subdivision.
 - b. Interior tract lines.
 - c. Departing lot lines for adjacent parcels.
 - d. Property owner names for adjacent parcels.
 - e. Area of each proposed lot.
 - f. Proposed lot numbers.

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- g. Boundaries of proposed and existing rights-of-way with metes and bounds description, stated in one consistent direction.
 - h. Rights-of-way width of each existing and proposed, interior and adjacent, rights-of-way.
 - i. Names (and state route numbers where applicable) of all existing and proposed streets and alleys.
 - j. Boundaries of any proposed common area or open space or public dedicated area, with metes and bounds.
 - k. Intended use of any common area, open space, or public dedicated area.
 - l. Boundaries of proposed and existing easements, with bearings and distances where necessary to establish location.
 - m. Curve data table including curve number, arc length, tangent length and bearing, and radius.
 - n. Major watercourses.
 - o. Floodplain boundaries.
 - p. Identification of graves, objects or structures marking a place of burial.
 - q. All conditional zoning proffers, special exception conditions, or Board of Zoning Appeals actions applicable to the site.
- (4) *Statements and certifications:*
- a. Owner's consent and dedication statement (notarized).
 - b. Surveyors source of title statement (signed and dated by a Virginia Licensed Surveyor).
 - c. Owner's conforming statement (notarized).
 - d. Approval block providing for signature and date.

Sec. 78-421.4. Deadline for filing final plat and plans for major subdivisions.

(a) The subdivider shall file with the **Designated Agent** the final plat and final subdivision site plans meeting the standards of this chapter for all or one or more sections of the subdivision within one year of the **Designated Agent's** approval of the preliminary plat.

Sec. 78-421.5. Review of final plat.

(a) The **Designated Agent**, ~~or the planning commission, as appropriate~~, shall approve the final plat, if found to be in conformity with the requirements of law and this chapter, within **6040** days after it has been officially submitted or resubmitted for approval.

(b) The final subdivision plat, including the final plat for each phase of a multi-phase development, shall demonstrate compliance with this chapter, the zoning ordinance, and other applicable city standards and ordinances.

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- (c) The **Designated Agent** shall not approve a final plat until any necessary deed of dedication has been submitted and approved by the city attorney. A deed of dedication is required to convey parkland, pump station sites, and other property to the city. One is not necessary to convey streets, alleys, any easement for public passage, or an easement for the conveyance of stormwater, domestic water or sewage.
 - (d) The **Designated Agent** shall not approve a final plat until any necessary subdivision agreement, with surety has been submitted and approved by the city attorney.
 - (e) Where appropriate, the **Designated Agent** shall not approve a final plat until any required deeds of easement to a homeowner's association are submitted and approved by the city attorney.
 - (f) After final plat approval by the **Designated Agent**, no change, erasure or revision shall be made on the plat or accompanying data sheets unless authorization for such change has been granted in writing by the **Designated Agent**.

Sec. 78-421.6. Disapproval of final plat.

- (a) In the case of disapproval, the **Designated Agent** shall give the subdivider specific reasons for denial, and these may be contained in a separate document or may be written on the plat. They shall relate in general terms such modifications or corrections as will permit approval of the plat.

Sec. 78-421.7. Effect of approval of final plat.

- (a) Only a final plat approved by the city may be recorded with the clerk of the circuit court.
- (b) An approved final plat must be recorded with the clerk of the circuit court within six months of the date of approval. However, this time period shall be extended to one year if:
 - (1) The subdivider has commenced the construction of facilities to be dedicated to public use, pursuant to an approved plan, or permit with security approved by the **Designated Agent**; or, if
 - (2) The subdivider has furnished surety to the **Designated Agent** by certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction for such facilities.

These exceptions apply only if construction has commenced or security has been approved and accepted before the expiration of the six-month time period. The deadline for filing the plat may be extended for the period specified in the security agreement.

- (c) In any case where a deed of dedication accompanies the final plat, the **Designated Agent** shall record both the final plat and the deed of dedication.
- (d) The subdivider shall record any required deeds of easement to a homeowner's association contemporaneously with the final plat.

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- (e) If the subdivider fails to timely record the final plat, then the approval shall become null and void and the subdivider shall return the plat to the **Designated Agent** so that it may be so marked.

Sec. 78-421.8. Final plat—Recordation in phases.

- (a) If the subdivider records a final plat which is a section or phase of a subdivision as shown on the approved preliminary plat within the period established in section 78-421.7 above, then the subdivider may record the remaining sections or phases for a period of five years from the recordation date of the first section, in accordance with this section. The subdivider shall furnish the city with a certified check, cash escrow, bond, or letter of credit in the amount of the estimated cost of construction of the facilities to be dedicated within said section for public use and maintained by the city, the Commonwealth, or other public agency. The five-year time period provided herein may be extended by the **planning commission Designated Agent** at the time of approval of the preliminary plat, as provided in section 78-408.6 above.

Sec. 78-421.9. Effect of recordation of approved plat.

- (a) The recordation of an approved plat shall operate to transfer, in fee simple, to the city, the portion of the premises set apart for streets, alleys, bikeways, sidewalks or other public use, and to convey facilities and easements for the conveyance of stormwater, public water and sewage.
- (b) When the **Designated Agent** approves in accordance with this chapter a plat or replat of land, then upon the recording of the plat or replat in the circuit court clerk's office, all rights-of-way, easements or other interest of the city in the land included on the plat or replat, except as shown thereon, shall be terminated and extinguished.

Sec. 78-421.10. Appeal of failure to act on final plat.

- (a) If the **Designated Agent or planning commission** fails to approve or disapprove a final plat within **6040** days after it has been officially submitted for approval, **or 30 days if the plat had previously been disapproved**, the subdivider, after ten days' **written** notice to the **Designated Agent**, may petition the circuit court to decide whether the plat should or should not be approved. The court shall hear the matter and make and enter an order with respect thereto as it deems proper, which may include directing approval of the plat.

Sec. 78-421.11. Appeal of disapproval of final plat.

- (a) If the **Designated Agent or planning commission** disapproves a final plat and the subdivider contends that the disapproval was not properly based on the ordinance applicable thereto, or was arbitrary or capricious, the subdivider may appeal to the circuit court within 60 days of the written disapproval.

ARTICLE V. SECURITY FOR THE CONSTRUCTION OF PUBLIC IMPROVEMENTS

Sec. 78-501. Subdivision agreement.

- (a) When a subdivider chooses to post surety in lieu of completion of those physical improvements shown on an approved plan and/or final plat in order to allow recordation prior to completion and acceptance of all required improvements, the subdivider shall enter into a subdivision agreement, approved as to content and form by the city attorney, with the city prior to approval of the final plat. The **Designated Agent** shall provide the subdivider with a sample subdivision agreement during review of the final plat.

Sec. 78-501.1. Time of agreement.

- (a) The period within which improvements or installations shall be completed and inspected for acceptance shall be specified in the subdivision agreement. In approving the time of performance of the subdivision agreement, the **Designated Agent** shall require a report containing the following information from the subdivider:
- (1) Percent of public improvements already completed; and
 - (2) Rate of construction activity including the estimated completion date for each major feature (roads, sewer, water, lights, etc.) remaining to be completed.
- (b) The **Designated Agent** shall not permit a subdivision agreement to be executed where, on the basis of the report submitted by the subdivider, it is apparent that the improvements or installations covered by said agreement cannot reasonably be expected to be completed by the deadline established therein.

(Ord. of 3-14-05(1))

Sec. 78-502. Reserved.

Sec. 78-503. Security required.

- (a) The subdivider shall furnish to the city a certified check or cash escrow in the amount of the estimated costs of construction or a personal, corporate or property bond, with surety satisfactory to the **Designated Agent**, in an amount sufficient for and conditioned upon the construction of such facilities.
- (b) The subdivider may furnish a bank or savings institution's letter of credit on certain designated funds, satisfactory to the **Designated Agent** as to the bank or savings institution, the amount and the form. The letter of credit may be used in lieu of the certified check, cash escrow, or bond in subsection (a).
- (c) The amount of the certified check, cash escrow, bond, or letter of credit shall not exceed the total of the estimated cost of construction based on unit prices for new public or private sector construction in the city and a reasonable allowance for estimated administrative costs, inflation, and potential damage to existing roads or utilities, which shall not exceed 25 percent of the estimated construction costs.

Sec. 78-503.1. Periodic partial release of security.

- (a) Upon completion of at least 30 percent of the facilities covered by any bond, escrow, letter of credit, or other performance guarantee, the **Designated Agent** is authorized to make periodic partial releases of the security.
- (b) A maximum of three periodic partial releases per any 12-month period shall be authorized. The **Designated Agent** shall make periodic partial releases of such bond, escrow, letter of credit, or other performance guarantee in a cumulative amount equal to no less than 90 percent of the original amount for which the performance guarantee was taken.
- (c) The **Designated Agent** shall provide for the periodic partial release of any bond, escrow, letter of credit, or other performance guarantee required by this chapter within 30 days after receipt of written notice by the subdivider or developer of completion of part or all of any facilities required to be constructed.
- (d) No such release need be made if the **Designated Agent** notifies the subdivider or developer in writing of non-receipt of approval by the applicable state agency or of any specified defects or deficiencies in construction and suggested corrective measures prior to the end of the 30-day period.
- (e) If no such action is taken by the **Designated Agent** within the 30-day time period, the request shall be deemed approved and a partial release granted to the subdivider or developer.

Sec. 78-503.2. Final and complete release of security.

- (a) In addition to the written request for release of security and 30-day time period as established, above, the subdivider or developer shall submit a second written request for the final and complete release of security. The **Designated Agent** shall approve or deny the request within ten working days of receipt of the request for final release. If no action is taken the request shall be deemed approved and final release granted to the subdivider or developer.
- (b) Upon final completion and acceptance of the facilities, the **Designated Agent** shall release any remaining bond, escrow, letter of credit, or other performance guarantee to the subdivider or developer. For the purpose of final release, the term "acceptance" means: when the public facility is accepted by and taken over for operation and maintenance by the city or other public agency which is responsible for maintaining and operating such facility.

Sec. 78-503.3. Grounds for refusal to release security.

- (a) The **Designated Agent** shall not refuse to make a periodic partial or final release of a bond, escrow, letter of credit, or other performance guarantee for any reason not directly related to the specified defects or deficiencies in construction of facilities covered by said bond, escrow, letter of credit, or other performance guarantee.

Sec. 78-503.4. Use of security.

- (a) In those cases where performance surety has been posted and the required improvements or installations have not been completed within the terms of the subdivision agreement, the **Designated Agent** shall declare the subdivider to be in default and shall draw on the posted surety. After the funds or proceeds from the property have been received, the **Designated Agent** shall cause such improvements to be completed. The subdivider shall be fully and completely responsible and liable for the entire cost of completing the improvements, even when such cost exceeds the amount of surety.
- (b) If the funds or proceeds from the surety are insufficient to complete the improvements, the **Designated Agent** and the city attorney shall proceed to obtain such funds from the subdivider, its successor or assigns including such reasonable costs as may be expended in the process.
- (c) If any funds remain after all improvements or installations are completed and accepted with all necessary fees paid and no defects are found therein which must be repaired, such remaining funds, less any such reasonable administrative or overhead costs which may have accrued, shall be returned to the subdivider within 180 days of final acceptance of the final improvement or installation.

*ARTICLE VI. REQUIREMENTS FOR DESIGN STANDARDS AND PUBLIC
IMPROVEMENTS*

Sec. 78-600. Land must be suitable.

- (a) In addition to the requirements established by this chapter, all subdivision plats shall comply with the Salem Zoning Ordinance; all applicable chapters of the Salem City Code, as amended; the rules and regulations of the Virginia Department of Transportation; and any other applicable federal, state, or local requirement.
- (b) Each lot shall be suitable for a building site. Land not suitable for a building site shall be combined with other lots. The ~~planning commission~~**Designated Agent** shall have the authority to deny any preliminary or final subdivision plat if the ~~planning commission~~**Designated Agent** finds the land to be unsuitable for the purposes for which it was intended.
- (c) All lots subdivided under the authority of this chapter shall lie wholly within the municipal boundary of the City of Salem.

Sec. 78-602. Off-site improvements.

- (a) Where the construction or improvement of a subdivision of land makes necessary, at least in part, the installation of new or improved sewerage, water, or drainage facilities located outside the property limits of the subdivision, the subdivider or developer of the

subdivision shall pay a proportionate share of the cost of the facilities, in accordance with this section.

- (b) No such payment shall be required until the city council has established (or has committed itself by ordinance to the establishment of) a general sanitary sewer, water or drainage improvement program for an area having related and common sanitary sewer, water and drainage conditions, or any of them, and within which the land to be subdivided is located. The city may develop and administer all three programs together or any one, or other number, separately or jointly.
- (c) The program shall include regulations that establish reasonable standards to determine the proportionate share of the total estimated cost of ultimate sanitary sewerage, water and drainage facilities required adequately to serve a related and common area, when and if fully developed in accord with the comprehensive plan, that shall be borne by each subdivider or developer within the area.
- (d) The share to be borne by each subdivider shall be limited to the proportion of such total estimated cost which the increased sanitary sewerage flow, water use or increased volume and velocity of stormwater runoff to be caused by the proposed subdivision bears to the total estimated volume and velocity of such sanitary sewerage, water or runoff from such area in its fully developed state. In calculating the volume and velocity of stormwater runoff, the city shall take into account the effect of all on-site stormwater facilities or best management practices constructed or required to be constructed by the subdivider or developer and give appropriate credit therefore.
- (e) Each such payment received shall be expended only for the necessary engineering and related studies and the construction of those facilities for which the payment was required and, until so expended, shall be held in an interest-bearing account for the benefit of the subdivider. In lieu of such payment, the **Designated Agent** may accept a letter of credit satisfactory to the **Designated Agent** conditioned upon the payment at the commencement of construction. The payments received shall be kept in a separate account for each of the individual improvement programs until such time as they are expended for the improvement program. All payments shall be released and used, with any interest earned, as a tax credit on the real estate taxes on the property if construction of the facilities identified in the established water, sewer and drainage programs is not commenced within 12 years from the date of the posting of the payment.
- (f) Nothing in this section shall imply or constitute an obligation on the part of the city to upgrade or construct any sanitary sewerage, water or storm drainage facilities or prevent the subdivider from constructing on his own account and to satisfy his own schedule such off-site facilities necessary or desirable for the safe and proper provision of utility service to the subdivision in accordance with this subdivision chapter and other ordinances and standards of the city.

Sec. 78-606. Lot dimensions.

- (a) Lot dimensions shall comply with the minimum standards of the Salem Zoning Ordinance. Where lots are more than double the minimum required area for the zoning district, the

~~planning commission~~**Designated Agent** or agent may require that those lots be arranged so as to allow further subdivision and the opening of future streets where they would be necessary to serve potential lots, all in compliance with the zoning ordinance and this chapter.

- (b) In general, side lot lines shall be at right angles to street lines (or radial to curving street lines) unless a variation from this rule will give a better street or lot plan. Depth and width of properties reserved or laid out for business, commercial, or industrial purposes shall be adequate to provide for the off-street parking and loading facilities required for the type of use and development contemplated, as established in the zoning ordinance. Townhouse lots may be subdivided along the party walls into lots smaller than those normally allowed for single-unit dwellings.

Sec. 78-607. Lot orientation.

- (a) Except as may be allowed by the zoning ordinance, each lot shall be served by and abut on a public street dedicated by the subdivision plat or on an existing public street. Lots shall be arranged so that each lot may access a local street, unless the parent parcel fronts only on an arterial or collector street and the parcel depth is insufficient to accommodate the construction of a new local street.
- (b) No lot shall have reverse frontage on any public street. ~~Planning commission~~**The Designated Agent** may waive this requirement.

Sec. 78-611. Street names.

- (a) Street names shall be indicated on the preliminary and final plats and shall be approved by the ~~Designated Agent or planning commission, as appropriate.~~ Proposed streets which are in alignment with others already existing and named shall bear the name of the existing street. In no case shall the name of the proposed streets duplicate or be similar, literally or phonetically, to existing street names, regardless of the use of the terms street, avenue, boulevard, driveway, place, lane, court, etc. Names of existing streets shall not be changed except by the approval of the city council.

Sec. 78-615. Approach angle.

- (a) All streets shall approach arterial or collector streets at an angle of not less than 80 degrees unless the ~~planning commission~~**Designated Agent**, by waiver, shall approve a lesser angle of approach for reasons of contour, terrain, or matching existing patterns.

Sec. 78-617. Minimum rights-of-way widths.

- (a) The minimum rights-of-way width of proposed streets shall be 50 feet.
- (b) If the existing streets within the subdivision are not 50 feet in width the subdivider shall dedicate by subdivision plat so that such streets will meet the standards of this chapter.
- (c) If the existing streets abutting the subdivision are not 50 feet in width, and if the need for additional rights-of-way width is generated, in whole or in part, by the proposed

subdivision, the subdivider shall dedicate by subdivision plat additional rights-of-way so that such streets will have a width of 25 feet from the center line where the street abuts the subdivided parcel.

- (d) The **Designated Agent** may require additional rights-of-way width where Virginia Department of Transportation standards for the traffic generated by the subdivision require additional width.

(Ord. of 3-14-05(1))

Sec. 78-625. Blocks.

- (a) Design standards for blocks are as follows:

- (1) *Length*: The length of blocks shall be determined by public safety, traffic flow, and natural topography considerations. Where streets are approximately parallel, connecting streets shall be provided between the parallel streets at reasonable intervals as established by application of the criteria in the preceding sentence. In general, residential blocks should be between 500 feet and 1,200 feet in length.
- (2) *Width*: Blocks shall be designed in two tiers of lots, except where prevented by the natural topography, size of the property, or adjoining railroads or waterways, in which case the **Designated Agent** may approve a single tier of lots. Where the property to be subdivided adjoins an arterial road, the **Designated Agent** may require a single tier of lots and a restricted access easement along the arterial road.
- (3) *Orientation*: Where a proposed subdivision adjoins an arterial or collector road, the **Designated Agent** may require that blocks be oriented and designed to limit or reduce the number of points of access to that road.

Sec. 78-629. Monuments visible for inspection.

- (a) Upon completion of subdivision streets, sewers and other improvements, the subdivider shall install at his expense all monuments required by the **Designated Agent** ~~or planning commission~~. Such monuments shall be clearly visible and shall be inspected and approved by the **Designated Agent** before any improvements are accepted by the governing body.

Sec. 78-634. Sanitary sewer required.

- (a) Sanitary sewerage facilities shall connect with existing public sanitary sewerage systems where available and adequate capacity exists.
- (b) If public sanitary sewerage facilities are reasonably available to serve the proposed subdivision, but inadequate capacity, as determined by the city engineer, in such facilities exists, the subdivider shall at his or her expense upgrade the sanitary sewerage lines or facilities to provide the additional capacity.
- (c) In considering the availability of a public sewer, the **Designated Agent** shall consider the following criteria: the proximity of public sewer lines; engineering feasibility and cost of extension of such lines to serve the subdivision; appropriateness of the area and soils for

septic sewer service; public health and safety of the proposed subdivision; and the city's plans for sewer line extension or service in the area.

- (d) Unless public sewer is determined not to be available, the subdivider shall install the sanitary sewer system within the subdivision, in accordance with city standards and upon its completion, shall dedicate and convey title to the sanitary sewer system to the city.

Sec. 78-642. Public utility easements.

- (a) The subdivider shall convey a 15-foot wide common or shared public utility easement centered on all interior lot lines and interior to all perimeter lot lines, to franchised cable television operators furnishing cable television and public service corporations furnishing cable television, gas, telephone, and electric service to the subdivision. Such easements may be conveyed by reference on the final recorded plat.
- (b) The **Designated Agent** may require a wider easement where necessary to provide adequate separation between water, sewer, and/or stormwater management facilities

ARTICLE VII. VACATION OF PLATS

Sec. 78-701. Vacation of plat before sale of lot therein; by the owners.

- (a) The owners, proprietors and trustees, if any, who signed the statement of consent to subdivide on the final recorded subdivision plat of any subdivision, may apply in writing for the vacation of the recorded plat or part thereof. The **Designated Agent shall refer the application to the planning commission, which** shall review the application for its consistency with the comprehensive plan. The ~~planning commission~~**Designated Agent** shall forward the application, with its recommendation, to the city council for action.
- (b) With the consent of the city council, the owners, proprietors and trustees shall duly execute, acknowledge and record in the Salem Circuit Court Clerk's Office a written instrument declaring the plat or part thereof to be vacated. The city council's consent shall appear on the face of the instrument, by the signature of the mayor or agent. The effect of recording this instrument shall be to divest all public rights in, and to reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out or described in the plat.

Sec. 78-706. Notation on vacated plat.

- (a) Immediately upon the vacation of a recorded subdivision plat, or part thereof, the clerk of the circuit court shall write in plain legible letters across such plat or part thereof, the word, "VACATED" and also make a reference on the same to the volume and page in which the instrument of vacation is recorded. The **Designated Agent** shall cause similar notations to be made on any official copy of the plat retained by the city.

(Ord. of 3-14-05(1))

This ordinance shall be in full force and effect ten (10) days after its final passage.

Upon a call for an aye and a nay vote, the same stood as follows:

John Saunders -
H. Hunter Holliday –
Byron Randolph Foley –
Anne Marie Green –
Renée F. Turk –

Passed:
Effective:

Mayor

ATTEST:

H. Robert Light
Clerk of Council
City of Salem, Virginia



Item #: 5.B.

AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SALEM,
VIRGINIA HELD AT CITY HALL

MEETING DATE: November 24, 2025

AGENDA ITEM: **Amendment to City Code - Chapter 106**
Consider adoption of ordinance on second reading amending Chapter 106 – Zoning, Article II – District Regulations, Section 106-232 pertaining to Industrial park overlay district; Article III – Use and design standards, Section 106-318 pertaining to Urban agriculture; Article IV – Development standards, Section 106-400 pertaining to site plans, 402 pertaining to nonconforming uses and sites, 406 pertaining to plot plans; Article V – Administration, Section 106-520 pertaining to amendments to ordinance, 524 pertaining to special exception permits and use not provided for permits; Article VI – Definitions and Use Types, and Section 106-600 pertaining to site plans, of the CODE OF THE CITY OF SALEM, VIRGINIA. (Adopted on first reading at the November 10, 2025, meeting.)

SUBMITTED BY: Mary Ellen Wines, Planning & Zoning Administrator

SUMMARY OF INFORMATION:

As the current zoning ordinance was adopted on March 14, 2005, routine updates and amendments are required to support the City’s needs and align with state code requirements. Modernizing standards and practices helps to ensure regulations stay compliant, while also enabling existing and prospective businesses to expand and thrive in harmony with the community at large. Logistical challenges/confusion and/or inconsistencies in the ordinance prove challenging for our citizenry as a whole.

To that extent, the following code changes have been proposed.

Section 106-232, Industrial park overlay district would include not only south Salem Industrial Drive, but also Southside Drive, Cook Drive, Midland Road, and Intervale Drive. As industrial businesses are the major backbone of the city, it is important to allow flexible regulations in appropriate locations when they pertain to expansion and growth. The flexibility included in this overlay district is safeguarded by corresponding screening requirements along major corridors.

Section 106-318.1, Keeping of chickens was originally adopted in 2012 and charges the Animal Control Office of the Police Department with inspecting each pen. Those departments have experienced a downturn in staffing, and as a result, it has become apparent that their focus should lie elsewhere. The inspection of pens would instead fall to the Community Development Department. Community Development has installed a new software program that allows automatic renewals of the permits, and this change would also prompt the renewal on a calendar year basis instead of a fiscal year basis.

Section 106-400, Development Standards has been a bit unclear regarding when a site plan is required and what type of site plan needs to be submitted for review. In order to ensure consistency and improve the development review process, staff proposes changes that define a plot plan, minor site plan, major site plan, and if/when each is required. In the spirit of promoting a business-friendly development environment, staff proposes a reduction in the threshold (based on a percentage of fair market value of improvements) that require a site plan and corresponding site improvements. Currently, the threshold of improvements is 25% or more of the fair market value of the structure. Staff proposes to increase that threshold to 50%, thereby enabling small businesses to renovate/expand without significant additional hurdles.

Additionally, when a site plan is required due to a violation of the zoning ordinance, the ordinance currently lacks a mechanism to ensure construction of corresponding site plan components in a timely manner. Staff proposes that the work included in an approved site plan due to a zoning violation be fulfilled/installed within 90 days of approval.

Sections 106-520 & 524 Amendments to ordinance and special exception permits. Currently, if a lot or parcel does not meet the minimum lot area, width, or frontage requirements, an applicant must apply to the Board of Zoning Appeals for a variance prior to acceptance of a land use application. Because an amendment and/or a permit request must go through the public hearing process, staff feels that if additional conditions are warranted, it can be handled through that existing process instead of an additional variance request. There are many substandard legal nonconforming lots located within the city. As these are “grandfathered” lots and can be developed in their current state, the extra step for a variance seems unwarranted.

Section 106-600 Definitions. The definitions for plot plan, minor site plan, and major site plan have been added.

REQUIREMENTS:

The proposed Code changes have been reviewed by the City Attorney and meet the requirements of Section 15.2-2285 of the Code of Virginia related to the preparation and adoption of a zoning ordinance.

FISCAL IMPACT:

STAFF RECOMMENDATION:

Staff recommends adoption of the ordinance on second reading.

ATTACHMENTS:

1. Ordinance Chapter 106 Zoning - proposed code changes

AN ORDINANCE TO AMEND, REVISE, AND REORDAIN CHAPTER 106, ZONING, ARTICLE II – DISTRICT REGULATIONS, SECTION 106-232 PERTAINING TO INDUSTRIAL PARK OVERLAY DISTRICT; ARTICLE III – USE AND DESIGN STANDARDS, SECTION 318 PERTAINING TO URBAN AGRICULTURE; ARTICLE IV – DEVELOPMENT STANDARDS, SECTIONS 106-400 PERTAINING TO SITE PLANS, 106-402 PERTAINING TO NONCONFORMING USES AND SITES, AND 106-406 PERTAINING TO PLOT PLANS; ARTICLE V, ADMINISTRATION, SECTION 106-520 PERTAINING TO AMENDMENTS TO ORDINANCE AND 106-524 PERTAINING TO SPECIAL EXCEPTION PERMITS AND USE NOT PROVIDED FOR PERMITS; AND ARTICLE VI– DEFINITIONS AND USE TYPES, SECTION 106-600 PERTAINING TO SITE PLANS OF THE CODE OF THE CITY OF SALEM, VIRGINIA

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SALEM, VIRGINIA, THAT SECTION 106-232, ARTICLE II; SECTION 106-318, ARTICLE III; SECTIONS 106-400, 402, AND 406, ARTICLE IV; SECTIONS 106-520 AND 524, ARTICLE V; AND SECTION 106-600, ARTICLE VI, ZONING, OF THE CODE OF THE CITY OF SALEM, VIRGINIA BE AMENDED, REVISED, AND REORDAINED TO READ AS FOLLOWS:

Chapter 106

ZONING

ARTICLE II. DISTRICT REGULATIONS

Sec. 106-232. Industrial park overlay district.

Sec. 106-232.1. Statement of intent.

(A) It is the intent of the industrial park overlay district to recognize that industrial land is a scarce and valuable resource within the City of Salem. The standards contained in this district allow for land to be used with maximum intensity, while also recognizing the need to buffer surrounding areas and street frontage.

Sec. 106-232.3. Establishment of industrial park overlay districts.

(A) Industrial park overlay districts shall include all parcels with frontage on one or more of the following streets:

1. The portion of Salem Industrial Drive south of the railroad right-of-way.
2. **Southside Drive**
3. **Cook Drive**
4. **Midland Road and Intervale Drive**

Sec. 106-232.5. Site development regulations.

(A) Notwithstanding the requirements of article IV, herein, the development regulations within the industrial park overlay district shall be as specified in the underlying zoning districts, with the following exceptions:

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1. The front yard setback shall be a minimum of eight feet from the street right-of-way. For parcels adjacent to the Roanoke River, the rear yard setback shall be a minimum of eight feet from normal high water elevation.
 2. For parcels adjacent to the Roanoke River, an eight-foot landscape buffer yard from normal high water elevation shall be established and reserved for natural vegetation.
 3. When parcels abut a different zoning classification, a 15-foot buffer yard with two rows of large evergreen trees shall be planted within the buffer.
 4. No perimeter landscaping as required under section 106-402.7 between parking areas and adjacent properties is required for parking lots with fewer than 100 parking spaces.
 5. Planting islands at the ends of parking rows are not required for parking lots with fewer than 100 parking spaces.
 6. Regardless of the number of parking spaces, rows of more than 20 parking spaces shall be broken up with an island containing at least one tree.
 7. Front yard setbacks shall be professionally designed and landscaped with a combination of evergreen shrubs and deciduous trees. The required number of shrubs shall be a minimum of one shrub per 25 linear feet of frontage. The required number of deciduous trees shall be a minimum of one tree per 100 linear feet of frontage. These plantings may be grouped with the approval of the administrator.
 8. Each parcel shall have a minimum of one canopy tree, as defined in section 106-230.9, per 100 parking spaces. For parcels containing fewer than 100 parking spaces, a minimum of one such tree shall be provided. These trees shall be located within large planting areas so as to shade parking areas or buildings.
 9. Stormwater areas may be landscaped with bog plants, or as rain gardens, in conjunction with city stormwater regulations. Stormwater areas may include appropriately adapted trees or plants, which may count towards the overall landscaping requirements.
 10. Structures that encroach into the front setback at the time of the adoption of this ordinance are exempt from the provisions of section 106-402.23(4). However all other requirements of section 106-402.23 are in full force and effect, as well as the requirements in section 106-526.
 - 11. Parcels with frontage on West Riverside and/or Mill Lane shall provide a buffer yard of a minimum of eight feet containing one row of large evergreen trees or two rows of small evergreen trees.**
 - 12. Parcels with frontage on Apperson Drive shall provide a buffer yard of a minimum of eight feet containing one row of large evergreen trees or two rows of small evergreen trees.**
 - 13. Parcels with frontage on Electric Road and/or Easton Road shall provide a buffer yard of a minimum of eight feet containing one row of large evergreen trees or two rows of small evergreen trees.**

Sec. 106-232.7. Administration.

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- (A) The owner shall be responsible for the perpetual maintenance and protection of all landscaped areas required by this ordinance.
- (B) Replacement of trees is permitted and shall be in accordance with the applicable provisions of this ordinance. Dead, unhealthy, or misshapen trees shall be replaced immediately by the owner.
- (C) Maintenance includes actions necessary to keep trees neat and orderly in appearance and free of litter and debris. Pruning of trees shall be done in a manner that preserves the character of the tree and is not detrimental to the health of the tree.
- (D) The administrator shall have the authority to enforce the requirements of this ordinance.

ARTICLE III. USE AND DESIGN STANDARDS

Sec. 106-318.1. Keeping of chickens.

- (A) *Intent.* The keeping of chickens supports a local, sustainable food system by providing an affordable, nutritious food source of fresh eggs. These regulations are to provide appropriate standards for the keeping of chickens within an urban residential environment, while protecting the residential integrity of the surrounding neighborhood and the health and safety of the chickens.
- (B) *General standards.* Keeping of chickens, as defined herein, shall be permitted as an accessory use to single family dwellings if (i) the use is conducted at the applicant's place of residence, (ii) the use is conducted for personal household consumption only, and (iii) subject to the following conditions:
1. Each parcel shall contain one single family dwelling and must have a minimum lot size of one-quarter acre (10,890 square feet).
 2. Chickens are defined herein as domestic female chicken hens. Roosters are prohibited.
 3. Chickens shall be kept for the household's personal consumption only. Commercial use such as selling eggs or selling chickens for meat shall be prohibited.
 4. There shall be no slaughtering or processing of chickens.
 5. No more than six chickens shall be allowed **per parcel**.
 6. Adequate shelter, care, and control of the chickens are required. Any person allowed to keep chickens under this section shall comply with all of the provisions and requirements of the city and state code regarding care, shelter, sanitation, health, rodent control, cruelty, neglect, noise, reasonable control and any other requirements pertaining to, but not limited to, the adequate care and control of animals in the city.

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7. The owner of the chickens shall take necessary action to reduce the attraction of predators and rodents and the potential infestation of insects and parasites. Chickens found to be infested with insects and parasites that may result in unhealthy conditions may be removed by an animal control officer.
 8. Chickens shall not be allowed to roam free. They shall be kept in an enclosed secure area not to exceed a total of 128 square feet, hereinafter known as a pen. Pens shall include a coop (enclosed structure) containing a minimum of one and one-half square foot per hen and an open run area containing a minimum of eight square feet per hen. Pens may be portable.
 9. The materials used for pens shall be uniform and kept in good condition in order to protect the safety of the chickens.
 10. All pens shall be deemed accessory structures and shall comply with the setback requirements as provided in section 106-202.3(B)(2) herein, and shall be no closer than 50 feet from any ~~adjacent~~ principal structure, situate on an adjacent parcel, other than that of the owner of the chickens. Portable pens shall be moved on a regular basis.
 11. All pens shall be located in the rear yard only.
 12. All pens shall be located out of any drainage areas that could allow fecal matter to enter a storm drainage system or stream.
 13. All pens shall be constructed and maintained so as to be **impermeably resistant** to rodents, wild birds, and predators, including dogs and cats, and to prevent such animals or other pests from being harbored underneath, inside, or within the walls of the enclosure. All pens must be kept dry, well-ventilated, and in sanitary condition at all times, and must be cleaned on a regular basis to prevent offensive odors. All manure not used for composting or fertilizing shall be removed promptly. Odors from chickens, manure, or other chicken-related substances shall not be detectable at the property boundaries.
 14. All feed or other material intended for consumption by the chicken shall be kept in containers impenetrable by rats or other rodents, and such container shall be equipped with tightly fitting caps or lids. All feeding shall be conducted in a manner so as to prevent unconsumed food from being accessible to other animals or rodents. The presence of rodents in an area used for the keeping of chickens shall be prima facie evidence that such area is maintained in violation of this section.
 15. Composting of chicken litter and waste on site is highly encouraged. If any litter and/or waste is to be disposed of, it must be double bagged and securely closed and deposited in either a city approved receptacle or taken to the city transfer station. Also, any dead chickens shall also be double bagged and securely closed and deposited in either a city approved receptacle or taken to the city transfer station.
 16. Disposal of litter, waste, and dead chickens on public land or in the sewage or stormwater collection system is strictly prohibited.

(C) *Administration.*

1. Persons wishing to keep chickens pursuant to this subsection must file an application with the **Community Development city-zoning** department. The application shall include a sketch showing the area where the chickens will be housed and all types and size of enclosures in which the chickens will dwell along with a \$25.00 fee. The sketch must show all property dimensions and setbacks. Once the site and enclosures have been inspected and approved by **the Community Development department the city's animal control officer, the city will issue** a permit ~~will be issued~~. The permit shall be valid **until the end of the calendar year in which it is issued**~~for one year~~. Each existing permit must be renewed **at the end of the calendar year annually in July** by filing an application with the ~~Community Development city-zoning~~ department, along with payment of a \$25.00 renewal **fee**. ~~The animal control officer~~ **Community Development** shall make another inspection of the site, prior to the approval of the renewal application.
2. Any violations found may subject the owner to revocation of their permit and to criminal charges as provided herein.
3. The provisions of this section shall be enforced by the zoning administrator and such enforcement authority may be delegated by the administrator to the animal control office or other departments of the city.
4. Any person violating any of the provisions of this section shall be deemed guilty of a class 4 misdemeanor. Each day a violation continues shall constitute a separate offense.
5. The keeping of chickens in AG—Agriculture district shall conform with the requirements of section 106-302 herein, and shall not be subject to the provisions of section 106-316.3 and section 106-318.

(D) *Existing use at time of enactment.* Notwithstanding the foregoing provisions of this section, places of residences where chickens (roosters not being permitted under any circumstances) are currently being kept at the time of enactment of this ordinance shall have a period of two years from such date of enactment to comply with the requirements herein. However, those eligible hereunder shall, on or before August 1, 2012, declare and certify such existing use to the satisfaction of the city and make application as required by section 106-318.1(C).

ARTICLE IV.
DEVELOPMENT STANDARDS

Sec. 106-400. Site plan review.

- (A) **The administrator shall determine which class of site plan (plot, minor, or major) shall be submitted to the city for each of the following: ~~A site plan shall be required and shall be submitted to the city for each of the following:~~**
- 1. All new development, including additions or modifications to buildings or sites, in every zoning district ~~except for single family and two family dwellings.~~**
 - 2. The conversion of any single family or two family dwelling to any other use or to a higher intensity residential use.**
 - ~~3. Additions or modifications to buildings or sites, except single family and two family dwellings, if said addition or modification results in a 5,000 square foot or greater increase in impervious surface area of the site. An agreement in lieu of plan may be approved by the city engineer for sites resulting in a 5,000—9,999 square foot increase.~~**
 - 4.3.** The conversion of any property from fee simple ownership to a condominium form of ownership.
 - 5.4.** The conversion of any building or property to a different use category, e.g., commercial to industrial.
 - ~~6.~~5.** Additions or modifications that may increase the requirements of any development standard including but not limited to parking, landscaping, and stormwater management.
 - 6.** **The associated building or structure containing a lawful nonconforming use (or is situated on a lawful nonconforming site) is enlarged, extended, reconstructed, renovated, or structurally altered to the extent that costs exceed 50 percent of the building's or structure's fair market value prior to any improvement. For purpose of this section, all costs incurred from enlargement, extension, reconstruction, renovation, or structural alteration of such during a three-year period shall be included in determining whether the costs of such improvements exceed 50 percent of the fair market value.**
 - 7.** **The use or development of any parcel conditionally rezoned, where any of the conditions accepted and attached to the parcel(s) apply to the physical arrangement or design of the site.**
- (B) All required site plans shall be prepared by a professional engineer, or land surveyor B, who is registered by the Commonwealth of Virginia. The city may waive this requirement if the type, scale or location of the proposed development does not necessitate such plans.

C) A plot plan, that meets the standards contained in section 106-406.3 shall be required for all uses or development not requiring a site plan.

D) The following additional plans may be required in conjunction with the site plan:

- 1. For sites resulting in less than 5,000 square feet of land disturbance, an erosion and sediment control plan may be required.**
- 2. For sites resulting in 5,000 to less than 10,000 square feet of land disturbance, an erosion and sediment control plan, at minimum, shall be required.**
- 3. For sites resulting in 10,000 square feet or greater of land disturbance, an erosion and sediment control plan and a stormwater management plan shall be required.**

Sec. 106-400.1. Plot Plans.

Plot plans shall be legibly drawn and shall clearly indicate the area, shape, and dimensions of the property proposed for development. All existing easements, natural water courses, and existing and proposed improvements shall also be shown on the plan. The plan shall clearly indicate the minimum distances between existing and proposed uses and all property lines. Proposed access to the property shall also be shown.

Sec. 106-400.12. Minor site plans.

- (A) Site plans as required by this section where the proposed use or development may not be of such scale and impact that the more detailed major site plan review requirements are necessary, the zoning administrator may allow the submission of a minor site plan. The requirements of the minor site plan will be determined based on the proposed development.
- (B) Every minor site plan submitted in accordance with the requirements of this chapter shall show the following information unless the administrator determines that such information is not necessary to insure conformance with city ordinances or standards:
1. Location of the lot or parcel by vicinity map. Site plans shall also contain a north arrow, original date, revision dates and graphical scale.
 2. Property lines of the parcel(s) proposed for development, including the distances and bearings of these lines. If only a portion of a parcel is proposed for development, a limits of development line shall also be shown.
 3. The name and address of the property owner and or developer of the site, if different than the owner. The name and address of the person or firm preparing the plan.
 4. The tax parcel number(s) of parcels proposed for development and depicted on the site plan.
 5. The name of adjacent property owners and the owners of any property on which any utility or drainage easement may be required in conjunction with the development. Tax parcel numbers for each of these properties shall also be provided.

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6. The nature of the land use(s) proposed for the site.
 7. The zoning district designation of the parcel(s) proposed for development, and the zoning designation and current land use of adjacent parcels.
 8. The names, and locations of existing and proposed public or private streets, alleys and easements on or adjacent to the site. The center lines or boundary of adjacent rights-of-way shall also be shown.
 9. The location, type, and size of site access points such as driveways, curb openings, and crossovers. Sight distances at these access points shall be provided. If existing median cuts will serve the site, they shall be shown. If new median cuts are proposed, their location shall also be shown.
 10. All proffers accepted pursuant to section 106-522 shall be shown on the plan.
 11. Off-street parking areas and parking spaces including handicapped spaces, loading spaces, and walkways indicating type of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of spaces provided and the number required by this chapter.
 12. The exact location of buildings or structures existing on or proposed for the site, including their setbacks from property lines, and the distance between buildings or structures.
 13. The number of stories, floor area, and building height of each building proposed. If more than one land use is proposed, the floor area of each land use shall be provided. Floor area shall be calculated on the basis of parking required for the use(s).
 14. For residential developments, the type of dwelling unit shall be stated along with the number of units proposed. Where necessary for determining the number of required parking spaces, the number of bedrooms in each unit shall also be provided.
 15. The location of proposed or required fire lanes and signs.
 16. Detailed utility plans and calculations shall be submitted for sites for which public water or sewer will be provided or for sites on which existing utilities will be modified. The city engineer shall have the authority to set the standards for such plans.
 17. The location of existing and proposed freestanding signs on the parcel.
 18. The location and type of proposed exterior site lighting, including height of poles and type of fixtures.
 19. The location of any 100-year flood plain and floodway on the site, and the relationship of buildings and structures to this floodplain and floodway.
 20. The location of required proposed buffer yards, screening, fencing, and site landscaping and irrigation. The type and size of the plant materials and screening to be used shall be provided. In addition, the relationship of these materials to physical site improvement and easements shall be provided.
 21. Elevation drawings of, at minimum, the view from the public rights-of-way. Additional views may be required.

Sec. 106-400.2. Preliminary site plans.

~~(A) Applicants for major site plan approval may submit a preliminary site plan to the city for review and approval prior to preparing a final site plan. The preliminary site plan shall show the general location of all existing and proposed land uses and site features. Specifically, it shall include the following information:~~

- ~~1. The name and location of the proposed development.~~
- ~~2. The boundary of the entire tract showing distances and bearings.~~
- ~~3. The name and address of the property owner and or developer of the site, if different than the owner. The name and address of the person or firm preparing the plan.~~
- ~~4. Area and present zoning of the site proposed for development.~~
- ~~5. Adjacent and abutting properties with information on ownership, zoning and current use.~~
- ~~6. Location of the lot or parcel by vicinity map. Site plans shall also contain a north arrow, original date, revision dates and graphical scale.~~
- ~~7. The names, and locations of existing and proposed public or private streets, alleys and easements on or adjacent to the site. The center lines or boundary of adjacent rights-of-way shall also be shown.~~
- ~~8. The exact location of buildings or structures existing on or proposed for the site, including their setbacks from property lines, and the distance between buildings or structures.~~
- ~~9. The existing topography of the parcel prior to grading, and the proposed finished contours of the site with a maximum of two foot contour intervals.~~

~~(B) The city shall review the preliminary site plan and shall advise the applicant whether or not the features and uses shown on the preliminary plan generally conform to the provisions of this chapter and any other applicable city ordinance and requirement. If the features and uses shown on the preliminary plan generally conform to the provisions of this chapter, the city shall advise the applicant of the approval of the preliminary plan and shall authorize the applicant to prepare and submit a final site plan. If the features and uses shown on the preliminary plan do not conform to the provisions of this chapter, the city shall advise the applicant in writing, and shall advise the applicant on what changes to the preliminary plan are necessary prior to approval.~~

Sec. 106-400.3. Final Major site plans.

(A) Every **final major** site plan submitted in accordance with the requirements of this chapter shall show the following information unless the administrator determines that such information is not necessary to insure conformance with city ordinances or standards:

1. Location of the lot or parcel by vicinity map. Site plans shall also contain a north arrow, original date, revision dates and graphical scale.

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2. Property lines of the parcel(s) proposed for development, including the distances and bearings of these lines. If only a portion of a parcel is proposed for development, a limits of development line shall also be shown.
 3. The name and address of the property owner and or developer of the site, if different than the owner. The name and address of the person or firm preparing the plan.
 4. The tax parcel number(s) of parcels proposed for development and depicted on the site plan.
 5. The name of adjacent property owners and the owners of any property on which any utility or drainage easement may be required in conjunction with the development. Tax parcel numbers for each of these properties shall also be provided.
 6. The nature of the land use(s) proposed for the site.
 7. The zoning district designation of the parcel(s) proposed for development, and the zoning designation and current land use of adjacent parcels.
 8. The names, and locations of existing and proposed public or private streets, alleys and easements on or adjacent to the site. The center lines or boundary of adjacent rights-of-way shall also be shown.
 9. The location, type, and size of site access points such as driveways, curb openings, and crossovers. Sight distances at these access points shall be provided. If existing median cuts will serve the site they shall be shown. If new median cuts are proposed, their location shall also be shown.
 10. All proffers accepted pursuant to section 106-522 shall be shown on the plan.
 11. Off-street parking areas and parking spaces including handicapped spaces, loading spaces, and walkways indicating type of surfacing, size, angle of stalls, width of aisles, and a specific schedule showing the number of spaces provided and the number required by this chapter.
 12. The exact location of buildings or structures existing on or proposed for the site, including their setbacks from property lines, and the distance between buildings or structures.
 13. The number of stories, floor area, and building height of each building proposed. If more than one land use is proposed, the floor area of each land use shall be provided. Floor area shall be calculated on the basis of parking required for the use(s).
 14. For residential developments, the type of dwelling unit shall be stated along with the number of units proposed. Where necessary for determining the number of required parking spaces, the number of bedrooms in each unit shall also be provided.
 15. The location of proposed or required fire lanes and signs.
 16. The existing topography of the parcel prior to grading, and the proposed finished contours of the site with a maximum of two foot contour intervals.

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17. Detailed utility plans and calculations shall be submitted for sites for which public water or sewer will be provided or for sites on which existing utilities will be modified. The City Engineer shall have the authority to set the standards for such plans.
 18. An erosion and sedimentation control plan and detail sheet shall be submitted for site developments involving the grading disturbance of greater than 5,000 square feet of area, or 1,000 cubic yards of material.
 19. A detailed storm water management plan and calculations shall be submitted. The City Engineer shall determine the requirements for such plans.
 20. The location of existing and proposed freestanding signs on the parcel.
 21. The location and type of proposed exterior site lighting, including height of poles and type of fixtures.
 22. The location of any 100 year flood plain and floodway on the site, and the relationship of buildings and structures to this floodplain and floodway.
 23. The location of required or proposed buffer yards, screening, fencing, and site landscaping and irrigation. The type and size of the plant materials and screening to be used shall be provided. In addition, the relationship of these materials to physical site improvements and easements shall be provided.
 24. Elevation drawings of, at minimum, the view from the public rights-of-way. Additional views may be required.

Sec. 106-400.5. Format of plans.

(A) Site plans shall be submitted in digital format in accordance with the following:

1. The file format shall be PDF.
2. Black and White or Grayscale unless color is a necessity.
3. 50mb file size limit.
4. Sheet size ARCH D, 24 by 36 inches.
5. Plans shall be designed using an engineering scale. Scale of the plans shall not be greater than one-inch equals ten feet (1" = 10'), or less than one-inch equals 50 feet (1" = 50'). The Zoning Administrator may approve a lesser scale such as 1" = 100' provided sufficient detail is provided to ensure compliance with all applicable requirements.
6. All sheets shall be properly numbered, and match lines provided when appropriate.
7. **Prior to review by the city, an application or letter shall be signed by the owner and developer of the proposed development certifying that they are aware of proposed plan.**
8. Prior to final approval by the city, site plans shall be signed by the owner **and or** developer of the parcel(s) proposed for development. The signature(s) shall certify that the owner **and/**developer is aware of the site design requirements imposed by the site plan and other applicable city codes and shall further certify that the owner

~~and~~-developer agrees to comply with these requirements, unless modified in accordance with local law.

Sec. 106-400.7. Administrative procedures and requirements.

- (A) The Zoning Administrator shall have the administrative authority to establish city procedures for site plan review and approval. No procedure so established shall set a lesser standard than is legislated in this chapter.
- (B) The Zoning Administrator shall coordinate the city review of any site plan submitted in accordance with city administrative procedures and shall have the authority to request opinions or decisions from other city departments, agencies or authorities of the Commonwealth of Virginia, or from other persons as may from time to time be consulted.
- (C) ~~A minimum of ten complete sets of site plans shall be submitted for review.~~ A review fee shall be required for any site plan submitted. The city shall establish procedures for the collection of these fees.
- (D) The city shall review, and approve or disapprove any site plan submitted for its review within 45 days of the filing of the plan with the city. If an unapproved site plan is returned to the applicant or other agent of the property owner, due to lack of required information on the plan, or because the design or standards proposed on the site plan do not meet the provisions of this chapter or other applicable city standards, the 45-day time period shall begin again with the resubmittal of the plan to the city.
- (E) Approval of a **final** site plan pursuant to the provisions of this chapter shall expire five years from the date of approval in accordance with § 15.2-2261 of the Code of Virginia, as amended, unless building and/or zoning permits have been obtained for the development.
- (F) No building or zoning permit shall be issued by any city official for any building, structure or use depicted on a required site plan, until such time as the plan is approved by the city.
- (G) No change, revision, or erasure shall be made on any pending or approved site plan, nor on any accompanying data sheet where approval has been endorsed on the plan or sheets, unless authorization for such changes is granted in writing by the Zoning Administrator who shall consult with all applicable departments or agencies prior to approving the change.
- (H) Improvements included on a site plan submitted as a result of a notice of violation shall be installed within ninety (90) days of approval.**

Sec. 106-400.9. Minimum standards and improvements required.

- (A) Any improvement required by this chapter, or any other ordinance of the City of Salem shall be installed at the cost of the developer unless other agreements have been reached between the developer, the city, the Virginia Department of Transportation, and/or any other governmental agency.
- (B) Prior to the approval of a site plan the applicant shall execute an agreement to construct required or proposed improvements located within public rights-of-way or easements or any such improvement connected to any public facility. The applicant shall also file a performance guarantee with surety acceptable to the city in the amount of the estimated

cost of the improvements plus ten percent contingency, as determined by the city engineer. The owner's performance guarantee shall not be released until the construction has been inspected and accepted by the city

- (C) Proposed lot sizes, buildings or uses shown on site plans shall conform to the provisions of this chapter. Nonconforming lots of record, buildings or uses may be developed in accordance with section 106-526 of this chapter.
- (D) Proposed parking areas, travel lanes and access drives shown on site plans shall be designed, located and constructed in accordance with section 106-404 of this chapter.
- (E) Utilities shown on site plans shall conform to applicable city standards, as determined by the city engineer.
- (F) Stormwater management facilities shown on site plans shall engineer be designed and implemented in accordance with the provisions of chapter 30, article IV, of the City Code.
- (G) Erosion and sedimentation control plans shall be designed and implemented in accordance with the provisions of chapter 30, article III, of the City Code.
- (H) Proposed exterior site lighting shall be in accordance with section 106-406.1 of this ordinance.
- (I) Required buffer yards, screening and/or landscaping shown on site plans shall be designed and located in accordance with section 106-402 of this ordinance.

Sec. 106-402.23. Nonconforming uses and sites.

- (A) Any lot or parcel of land having a lawful use that does not conform with the buffering, screening and landscaping provisions for this section shall be required to comply with these provisions if:
 - 1. The lawful use is discontinued for more than two years; or
 - 2. The lawful use is replaced in whole or in part by a higher intensity use type, i.e., commercial to industrial;
 - 3. The associated building or structure containing the lawful use is removed; or
 - 4. The associated building or structure containing the lawful use is **modified. A site plan may be required in accordance with Section 106-400. enlarged, extended, reconstructed or structurally altered to the extent that costs exceed 25 percent of the building's or structure's fair market value prior to any improvement. For purpose of this section, all costs incurred from enlargement, extension, reconstruction or structural alteration of such structure during a three-year period shall be included in determining whether the costs of such improvements exceed 25 percent of the fair market value.**

Sec. 106-406.3. Plot plans.

~~(A) A plot plan shall be submitted, prior to the approval of a zoning permit, for any new or expanded use or development not requiring a site plan or a concept plan. Plot plans shall be legibly drawn and shall clearly indicate the area, shape and dimensions of the property proposed for development. All existing easements, natural water courses, and existing and proposed improvements shall also be shown on the plan. The plan shall clearly indicate the minimum distances between existing and proposed uses and all property lines. Proposed access to the property shall also be shown.~~

ARTICLE V. ADMINISTRATION

Sec. 106-520. Amendments to ordinance.

- (A) Whenever the public necessity, convenience, general welfare, or good zoning practice require, the City Council may, by ordinance, amend, supplement, or change these regulations, district boundaries, or classifications of property. Any such amendments may be initiated by:
1. Resolution of the council;
 2. Motion of the commission; or
 3. Petition of the owner, contract purchaser with the owner's written consent, or the owner's agent, of the property which is the subject of the proposed zoning map amendment. Any petition submitted shall be in writing and shall be addressed to council.
 4. Any person may submit suggestions for zoning ordinance text amendments to the administrator. The administrator shall forward these requests to the Commission for their review. The commission shall be under no obligation to schedule a public hearing on any such amendment request, except that the council may direct the commission to hold a public hearing on any text amendment request.
- (B) The administrator shall establish a schedule for the receipt of amendment applications. The administrator shall also establish and maintain the amendment application materials. These application materials shall, at a minimum, include any information the administrator deems necessary for the city staff, Commission and council to adequately evaluate the amendment request. A concept plan shall accompany all map amendment requests. The administrator shall establish minimum standards for concept plans.
- ~~(C) The administrator shall not accept any amendment application for a lot or parcel that does not comply with the minimum lot area, width, or frontage requirements of the requested zoning district. In such situations, the applicant shall first seek a variance from~~

~~the Board of Zoning Appeals. If a variance is granted, the administrator shall thereafter accept the amendment application for the consideration of the Commission and Council.~~

- (DC) If the Council denies any amendment application submitted for its review, or the application is withdrawn after Council consideration, the city shall not consider substantially the same application for the same property within one year of the Council action. The administrator shall have the authority to determine whether new applications submitted within this one year period are substantially the same. In making any such determination the administrator shall have the authority to consider any items pertaining to the proposed use or development of the site such as, but not limited to, the uses proposed, densities, access, building locations, and overall site design.

Sec. 106-520.5. Posting of property.

- (A) The city may require that properties proposed for public hearing before the Commission or Board of Zoning Appeals, under the requirements of this chapter, shall be posted with a notice announcing **that a public hearing has been scheduled. The sign may contain directions on how to obtain the specific information regarding** the nature, and the date, time and place of the public hearing. This posting requirement shall be in addition to the public hearing and notice requirements imposed by § 15.2-2204 of the Code of Virginia.
- (B) The city shall prepare the notice of hearing and shall post said notice on the property or properties that are the subject of the hearing. The posting shall be accomplished at least ten days before the date of the proposed public hearing. The ~~administer~~ [administrator] shall determine the number of notices required to meet the intent of this section. All notices posted shall be clearly visible from abutting rights of way.
- (C) **The city will be deemed to have complied with its notice requirements upon compliance with paragraph (B) above, and, t**~~The unauthorized removal of or damage to, of the notices prior to the advertised public hearing, shall not be considered as a failure to comply with paragraph (B). due to weather or legitimate vandalism, shall not violate the public notice intent of this section.~~

Sec. 106-524. Special exception permits and use not provided for permits.

- (A) The procedures and standards contained in this section shall apply to all uses specifically permitted as special exceptions in the district regulations found elsewhere in this chapter. These procedures and standards shall also apply for all requests for Use Not Provided For Permits, authorized under the provisions of this chapter.
- (B) Special Exceptions are hereby established in recognition that in addition to uses permitted by right, certain uses may, depending on their scale, design, location and conditions imposed by Council, be compatible with existing and future land uses in the district.
- (C) Use not provided for permits are hereby established in recognition that this chapter may not be sufficiently detailed to list all possible land uses. When a land use is proposed that is not listed in Article II of this chapter, and/or is not a permitted use by right or by special exception in any zoning district contained in this chapter, the Council shall have the

authority under the following provisions to consider the scale, design, and location of the non-listed land use and determine its compatibility with existing and future land uses in the district.

- (D) The review and subsequent approval or disapproval of a special exception or a use not provided for permit, shall be considered a legislative act, and shall be governed by the procedures **applicable theretothereof**.

(Ord. of 3-14-05(2))

Sec. 106-524.1. General standards.

- (A) ~~The administrator shall not accept any special exception application nor any use not provided for permit application for any lot or acreage that does not meet the minimum size, width and/or frontage requirements of the district where the use is proposed.~~ **In addition,** †The administrator shall not accept any special exception application for a lot or acreage that does not meet the minimum size, width and/or frontage requirements of any applicable use and design standards for the use as listed in Article III of this chapter. In such situations, the applicant shall first seek a variance from the Board of Zoning Appeals. If a variance is granted, the administrator shall thereafter accept the special exception or use not provided for permit application for consideration by the Commission and Council.
- (B) No special exception permit, or use not provided for permit shall be issued by the Council unless the Council shall find that in addition to conformity with any standards contained in Article III Use and Design Standards, the proposed special exception or use not provided for, shall conform with the following general standards. These standards shall be met either by the proposal as submitted and thereafter revised by the applicant, or by the proposal as modified or amended as part of the review of the application by the Commission or Council.
 1. The proposal as submitted or modified shall generally conform to the latest comprehensive plan of the City of Salem.
 2. The proposal as submitted or modified shall have a minimum adverse impact on the surrounding neighborhood or community. Adverse impacts shall be evaluated with consideration to items such as, but not limited to, **long term or permanent** traffic congestion, noise, lights, dust, drainage, water quality, air quality, odor, fumes and vibrations. In considering impacts, consideration shall be given to the timing of the operation, site design, access, screening, and or other matters that might be regulated to mitigate adverse impacts.

ARTICLE VI. DEFINITIONS AND USE TYPES

Sec. 106-600. Definitions.

- (A) For the purposes of this chapter, the following rules of language shall apply:

The specific shall control the general.

The word person includes a firm, association, organization, partnership, trust, and company, as well as an individual.

The word he shall mean she, and she shall mean he.

The words used or occupied include the words intended, designed, or arranged to be used or occupied.

The word lot shall include plot or parcel.

The present tense includes the future tense; the singular number includes the plural; the plural includes the singular.

The word shall is mandatory; the words may and should are permissive.

All public officials, bodies, and agencies referred to in this chapter are those of the City of Salem Virginia, unless otherwise specifically indicated.

(B) Where terms in this chapter are undefined, the meaning of the term shall be as ascribed in the most recent edition of Webster's Unabridged Dictionary, unless it is the opinion of the Administrator that based upon normal zoning practice, a different meaning shall apply.

(C) The words and terms listed below shall have the following meanings:

Abutting. Contiguous or adjoining; having property or zoning district lines in common, or separated by a right-of-way.

Access. A means of approach, including ingress and egress.

Accessory building or structure. A building or structure detached from a principal building on the same lot and customarily incidental and subordinate to the principal building or use. Where an accessory building or structure is attached to the principal building in a substantial manner, as by a wall or roof, such accessory building shall be considered a part of the principal building.

Accessory use. A use of land, or a building or structure or portion thereof, customarily incidental and subordinate to the principal use of the land or building or structure and located on the same lot with such principal use.

Acreage. A parcel of land, regardless of area, described by metes and bounds and not a lot shown on any recorded subdivision plat.

Addition. Any construction that increases the gross floor area of a building or structure, or results in an expanded footprint of a building or structure on the ground.

Alley. A right-of-way that provides secondary vehicle and service access to abutting properties that have frontage on one or more streets.

Alteration. Any change or rearrangement in the supporting members of an existing building, such as bearing walls, columns, beams, girders or interior partitions, or any enlargement or reduction of a building or structure, whether horizontally or vertically, or the moving of a building or a structure from one location to another.

Amendment. A modification to this chapter, including the text or associated maps that has been approved by the Salem City Council.

Antenna. A communication device which transmits or receives electromagnetic signals. Antennas may be directional, including panels, and microwave dishes, and omni-directional including satellite dishes, whips, dipoles, and parabolic types. An antenna does not include the tower or other supporting structure to which it is attached.

Awning. A shelter constructed of rigid or non-rigid materials on a supporting framework, either freestanding, or projecting from and supported by an exterior wall of a building.

Base flood. A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of being equaled or exceeded in any given year). Areas including the base flood are depicted as zones AE on the City of Salem's flood insurance rate map (FIRM).

Base flood elevation (BFE). The Federal Emergency Management Agency designated 100 year water surface elevation.

Basement. A story partly underground and having at least one-half of its height above the average adjoining grade on all sides of the building or structure.

Berm. A landscaped earthen mound, incorporated as part of a site design, and intended to enhance the compatibility of abutting or nearby properties through the mitigation of sound, the screening of views, and/or the visual enhancement of a property's landscaped character.

Board of zoning appeals. The term Board of Zoning Appeals shall refer to the City of Salem Board of Zoning Appeals, also referred to in this chapter as BZA.

Buffer yard. A yard improved with screening and landscaping materials required between abutting zoning districts of differing intensities or between adjoining land uses for the purpose of decreasing the adverse impact of differing uses and districts.

Building. Any structure having a roof supported by columns or walls and intended for the shelter, housing or enclosure of any individual, animal, activity, process, equipment, goods or materials of any kind.

Building coverage. That portion of a lot, which when viewed from directly above, would be covered by any building or structure. For the purposes of this definition, lot shall include contiguous lots of the same ownership within a single zoning district which are to be used, developed or built upon as a unit.

Building, front. That portion of a building facing the street of address. The front door shall be provided with orientation to the street on which the lot faces.

Building, height of. The vertical distance above the average existing grade measured to the highest point of the building. The height of a stepped or terraced building shall be the maximum height of any segment of the building.

Building line. When viewed from above, the line, parallel to the street right-of-way, that passes through the point of the principal building nearest the street right-of-way, or in the case of the rear building line, furthest from the street right-of-way.

Business ~~entity or~~ unit. A room, a portion of a room, or suite of rooms occupied or capable of being occupied by a proprietorship, partnership, corporation, limited liability company, or other lawful enterprise where any commercial activities are conducted.

Cellar. A story having more than one-half of its height below average adjoining grade on all sides of the building or structure.

Certificate of zoning compliance. For the purposes of this chapter, official certification that premises conform to all applicable provisions of the City of Salem Zoning Ordinance and may be lawfully used or occupied.

Channel. A perceptible natural or artificial waterway which periodically or continuously contains moving water confined to a definite bed and banks.

Cluster subdivision. An alternative means of subdividing land that concentrates building density in specific areas to allow the remaining land to be reserved for the preservation of environmentally-sensitive features and open space.

Commission. The term Commission shall mean the Planning Commission of the City of Salem, Virginia.

Condominium. A building or group of buildings, created pursuant to the Virginia Horizontal Property Act, § 55-79 et seq., Code of Virginia, in which units are owned individually, and the structure, common areas and facilities are owned by all the owners on a proportional, undivided basis.

Construction, new. Structures for which construction commenced on or after the effective date of this chapter and including any subsequent improvements to such structures.

Construction, start. The date a building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within 180 days of the permit date. The "actual start" means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and /or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwellings units or not part of the main structure.

Council. The City Council of the City of Salem, Virginia.

Deck. A structure, without a roof, directly adjacent to a principal building which has an average elevation of 30 inches or greater from finished grade. A deck may be constructed of any materials.

Dedication. The transfer of private property to public ownership upon written acceptance.

Density. The number of dwelling units permitted per unit of land, commonly expressed as dwelling units per acre.

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. Within the Floodplain Overlay District this definition shall also include the storage of equipment or materials.

District. A zoning district as described and permitted by § 15.2-2280 et seq. of the Code of Virginia.

Driveway. A private roadway providing access for vehicles to a parking space, garage, dwelling, or other structure.

Dwelling unit. A room or group of rooms connected together containing cooking, bathroom and sleeping facilities constituting a separate, independent housekeeping unit, physically separated from any other dwelling unit in the same structure.

Easement. A portion of a lot or acreage reserved for present or future use by a person or entity other than the fee simple owner of the lot or acreage. Easements may exist on the ground, or under or above the lot or acreage.

Establishment. Any business, enterprise or other land use permitted by this ordinance.

Family. One or more persons related by blood, marriage, or adoption, or under approved foster care, or a group of not more than four persons (including servants) living together as a single housekeeping unit.

Flood. A general and temporary inundation of normally dry land areas from:

- a. The overflow of inland waters;
- b. The unusual and rapid accumulation or runoff of surface waters from any source; or
- c. Mudslides (i.e., mudflows), which are approximately caused or precipitated by accumulations of water on or under the ground.
- d. The collapse or subsidence of land along a body of water as a result of erosion or undermining caused by water or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm or by an unanticipated form of nature, such as a flash flood, or by some similarly unusual and unforeseeable event which results in flooding as defined in this section.

Flood, one hundred year. A flood that, on the average, is likely to occur once every 100 years (i.e., that has a one percent chance of occurring each year, although the flood may occur in any year).

Floodway fringe. That area characterized during floods by shallow, slow-moving water and represents a low hazard potential; more specifically, the floodway fringe is that area of the 100-year flood elevations contained in the flood profiles of the flood insurance study adopted by the City of Salem and as shown on the Flood Insurance Rate Map (FIRM) accompanying that study.

Floodplain. (1) A relatively flat or low land area adjoining a river, stream, or watercourse which is subject to partial or complete inundation; or, (2) an area subject to the unusual and rapid accumulation of run-off or surface waters from any source.

Flood proofing. Any combination of structural and nonstructural additions, changes or adjustments to structure which reduce or eliminate flood damage to real estate or improved real property and water and sanitary facilities, structures and their contents.

Floodway. The stream channel and adjacent land area required to carry off the often fast-moving floodwaters of the base flood and is considered to be an area of high hazard potential; more specifically, the floodway is that certain area of the 100-year floodplain that must be reserved in order to discharge such floodwaters without increasing the water surface elevation of that flood more than one foot at any point. Floodways are defined in Table 2 of the flood insurance study adopted by the city and as shown on the Flood Insurance Rate Map (FIRM) accompanying that study.

Floor area, finished. The sum of the horizontal areas of a building which is intended for human habitation and use and which has a floor to ceiling height of six and one-half feet or greater. Areas excluded from the finished floor area would include unfinished basements and attics, storage and utility rooms, and garages.

Floor area, gross. The sum of the horizontal areas of the several stories of a building, measured from the exterior faces of exterior walls, or in the case of a common wall separating two buildings, from the centerline of such common wall. Gross floor area shall exclude interior parking and loading spaces, and airspace above atriums.

Garage, private. A building for the private use of the owner or occupant of a principal residential building situated on the same lot as the principal building for the storage of motor vehicles.

Glare. The effect produced by lighting, with a brightness sufficient to cause annoyance, discomfort, or loss in visual performance and visibility.

Land disturbing activity. Any land change which may result in soil erosion from water or wind and the movement of sediments into State waters or onto lands in the Commonwealth, including, but not limited to, clearing, grading, excavating, transporting and filling of land.

Landscaping. The improvement of the appearance of an area by the planting of trees, grass, shrubs, or other plant materials.

Loading space, off-street. Space for bulk pick-ups and deliveries, scaled to delivery vehicles expected to be used, and accessible to such vehicles when required off-street parking spaces are filled.

Lot. A parcel of land intended to be separately owned, developed, or otherwise used as a unit, established by plat, subdivisions or as otherwise permitted by law.

Lot, corner. A lot located at the intersection of two or more streets or where lot lines or right-of-way lines, or the extension thereof, intersect at less than 135 degrees.

Lot coverage. That portion of a lot, which when viewed from directly above, would be covered by any building or structure, parking and loading areas and other surface which is impermeable or substantially impervious to storm water. Gravel parking areas shall be considered impervious. For the purposes of this definition, lot shall include contiguous lots of the same ownership within a single zoning district which are to be used, developed or built upon as a unit.

Lot, depth of. The average horizontal distance between front and rear lot lines. The average shall consist of the horizontal distances of the side lot lines and the distance of a line connecting the midpoints of the front and rear lot lines.

Lot, double frontage. A lot, other than a corner lot, which has frontage on more than one street other than an alley. Double frontage lots may be referred to as through lots.

Lot, frontage. The horizontal distance between the side lot lines measured at the point where the side lot lines intersect the street right-of-way. On curvilinear streets the arc between the side lot lines shall be considered the lot frontage.

Lot, interior. A lot, other than a corner lot, which has only one frontage on a street other than an alley.

Lot, irregular. A lot of such a shape or configuration that technically meets the area, frontage and width to depth requirements of this chapter but meets these requirements by incorporating unusual elongation, angles, curvilinear lines unrelated to topography or other natural land features.

Lot, pipestem. A panhandle or flag shaped lot with its widest point set back from the road at the rear of another lot (called the pipe), and having a thin strip of land connecting to the road to provide legal access and frontage (called the stem). Pipestem lots are also referred to as panhandle lots or flag lots.

Lot, width of. The average horizontal distance between all side lot lines measured at a right angle, and at the midpoint of each side lot line.

Lot of record. A lot whose existence, location, and dimensions have been legally recorded or registered in a deed or on a plat in the Clerk's office of the Circuit Court of the City of Salem.

Lowest floor. The lowest enclosed area, including basement, of any structure. An unfurnished or flood-resistant enclosure usable solely for the parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this division.

Modular home. A dwelling unit manufactured off-site and transported to the building site for final assembly on a permanent foundation. Such units shall be comprised of a combination of one or more sections or modules, as more fully defined in the Code of Virginia, Title 36, as amended, and incorporated herein by reference, including the necessary electrical, plumbing, heating, ventilating and other service systems. Such units may also be known as industrialized buildings.

Monopole. A single pole structure, usually self supporting, used to support antennas.

Natural watercourse. Any natural stream river, creek, waterway, gully, or wash in which water flows in a definite direction or course, either continuously or intermittently, and has a definite channel, bed and banks.

Nonconforming building. Any building the size, dimensions or location of which was lawful when erected or altered, but which fails to conform to the current standards and regulations due to the adoption, revision or amendment of this ordinance.

Nonconforming lot. A lot, the area, dimensions or location of which was lawful at the time the lot was created, but which fails to conform to the current standards and regulations due to the adoption, revision or amendment of this chapter.

Nonconforming use. A use or activity which was lawful when originally established, but which fails to conform to the current standards and regulations due to the adoption, revision or amendment of this chapter.

Not-for-profit. An organization or activity which has obtained nontaxable status from the U. S. Internal Revenue Service.

Off-street parking area. Space provided for vehicular parking outside the dedicated street right-of-way.

Open space. Any parcel or area of land or water essentially unimproved and set aside, dedicated or reserved for public or private use or enjoyment, or for the use and enjoyment of owners and occupants of land adjoining or neighboring such open space. Open Space may include, recreation centers, playgrounds, swimming pools, tennis and basketball courts, and similar facilities.

Open space, common. Land within or related to a development, not individually owned or dedicated for public use, which is intended for the common use or enjoyment of the residents of the development and may include such complementary structures as are necessary and appropriate.

~~*Open space may include, recreation centers, playgrounds, swimming pools, tennis and basketball courts, and similar facilities.*~~

Outdoor storage. The keeping, in other than a building, of any goods, materials, or merchandise on the same parcel for more than 24 consecutive hours.

Overlay district. A district established by this Chapter to prescribe special regulations to be applied to a site in combination with the underlying or base district.

Patio. A level surfaced area directly adjacent to a principal building which has an average elevation of not more than 30 inches from finished grade, and without walls or a roof. A patio may be constructed of any materials.

Permanent foundation. For the purposes of a modular home, a permanent foundation shall consist of a continuous solid or fully grouted masonry or concrete footing that shall fully support the exterior walls. A crawlspace, slab on grade, and basement foundations shall be considered

permanent foundations. Pier and ground anchor support systems shall not be considered a permanent foundation.

Plot plan. A drawing that clearly indicates the area, shape, and dimensions of the property proposed for development. All existing easements, natural water courses, and existing and proposed improvements shall also be shown on the plan. The plan shall clearly indicate the minimum distances between existing and proposed uses and all property lines. Proposed access to the property shall also be shown.

Porch. A roofed open area, which may be glazed or screened, usually attached to or part of and with direct access to or from, a building.

Principal building or structure. A building or structure in which the primary use of the lot on which the building is located is conducted.

Principal use. The main use of land or structures as distinguished from a secondary or accessory use.

Private. Unless otherwise specifically indicated, private shall mean anything not owned, operated, provided and/or maintained by a local, state, or federal government.

Public. Unless otherwise specifically indicated, public shall mean anything owned, operated, provided and/or maintained by a local, state, or federal government.

Public water and sewer systems. A water or sewer system owned and operated by:

- (1) A municipality or county; or
- (2) A private individual or a corporation approved and properly licensed by the State Corporation Commission prior to the adoption date of this chapter; and meeting the requirements of the State Health Department and/or Virginia Department of Environmental Quality.

Recreational vehicle. Recreational vehicle means a vehicle which is (1) built on a single chassis; (2) 400 square feet or less when measured at the largest horizontal projections; (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 temporary living quarters for recreation camping, travel or seasonal use.

Replacement cost. The cost of restoring a damaged building or structure to its original condition. Replacement cost shall include reasonable estimates of the cost of materials and labor and shall be compared with the assessed value as determined by the city assessor to determine the percentage of the cost of improvements.

Right-of-way. A legally established area or strip of land, either public or private, on which an irrevocable right of passage has been recorded.

Screening. A method of visually shielding or obscuring one abutting or nearby structure or use from another by fencing, walls, berms or densely planted vegetation. Screening is intended to substantially, but not necessarily totally obscure visual impacts between adjoining uses.

Setback. The minimum distance by which any building or structure must be separated from a street right-of-way or lot line.

Shopping center. A group of commercial establishments planned, constructed and managed as a total entity with shared access, customer and employee parking provided onsite, provision of goods delivery separated from customer access, aesthetic considerations and protection from the elements.

Site plan. A document prepared by an engineer or architect, licensed by the Commonwealth of Virginia, which is drawn to scale showing the proposed development of land. The document may include all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information.

Major site plan. A site plan that typically includes stormwater management and/or utility work.

Minor site plan. A site plan that typically does not include stormwater management and/or utility work.

Special exception. A use with operating and/or physical characteristics different from those uses permitted by right in a given zoning district which may, nonetheless, be compatible with those by-right uses under special conditions and with adequate public review. Special Exceptions are allowed only at the discretion and approval of the Salem City Council following review and recommendation by the Salem Planning Commission.

Stoop. A platform, without a roof, located at the entrance of a building with sufficient area to facilitate the ingress and egress to the building.

Story. That portion of a building included between the surface of any floor and the floor next above it, or if there is not a floor above it, then the space between the floor and the ceiling above it.

Street. Any vehicular way which: (1) is an existing state or municipal roadway; or, (2) is shown on a plat approved pursuant to law; or, (3) is approved by other official action. The term street shall include road, and highway. Unless otherwise indicated, the term street shall refer to both public and private streets.

Structure. Anything that is constructed or erected with a fixed location on the ground, or attached to something having a fixed location on the ground, including but not limited to buildings, signs, manufactured homes and swimming pools. Walls and fences shall not be deemed structures except as otherwise specifically provided in this chapter.

Substantial damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its condition before damage would equal or exceed 50 percent of the market value of the structure before such damage occurred.

Substantial improvement. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either before the improvement or repair is started, or if the structure has been damaged and is being restored, before the damage occurred. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. For the purpose of this definition

"substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not however, include either any project for improvement for a structure to comply with existing state or city health, sanitary or safety code specifications which are solely necessary to assure safe living condition, or any alteration of a structure listed on a national, state, or local historic register.

Telecommunications. The transmitting and receiving of electromagnetic signals through the atmosphere.

Use not provided for permit. A permit authorizing a land use that is not listed as a permitted use by right or by special use in any zoning district provided for in this chapter. Use Not Provided for Permits are allowed only at the discretion and approval of the Salem City Council following review and recommendation by the Salem Planning Commission.

Variance. A reasonable deviation from the provisions regulating the size or area of a lot or parcel of land, or the size, area, bulk or location of a building or structure in accordance with § 15.2-2201 of the Code of Virginia, as amended.

Watercourse. A natural or artificial channel for passage or running water fed from natural sources in a definite channel and discharging into some stream or body of water.

Yard. A required open space on a lot, unoccupied and unobstructed from the ground upward, unless otherwise provided by this chapter.

Yard, front. A yard between the building line and the street right-of-way extending across the full width of the lot.

Yard, rear. A yard between the rear line of the building and the rear line of the lot extending the full width of the lot.

Yard, side. A yard between the side line of the building and the side line of the lot extending from the front lot line to the rear lot line.

Zoning administrator. The Zoning Administrator of the City of Salem Virginia, or an authorized agent thereof, also referred to in this chapter as the administrator.

This ordinance shall be in full force and effect ten (10) days after its final passage.

Upon a call for an aye and a nay vote, the same stood as follows:

John Saunders -
H. Hunter Holliday –
Byron Randolph Foley –
Anne Marie Green –
Renée F. Turk –

Passed:
Effective:

Mayor

ATTEST:

H. Robert Light
Clerk of Council
City of Salem, Virginia



Item #: 5.C.

AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SALEM,
VIRGINIA HELD AT CITY HALL

MEETING DATE: November 24, 2025

AGENDA ITEM: **Amendment to City Code - Chapter 82**
Consider adoption of ordinance on second reading amending Sections 82-136 through 82-147 Article V, Chapter 82, of The CODE OF THE CITY OF SALEM, VIRGINIA, pertaining to Transient Occupancy Tax. (Adopted on first reading at the November 10, 2025, meeting.)

SUBMITTED BY:

SUMMARY OF INFORMATION:

These changes are proposed to ensure consistency with the state code definitions related to accommodations and to incorporate a recent state code change related to intermediaries. This change has been reviewed by the City Attorney.

The following definitions have been added:

- Accomodations
- Accomodations Fee
- Accomodations Intermediary
- Accomodations Provider
- Person
- Retail Sale
- Room Charge
- Travel Campground

The new state code section related to intermediaries ensures the proper levy, collection, and remittance by these third-party vendors that facilitate the sale of accommodations.

FISCAL IMPACT:

None

STAFF RECOMMENDATION:

Staff recommends adoption of the ordinance on second reading.

ATTACHMENTS:

1. ARTICLE_V.____TRANSIENT_LODGING_TAX 2023 (updated city code) (003)
2025

AN ORDINANCE TO AMEND, REVISE AND REORDAIN CHAPTER 82, ARTICLE V, SECTIONS 82-136, 82-137, 82-138, 82-139, 82-140, 82-141, 82-142, 82-143, 82-144, 82-146 AND 82-147 PERTAINING TO TRANSIENT LODGING TAX.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SALEM, VIRGINIA, THAT SECTIONS 82-136, 82-137, 82-138, 82-139, 82-140, 82-141, 82-142, 82-143, 82-144, 82-146 AND 82-147 Article V, Chapter 82, of The Code of the City of Salem, Virginia, be amended, revised, and reordained to read as follows:

CHAPTER 82
ARTICLE V. - TRANSIENT LODGING TAX

Sec. 82-136. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

“Accommodations” shall mean, any room or space for which tax is imposed on the retail sale pursuant to this Chapter and includes but is not limited to, any public or private hotel, inn, apartment, hostelry, tourist home or house, motel, rooming house, or other lodging place within the city of Salem offering lodging, and the owner and operator thereof, who for compensation, furnishes lodging to any transients as hereinafter defined.

“Accommodations fee” shall mean the room charge less the discount room charge, if any; provided that the accommodations fee shall not be less than \$0.00.

“Accommodations intermediary” shall mean any person other than an accommodations provider that (i) facilitates the sale of an accommodation and (ii) either (a) charges a room charge to the customer, and charges an accommodations fee to the customer, which fee it retains as compensation for facilitating the sale; (b) collects a room charge from the customer; or (c) charges a fee, other than an accommodations fee, to the customer, which fee it retains as compensation for facilitating the sale. For purposes of this definition, "facilitates the sale" includes brokering, coordinating, or in any other way arranging for the purchase of the right to use accommodations via a transaction directly, including via one or more payment processors, between a customer and an accommodations provider.

"Accommodations intermediary" does not include a person:

1. If the accommodations are provided by an accommodations provider operating under a trademark, trade name, or service mark belonging to such person;

2. Who facilitates the sale of an accommodation if (i) the price paid by the customer to such person is equal to the price paid by such person to the accommodations provider for the use of the accommodations and (ii) the only compensation received by such person for facilitating the sale of the accommodation is a commission paid from the accommodations provider to such person; or

3. *Who is licensed as a real estate licensee pursuant to Article 1 (§54.1-2100 et seq.) of Chapter 21 of Title 54.1, when acting within the scope of such license.*

“Accommodations provider” shall mean any person that furnishes accommodations to the public for compensation. The term “furnishes” includes the sale of use or possession or the sale of the right to use or possess.

“Commissioner of the revenue Revenue” means the commissioner of the revenue of the city of Salem and or any of his duly authorized deputies, assistants, employees or agents.

“Hotel” means includes, but is not limited to, any public or private hotel, inn, apartment hotel, hostelry, tourist home or house, motel, rooming house or other lodging place within in the city, which offering offers lodging, for compensation, to any transient. Shall also be in accordance with provisions of Chapter 106.

“Lodging” means includes, but is not limited to, any space or room furnished to any transient.

“Person” shall mean, but is not limited to, individuals, firms, partnerships, associations, corporations, person acting in representative capacity, and combinations of individuals of whatever form and character.

“Retail Sale” shall mean the sale or charges for any room or rooms, lodgings, or accommodations furnished to transients for less than 90 continuous days by any hotel, motel, inn, tourist camp, tourist cabin, camping grounds, club, or any other place in which rooms, lodging, space or accommodations are regularly furnished to transients for a consideration.

“Room charge” shall mean the full retail price charged to the transient for the use of the accommodations, before taxes. “Room charge” includes any fee charged to the customer and retained as compensation for facilitating the sale, whether described as an accommodations fee, facilitation fee, or any other name. Any additional charges made in connection with the rental of accommodations are deemed to be a part of the charge for the room and are subject to the tax. For example, additional charges for movies, local telephone calls, pet fees, cleaning fees, smoking fees, extra occupant and similar services are subject to the tax. Toll charges for long-distance telephone calls are not subject to the tax.

“Transient” means any person who, for a period of not more than 30 twenty-nine consecutive days, either at his own expense or at the expense of another, obtains the lodging at any hotel. use or possession of a room or space occupied for lodging in any hotel or travel campground for which a price is charged.

“Travel Campground” means any area, site, lot, field or tract of land offering spaces for recreational vehicles or campsites for transient dwelling purposes, or temporary dwelling during travel, or recreational or vacation uses. Shall also be in accordance with provisions of Chapter 106.

“Treasurer” means the treasurer of the city of Salem and any of his duly authorized deputies, assistants, employees or agents.

Sec. 82-137. Levy of tax; amount.

In addition to any other tax imposed by law, There ~~there~~ is hereby imposed and levied by the city on each transient a tax equivalent to eight percent of the total amount paid for lodging, excluding any other taxes levied thereon, by or for any transient to any hotel. ~~room charge paid by the transient for the use or possession of a room or space occupied for lodging by or for any such transient to any accommodations.~~ Such tax shall be collected from such transient by the person providing such lodging at the time and in the manner provided in this article. In computation of this tax, any fraction of one-half cent or more shall be treated as one cent.

Exceptions.

No tax shall be payable hereunder on room charge paid to any hospital, medical clinic, convalescent home or home for the aged. In addition, no tax shall be payable hereunder on space rental paid to any travel campground.

Sec. 82-138. Collection and payment of tax.

(1) For any retail sale of accommodations not facilitated by an accommodations intermediary, the accommodations provider shall collect the tax imposed pursuant to this chapter, computed on the total price paid for the use or possession of the accommodations, and shall remit the same to the city and shall be liable for the same.

(2) For any retail sale of accommodations facilitated by an accommodations intermediary, the accommodations intermediary shall be deemed under this chapter as a facility making a retail sale of an accommodation. The accommodations intermediary shall collect the tax imposed pursuant to this chapter, computed on the room charge and shall remit the same to the City and shall be liable for the same.

(3) For any transaction for the retail sale of accommodations involving two or more parties that meet the definition of accommodations intermediary, nothing in this section shall prohibit such parties from making an agreement regarding which party shall be responsible for collecting and remitting the tax, so long as the party so responsible is registered as a dealer with the locality. In such event, the party agreeing to collect and remit the tax shall be the sole party liable for the tax, and the other parties to such agreement shall not be liable for such tax.

(4) For any retail sale of accommodations facilitated by an accommodations intermediary, nothing herein shall relieve the accommodations provider from liability for retail sales and use taxes on any amounts charged directly to the customer by the accommodations provider that are not collected by the accommodations intermediary.

(5) In any retail sale of any accommodations in which an accommodations intermediary does not facilitate the sale of the accommodations, the accommodations provider shall separately state the amount of the tax in the bill, invoice, or similar documentation and shall add the tax to the total price paid for the use or possession of the accommodations. In any retail sale of any accommodations in

which an accommodations intermediary facilitates the sale of the accommodation, the accommodations intermediary shall separately state the amount of the tax on the bill, invoice, or similar documentation and shall add the tax to the room charge; thereafter, such tax shall be a debt from the customer to the accommodations intermediary, recoverable at law in the same manner as other debts.

All taxes collected pursuant to this chapter are deemed in be held in trust for the city.

~~Every provider of lodging with respect to which a tax is levied under this article shall collect the total price paid by the customer for the use or possession of a room or space occupied for lodging by or for a transient with respect to which a tax is levied under this chapter shall collect the amount of the tax hereby imposed, at the time payment for such room rental is made whether payment is to be made in cash or on credit, by means of a credit card or otherwise.. amount of tax imposed under this article from the purchaser on whom such tax is levied at the time payment for such lodging becomes due and payable, whether payment is to be made in cash or on credit, by means of a credit card or otherwise. The amount of tax owed by the purchaser shall be added to the cost of the lodging by the seller, who shall pay the taxes collected to the city as provided in this article. Taxes collected by the seller shall be held in trust by the seller until remitted to the city.~~

~~All reports and remittances required under this article shall be made on or before the last day of each month, covering the amount of tax collected during the preceding month.~~

Sec. 82-139. Reports and remittances generally.

(1) The person collecting any such tax shall make out a report upon such forms and setting forth such information as the commissioner of the revenue may prescribe and require, showing the total room charge paid by the customer for the use or possession of a room or space occupied for lodging by or for a transient and the tax required to be collected. The report shall be submitted to the commissioner of the revenue.

(2) The commissioner of the revenue shall determine whether the report is in proper form and upon such determination shall cause a copy to be delivered to the treasurer.

(3) The person collecting any such tax shall remit the tax to the treasurer.

(4) Subject to applicable laws, an accommodations intermediary shall submit to the Commissioner of the Revenue the property addresses and gross receipts for all accommodations facilitated by the accommodations intermediary in the City. Such information shall be submitted monthly.

(5) Said reports and remittances shall be made on or before the last day of the month following each month and covering the amount of tax collected during the preceding month.

(6) An accommodations provider shall not be required to submit a report to the Commissioner of the Revenue if (i) all retail sales of accommodations owned by the accommodations provider are facilitated by an accommodations intermediary and (ii) the accommodations provider attests to the City that all such sales are facilitated by an accommodations intermediary. Such attestation shall be effective for 12 months beginning with the month in which the attestation is made. Thereafter, such attestation shall be due annually on a date determined by the Commissioner of the Revenue, on such forms and in such manner as the Commissioner of the Revenue may prescribe and require. However, such accommodations provider shall make out and submit a report in accordance with this subsection for the retail sale of any accommodations not facilitated by an accommodations intermediary and shall remit such tax as otherwise required by this article.

~~Every provider of lodging with respect to which a tax is levied under this article shall make out a report upon such forms and setting forth such information as the commissioner of the revenue may prescribe and require, showing the amount of lodging charges collected and the tax required to be collected, and shall sign and deliver such report to the city treasurer with a remittance of such tax. Such reports and remittance shall be made each month, covering the amount of tax collected during the preceding month.~~

Sec. 82-140. Preservation of records.

It shall be the duty of any provider of lodging liable for collection and remittance of the taxes imposed by this article to keep and preserve, for a period of five years, records showing gross charges for lodging, the date thereof, the taxes collected thereon and the amount of tax required to be collected by this article. The commissioner of the revenue shall have the power to examine such records, at reasonable times and without unreasonable interference with the business of the seller *person*, for the purpose of administering and enforcing the provisions of this article, and to make copies of all or any parts thereof.

Sec. 82-141. Duty of seller when going out of business.

Cessation of business – Report and tax due immediately.

~~Whenever any provider *person* required to collect and pay to the city a tax under **82-137** this article shall cease to operate *quit* or otherwise dispose of his *their* business, **written notification of cessation shall be remitted to the commissioner of the revenue and** any tax payable under this article **the provisions of this chapter** shall become immediately due and payable, and such person shall immediately make a report and pay the tax due.~~

Sec. 82-142. Discount.

(1) For the purpose of compensating providers for the collection of the tax imposed by this article, every seller *person* shall be allowed three percent of the amount of the tax due and accounted for in the form of a deduction on his monthly return; provided the amount due:

- (a) Is not delinquent at the time of payment, and

- (b) Remitted by the sellers **person** and received by the commissioner of the revenue on or before the 20th day of the month following the month of collection.

Sec. 82-143. Enforcement of article; duty of commissioner of the revenue.

The commissioner of the revenue shall promulgate rules and regulations for the interpretation, administration and enforcement of this article. It shall also be the duty of the commissioner of the revenue to ascertain the name of every seller **person** liable for the collection of the tax imposed by this article who fails, refuses or neglects to collect such tax or to make the reports and remittances required by this article. The commissioner of the revenue may ~~have issued~~ **issue** a summons for such person and may serve a copy of such summons upon such person in the manner provided by law. One return of the original summons shall be made to the general district court for the city. Police powers are hereby conferred upon the commissioner of the revenue and his duly authorized deputies, assistants, employees and agents while engaged in their duties pursuant to this article, and they shall exercise all the powers and authorities of police officers in performing such duties. **Failure or refusal to comply with any rules and regulations promulgated under this section shall be deemed a violation of this chapter.**

Sec. 82-144. Procedure upon failure to collect, report, etc.

If any provider of lodging, whose duty it is to do so, shall fail or refuse to collect the tax imposed under this article and to make, within the time provided in this article, the reports and remittances mentioned in this article, **or if the commissioner of the revenue has reasonable cause to believe that an erroneous report has been filed**, the commissioner of the revenue shall proceed in such manner as he may deem best to obtain facts and information on which to base his estimate of the tax due. As soon as the commissioner of the revenue shall procure such facts and information as he is able to obtain, upon which to base the assessment of any tax payable by any seller **person** who has failed or refused to collect such tax and to make such report and remittance, he shall proceed to determine and assess against such seller **person** the tax and penalties provided for by this article. ~~and~~ **The treasurer** shall notify such seller **person**, by registered mail sent to his last known place of address, of the total amount of such tax and penalties, and the total amount thereof shall be payable within ten days from the date such notice is sent.

Sec. 82-145. Duty of city treasurer.

The treasurer shall have the power and the duty of collecting the taxes imposed and levied under this article and shall cause the proceeds from such taxes to be paid into the general treasury of the city.

Sec. 82-146. Penalty for late remittance or false return.

- (a) ~~If any provider **person** of lodging, whose duty it is to do so, shall fail or refuse to file any report required by this article or to remit to the city treasurer the tax required to be~~

collected and paid under this article *chapter*, within the time and in the amount specified in this article *chapter*, there shall be added to such tax by the city treasurer a penalty in the amount **at the** rate of ten **(10)** percent for the first month the taxes are past due **thirty (30) days** and five **(5)** percent for each month **thirty (30) days** thereafter, up to a **with the** maximum of **twenty-five (25)** percent of the taxes collected but not remitted or \$10.00, whichever is greater. Provided, however, that the penalty shall, in no case, exceed the amount of the tax assessable.

- (b) ~~In the event that~~ ***If any person shall fail or refuse to remit to the treasurer the tax required to be collected and paid under this chapter within the time and in the amount specified in this chapter, there shall be added to such tax by the treasurer*** tax under this section is not paid by the due date, interest may commence not earlier than the first day following the day such taxes are due by ordinance to be filed, at the rate not to exceed ten **(10)** percent per year ***annum from the first day following the day such tax is due upon the amount of the tax for each year or portion thereof from the date upon which the tax is due as provided in this chapter. Interest shall begin accruing on the 30th day of said delinquency until the tax is paid in full.***
- (c) In the case of a false or fraudulent return with intent to defraud the city of any tax due under this article, a penalty of **fifty (50)** percent of the tax shall be assessed against the person required to collect such tax.

Sec. 82-147. Penalty for violation of article.

Any person violating, ***intentionally*** failing, refusing or neglecting to comply with any provision of this article ***to file a report required by this chapter*** shall be guilty of a class 1 misdemeanor. Conviction of such violation shall not relieve any person from the payment, collection or remittance of the taxes provided for in this article. ***, and upon conviction thereof, punishment shall not exceed that prescribed for a Class 1 misdemeanor as provided in Section 18.2-11 of the Code of Virginia (1950), as amended.*** An agreement by any person to pay the taxes provided for in this article by a series of installment payments shall not relieve any person of criminal liability for violation of this article until the full amount of taxes agreed to be paid by such person is received by the treasurer. Each ***such*** failure, refusal, neglect or violation and each day's continuance thereof shall constitute a separate offense. ***Such conviction shall not relieve any such person from the payment, collection or remittance of such tax, penalties and interest, as provided in this chapter. Failure to remit tax collected under the authority of this chapter shall constitute embezzlement per Section 18.2-111 Code of Virginia.***

Sec. 82-148. Exemptions from tax.

No tax shall be payable under this article in any of the following instances:

- (1) On charges for lodging paid to any hospital, medical clinic, convalescent home or home for the aged.
- (2) On charges made for providing space for a mobile home in a duly authorized mobile home park.

Secs. 82-149—82-175. Reserved.

All ordinances, or parts of ordinances, in conflict with the provisions of this ordinance be and the same are hereby repealed.

This ordinance shall be in full force and effect ten (10) days after its final passage.

Upon a call for an aye and a nay vote, the same stood as follows:

John Saunders –
H. Hunter Holliday –
Byron Randolph Foley –
Anne Marie Green –
Renée R. Turk –

Passed:
Effective:

Mayor

ATTEST:

H. Robert Light
Clerk of Council
City of Salem, Virginia



Item #: 5.D.

AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SALEM,
VIRGINIA HELD AT CITY HALL

MEETING DATE: November 24, 2025

AGENDA ITEM: **Amendment to City Code - Chapter 94**
Consider adoption of ordinance on second reading amending Chapter 94, Nuisances, Section 94-3, Declaration of nuisances; abatement required, pertaining to trees of the CODE OF THE CITY OF SALEM, VIRGINIA. (Adopted on first reading at the November 10, 2025, meeting.)

SUBMITTED BY: Mary Ellen Wines, Planning & Zoning Administrator

SUMMARY OF INFORMATION:

In 2021 Chapter 94, Nuisances, was expanded to more effectively address tall grass, weeds, trees, hedges, trash, stagnant water, vehicle tires, and infestation.

This Chapter was subsequently amended in 2023 related to trees. The regulation of trees in danger of falling was intended to be proactive to assist citizens that were in danger of trees from a neighboring property. However, even after amending the code to refer to trees in *imminent* danger, it has not truly been effective and has put additional strain on City staff. As private property laws are just as effective, staff proposes removing the statement addressing trees in imminent danger.

The proposed Code Change has been reviewed by the City Attorney.

FISCAL IMPACT:

STAFF RECOMMENDATION:

Staff recommends adoption of the ordinance on second reading.

ATTACHMENTS:

1. Ordinance Chapter 94 Nuisances

AN ORDINANCE TO AMEND, REVISE, AND REORDAIN CHAPTER 94, NUISANCES, SECTION 94-3 PERTAINING TO TREES, OF THE CODE OF THE CITY OF SALEM, VIRGINIA.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SALEM, VIRGINIA, THAT SECTION 94-3 OF CHAPTER 94, OF THE CODE OF THE CITY OF SALEM, VIRGINIA BE AMENDED, REVISED, AND REORDAINED TO READ AS FOLLOWS:

Chapter 94 Nuisances

Sec. 94-3. Declaration of nuisances; abatement required.

It shall be unlawful for any person who owns or occupies property to permit a nuisance as set forth in this chapter to exist on any parcel within the corporate limits of the city. The responsible party shall abate any nuisance as defined herein. The following conditions, when allowed to exist on property, are hereby declared to be nuisances:

1. Weeds growing on any parcel except weeds on property zoned AG Agricultural or in active farming operation, or in the case of a parcel greater than one acre in area natural vegetation growing more than 50 feet from every property line shall not constitute a public nuisance.
2. ~~Trees or parts thereof in imminent danger of falling or have fallen onto neighboring property, buildings, structures, vehicles, or any public right-of-way.~~ Trees growing into a structure resulting in damage to structural elements.
3. Hedges, shrubs, trees or other vegetation, any part of which extends or protrudes into any street, sidewalk, public right-of-way, grass strip or alley so as to obstruct or impede or threaten the safe and orderly movement of persons or vehicles.
4. Trash, as defined herein, which is not contained in an approved container that conforms to the requirements of sections 70-42 and 70-45.
5. Accumulation of stagnant water leading to the breeding of mosquitoes.
6. Vehicle tires that have been removed from the rim.
7. Infestation by bats, rodents, insects, arachnids, or vermin.
8. Any other condition that threatens the health, safety, order, and convenience of the public.

Sec. 94-9. Failure to abate nuisances.

1. After the expiration of such 15 days, the enforcement agent may cause the removal of the nuisance, where necessary, and the cost thereof, including an administrative fee, shall thereupon be chargeable to and be collected from the responsible parties, as taxes or levies are or may be collected.
2. Every charge which remains unpaid shall constitute a lien **against** such property ranking on a parity with liens for unpaid real estate taxes.

This ordinance shall be in full force and effect ten (10) days after its final passage.

Upon a call for an aye and a nay vote, the same stood as follows:

John Saunders -
H. Hunter Holliday -
Byron Randolph Foley -
Anne Marie Green -
Renée F. Turk -

Passed:
Effective:

Mayor

ATTEST:

H. Robert Light
Clerk of Council
City of Salem, Virginia



Item #: 5.E.

AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SALEM,
VIRGINIA HELD AT CITY HALL

MEETING DATE: November 24, 2025

AGENDA ITEM: **Amendment to the Zoning Ordinance**
Consider adoption of ordinance on second reading for the request of Pillis Enterprises Inc., property owner, to rezone the property located at 522 South Market Street (Tax Map #s 160 - 4 - 2) from RSF Residential Single Family District to HBD Highway Business District. (Adopted on first reading at the November 10, 2025, meeting.)

SUBMITTED BY: Maxwell Dillon, Planner

SUMMARY OF INFORMATION:

SITE CHARACTERISTICS:

Zoning: RSF Residential Single Family

Land Use Plan Designation: Residential

Existing Use: Vacant

Proposed Use: Overflow Parking Lot for 101 East Fourth Street business operations

The subject property (522 South Market Street) consists of a 0.108-acre tract of land which currently sits within the RSF Residential Single Family zoning designation. The property was previously occupied by a residential structure until its demolition in the late 2010s. The applicant is requesting to rezone the property to HBD Highway Business District in order to facilitate the development of a parking lot that will accommodate vehicle overflow for Pillis Brothers operations.

Section 106-404.11 Construction standards (A) mandates that *all off-street parking areas be constructed of a hard surface consisting of bituminous concrete or concrete.*

As a result, any area that is utilized commercially for business operations/employee parking must meet that standard.

If the rezoning request is approved, the site will be subject to site plan requirements to ensure that relevant construction standards (including, but not limited to paving, landscaping, and stormwater management - if applicable) are satisfied prior to development.

The Future Land Use Map (FLUM) identifies this parcel as residential.

FISCAL IMPACT:

STAFF RECOMMENDATION:

Staff recommends consideration of the ordinance on second reading for this rezoning request.

ATTACHMENTS:

1. 522 South Market Rezoning Application
2. AFFIDAVIT
3. NEIGHBOR MAP
4. Legal description
5. Item 5E 11-24-25 October 15 2025 PC Minutes draft
6. Legal Ad 10.23 and 10.30 Cardinal News
7. Council meeting owner notification letter - 522 South Market Street T.M. 160-4-2
8. RezoningOrdinance 522 South Market St Tax Map 160-4-2

Application Data for Application Number: Z25-30047

Application Type	Zoning		
Application Sub-Type	Rezone		
Applicant	Pillis Enterprises Inc		
Location	522 S MARKET ST SALEM VA 24153		
Applicant Address	101 E 4th Street	Property Owner	PILLIS ENTERPRISES INC
	Salem,VA,24153	Owner Address	1726 AMY LN
Tax Parcel	160-4-2		SALEM, VA,24153

Application Information

Section	Question	Answer
Details and Scope of Work	Please provide a detailed description of the work associated with this application.	Additional fencing if necessary and landscaping.
Existing Structure Info	Year Built	
	Property Description	Vacant Land
	Number of Stories	
	Number of Rooms	
	Number of Bedrooms	
	Number of Bathrooms	
	Type of Roof	
	Type of Exterior	
	Type of Basement	
	Finished Square footage of Primary Building	0.00
Parcel Information	Lot Size Acres	0.11
	Lot Size SQFT	4687.00
	Zoning Classification	RSF
	Legal Description	LT 12 & 1/2 LT 11 SEC 3 SALEM IMPROVEMEN
	PID	2765
Rezoning Details	Please advise current Zoning type	RSF - Residential Single Family District
	Please advise desired future Zoning type	HBD - Highway Business District
	Please advise current use	empty lot
	Please describe in detail the proposed use of the property	The lot will be used as overflow parking for vehicles being serviced at Pillis Brothers.
	Please advise designation from the Future Land Use map	Commercial
	Are there proffers associated with this rezoning application?	No



Rezoning Details	Is the building or parcel in a district currently designated as historic	No
	If yes, describe the proposed measures for meeting the standards of the Department of Historic Resources	
	Is the subject property located within the Floodplain District?	No
	If yes, describe the proposed measures for meeting the standards of the Floodplain Ordinance	
	Have you provided a conceptual plan of the proposed development, including general lot configurations and road locations?	No
	Are the proposed lot sizes compatible with existing parcel sizes in the area?	Yes
	If this is for a commercial rezoning, please answer the following questions	No Data
		No Data
	What provisions will be made to ensure safe and adequate access to the subject property?	Access to this property already exists.
	How will the traffic impact of this development be addressed?	There will be no additional traffic in the use of this property.
	Describe why the proposed use is desirable and appropriate for the area. What measure will be taken to assure that the proposed use will not have a negative impact on the surrounding vicinity?	This property is adjacent to the existing business property of Pillis Brothers. This property will be used to park cars before and after repairs. There is a fence that separates this parcel from the next lot.
	What type of signage is proposed for the site?	There will be no signage needed.
	Have architectural/building elevations been submitted with this application?	No

**AFFIDAVIT OF MAILING PURSUANT TO S15.2-2204
CODE OF VIRGINIA**

**PLANNING COMMISSION
OCTOBER 15, 2025**

ITEM #3A

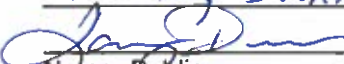
1. This is to certify that I mailed letters in reference to the request Consider the request of Pillis Enterprises Inc., property owner, to rezone the property located at 522 South Market Street (Tax Map # 160 - 4 - 2) from RSF Residential Single Family District to HBD Highway Business District to the following property owners and adjacent property owners on September 29, 2025, in the 2:00 p.m. mail:

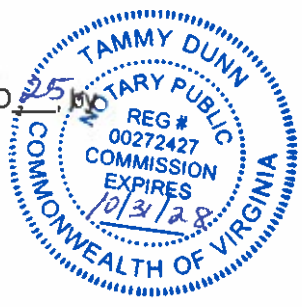
Parcel ID	Owner Name	Address 1	City	State	Zip
145-8-7	513 COLORADO LLC	320 POLAR LN	SALEM	VA	24153
145-8-8	BRIZENDINE, RUSSELL LEE III	517 S COLORADO ST	SALEM	VA	24153
160-3-7	THORNHILL LORRAINE W	PO BOX 711	SALEM	VA	24153
160-4-1	JASS PROPERTIES INC	1239 WILDWOOD RD	SALEM	VA	24153
160-4-2	PILLIS ENTERPRISES INC	1726 AMY LN	SALEM	VA	24153
160-4-3	PILLIS ENTERPRISES INC	1726 AMY LN	SALEM	VA	24153
160-4-4	SCHAAL KATHERINE K	207 EAGLE DR	SALEM	VA	24153
160-4-5	MCNEILL, WILLIAM R III	PO BOX 2575	SALEM	VA	24153
160-4-6	SHAWN SCOTT PROPERTIES LLC	105 E 4TH ST	SALEM	VA	24153
160-4-7	LAMBERT, LORI LEIGH	514 S MARKET ST	SALEM	VA	24153
160-4-8	FEURY, BRANDON FEURY, KAREN FEURY, ROBERT	516 S MARKET ST	SALEM	VA	24153

Signed  Date 9/29/2025

City of Salem
Commonwealth of Virginia

The foregoing instrument was acknowledged before me this 29th day of September, 2025

Tammy Dunn

Notary Public
My commission expires: 10/31/2028





Date Created: 9/26/2025
Created By: anonymous

1 inch = 96 feet

This map should be used for reference purposes only and should not be considered a legal document. While every effort has been made to ensure the accuracy of this product, the publisher accepts no responsibility for any errors or omissions nor for any loss or damage alleged to be suffered by anyone as a result of the publication of this map and the notations on it, or as a result of the use or misuse of the information provided herein.

PILLIS ENTERPRISES, INC.
522 South Market Street
Salem, Virginia 24153

Commencing at an iron pin where the north line of East 4th Street intersects with the east line of South Market Street (formerly known as Alabama Street); thence with the east line of South Market Street N 11° 45' 00" W 90.00 feet to an iron pin, the ACTUAL POINT OF BEGINNING; thence continuing with the east line of South Market Street N 11° 45' 00" W 37.50 feet to an iron pin; thence leaving said South Market Street N 78° 15' 00" E 125.00 feet to an iron pin on the west side of a 16 foot alley (now or formerly Bishop Alley); thence with the west line of said 16 foot alley S 11° 45' 00" E 37.50 feet to an iron pin; thence leaving said alley S 78° 15' 00" W 125.00 feet to the ACTUAL POINT OF BEGINNING; and being one half of Lot 11 and all of Lot 12, Section 3, of the lands of the Salem Improvement Company, and containing 4,688 square feet or 0.1076 acres; and being recorded in the Circuit Court of Roanoke County, Virginia, in Plat Book 1, page 22½.



PLANNING COMMISSION MINUTES

Wednesday, October 15, 2025, at 6:30 PM

Work Session, 5:30 PM, Council Chambers Conference Room, City Hall,
114 North Broad Street, Salem, Virginia 24153

Regular Session, 6:30 PM, City Hall, 114 North Broad Street, Salem, Virginia 24153

WORK SESSION

1. Call to Order

A work session meeting of the Planning Commission of the City of Salem, Virginia, was held in the Council Chambers Conference Room, City Hall, 114 North Broad Street, at 5:30 p.m., on Wednesday, October 15, 2025, there being present the following members of said Commission, to wit: Denise P. King, Reid Garst, Jackson Beamer, Mark Henrickson, and Nathan Routt, constituting a legal quorum, with Chair King, presiding; together with Christopher Dorsey, City Manager and Executive Secretary ex officio member of said Commission, Charles E. Van Allman Jr., Director of Community Development; Mary Ellen Wines, Planning & Zoning Administrator, Maxwell S. Dillon, Planner, and Jim Guynn, City Attorney; and the following business was transacted:

Chair Denise King reported that this date, place, and time had been set in order for the Commission to hold a work session. The work session meeting was called to order at 5:36 p.m.

2. New Business

A discussion was held regarding the following items on this agenda:

A. 522 South Market Street rezoning from RSF to HBD

B. Energy Storage Project Siting Agreement

A discussion was held regarding the items on the November agenda.

1. Mrs. Dorsey's Clothes Closet
2. Dalewood Avenue Cluster Housing Overlay addition
3. Roanoke Valley – Alleghany Regional Hazard Mitigation Plan

3. Adjournment

Chair King adjourned at 6:20 p.m.

REGULAR SESSION

1. Call to Order

A regular meeting of the Planning Commission of the City of Salem, Virginia, was held in the Council Chambers Conference Room, City Hall, 114 North Broad Street, at 6:30 p.m., on Wednesday, October 15, 2025, there being present the following members of said Commission, to wit: Denise P. King, Reid Garst, Jackson Beamer, Mark Henrickson, and Nathan Routt, constituting a legal quorum, with Chair King, presiding; together with Christopher Dorsey, City Manager and Executive Secretary ex officio member of said Commission, Charles E. Van Allman Jr., Director of Community Development; Mary Ellen Wines, Planning & Zoning Administrator, Maxwell S. Dillon, Planner, and Jim Guynn, City Attorney; and the following business was transacted:

Chair Denise King called the October meeting of the City of Salem Planning Commission to order at 6:30 p.m. Chair King reported that this date, place, and time had been set in order for the Commission to hold a public meeting.

A. **Pledge of Allegiance**

B. **Roll call**

Mr. Routt - Here
Mr. Henrickson - Here
Mr. Beamer - Here
Mr. Garst - Here
Chair King – Here

2. Consent Agenda

A. **Minutes**

Consider acceptance of the minutes of the September 10, 2025, regular meeting.

Chair King stated that under the consent agenda, they have the minutes of the September 10, 2025, Commission work session and regular meeting. Chair King asked the Commission if anyone had any questions, additions, or comments. Hearing none the minutes will be considered accepted.

3. New Business

A. Amendment to the Zoning Ordinance

Hold a public hearing to consider the request of Pillis Enterprises Inc., property owner, to rezone the property located at 522 South Market Street (Tax Map # 160-4-2) from RSF Residential Single Family to HBD Highway Business District. Proper legal notice has been given and all adjoining property owners have been notified of said hearing.

Chair King invited the applicant on this petition to come forward to provide information regarding their petition. She instructed all speakers to state their name and address for the record.

Patrick Pillis, 1726 Amy Lane, Salem, Virginia, addressed the Commission. He explained that his father had purchased the property in the 1990s. The house on the property was in sever disrepair, and approximately 15 years ago it was demolished due to safety concerns and reports of unauthorized individuals occupying it. Following the demolition, a neighboring property owner, Mr. Everett, built a home and a fence adjacent to the lot. After being approached by a code enforcement officer Mr. Pillis contacted Ms. Wines at that time to ask if any action was required on his part. She indicated that as long as no one complained, no immediate action would be necessary, and the property remained unused for several years. During the previous summer, due to an overflow of business at Pillis Brothers Garage, Mr. Pillis parked several vehicles on the vacant lot behind the garage. He admitted that some of these vehicles were in poor condition and had to be towed. After receiving a notice of violation for parking multiple vehicles on a residential lot, Mr. Pillis consulted again with Ms. Wines, who outlined potential options for bringing the property into compliance. Based on that conversation and at the suggestion of his wife, Mr. Pillis decided to pursue rezoning the parcel.

Mr. Henrickson asked Mr. Pillis whether he needed additional space and intended to continue parking vehicles on the lot.

Mr. Pillis responded affirmatively.

Mr. Henrickson noted that another option would be to maintain the lot as green space, and asked Ms. Wines whether this was permissible.

Ms. Wines confirmed that the lot could remain undeveloped as green space.

Mr. Pillis stated that since receiving the violation notice, he had begun cleaning the lot and removing debris. He asked whether he could park there under current conditions. Ms. Wines responded that parking was not allowed for employees unless the area was paved or concreted, in accordance with code requirements

Mr. Pillis then inquired about parking as the owner of the lot. Ms. Wines clarified that the distinction becomes less clear in that scenario. If Mr. Pillis is working and parking there, he is still considered an employee under the zoning regulations. She emphasized that

the lot is zoned residential single-family, and if he wished, he could build a house on it or sell it in the future.

Robin Pillis, also of 1726 Amy Lane, stated that the request for rezoning was due to the lot's location adjacent to the garage. She clarified that the lot had only been used for parking vehicles, not for vehicle repairs. The Pillis family is considering selling the property as they get older and believe it would be more attractive if zoned for business use. Even if the lot remains green space, future buyers may appreciate the flexibility that business zoning offers.

Mr. Henrickson summarized that the property could be rezoned to highway business district (HBD) and remain unused. A future buyer could then further develop or alter its use. He reiterated that parking is not allowed under current conditions

Mr. Beamer asked Mr. Pillis if he still intended to park on the lot and expressed empathy, noting that garages often face delays due to part availability.

Mr. Pillis added that he had also considered placing a storage building on the lot.

Ms. Wines explained that depending on the type of structure and intended use, a storage building could change the zoning classification and would require a separate discussion. She also noted that paid parking differs from simply parking a vehicle owned by the business.

Chair King asked if there were any further questions or comments.

Mr. Beamer remarked for clarification that although the business can currently line the street with vehicles, it cannot park them on the empty lot. Chair King confirmed that this is due to the property's residential single-family zoning. To legally park on the lot, it must be rezoned and paved or concreted.

Mr. Pillis mentioned that there are three newly constructed houses adjacent to the garage and that he regularly parks vehicles in front of them.

Chair King asked for further questions or input from the Community Development Department. Hearing none, she opened the public hearing at 6:39 p.m. No additional speakers came forward, and the public hearing was closed at 6:39 p.m.

Chair King asked for Commission discussion. Hearing none she entertained a motion on the matter.

On motion by Mr. Henrickson, seconded by Mr. Routt, and duly carried, the Planning Commission of the City of Salem hereby recommends to City Council that the request to rezone 522 South Market Street from residential single family to highway business district be adopted as presented.

Chair King asked for a roll call vote.

Mr. Routt - Aye
Mr. Henrickson - Aye
Mr. Beamer - Aye
Mr. Garst - Aye
Chair King – Aye

- B. Hold a public hearing to consider an Energy Storage Project Siting Agreement between the City of Salem and Salem VA BESS 1 LLC proposing a 4 – megawatt battery energy storage facility within the existing electric substation located at 407 Electric Road (Tax Map # 150-2-4). The purpose of the hearing will be to receive public comments in the Planning Commission’s review, per Code of Virginia 15.2-2232, of the proposed facility to confirm it is substantially in accord with the City of Salem Comprehensive Plan. Proper legal notice has been given.

Chair King reminded the Commission of its duty to confirm compliance with the Comprehensive Plan. She noted that the city is the applicant and asked if anyone wished to speak on its behalf. Hearing none, she summarized that the Commission had already received and reviewed the Siting Agreement and the Comprehensive Plan prior to the meeting.

Chair King opened the public comment period at 6:42 p.m. No additional speakers came forward and the public hearing was closed at 6:42 p.m.

Chair King asked for Commission discussion. Hearing none she entertained a motion on the matter.

On motion made by Mr. Garst and seconded by Mr. Beamer and duly carried, the Planning Commission of the City of Salem confirms the Siting Agreement is in accordance with the City of Salem Comprehensive Plan.

Chair King asked for a roll call vote.

Mr. Routt – Aye
Mr. Henrickson – Aye
Mr. Beamer – Aye
Mr. Garst – Aye
Chair King – Aye

4. Adjournment

Chair King noted that there was no additional business for the Planning Commission and the meeting was adjourned at 6:43 p.m.

Notice of Hearing

Published in Cardinal News on October 23, 2025

Location

Virginia County, Virginia

Notice Text

Notice of Public Hearing

Notice is hereby given to all interested persons that the Council of the City of Salem, at its regular meeting on Monday, November 10, 2025, at 6:30 p.m., in Council Chambers, City Hall, 114. N. Broad Street, in the City of Salem, Virginia, will hold a public hearing, pursuant to Sections 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, to consider the following requests relative to the CODE OF THE CITY OF SALEM, VIRGINIA:

Consider the request of Pillis Enterprises Inc., property owner, to rezone the property located at 522 South Market Street (Tax Map # 160 - 4 - 2) from RSF Residential Single Family District to HBD Highway Business District.

Copies of the proposed plans, ordinances or amendments may be examined in the Office of Community Development, 21 South Bruffey Street, Salem, Virginia.

At said hearing, parties in interest and citizens shall have an opportunity to be heard relative to the said requests.

THE COUNCIL OF THE CITY OF SALEM, VIRGINIA

BY:

H. Robert Light
Clerk of Council

Notice of Hearing

Published in Cardinal News on October 30, 2025

Location

Virginia County, Virginia

Notice Text

Notice of Public Hearing

Notice is hereby given to all interested persons that the Council of the City of Salem, at its regular meeting on Monday, November 10, 2025, at 6:30 p.m., in Council Chambers, City Hall, 114. N. Broad Street, in the City of Salem, Virginia, will hold a public hearing, pursuant to Sections 15.2-2204 and 15.2-2285 of the Code of Virginia, as amended, to consider the following requests relative to the CODE OF THE CITY OF SALEM, VIRGINIA:

Consider the request of Pillis Enterprises Inc., property owner, to rezone the property located at 522 South Market Street (Tax Map # 160 - 4 - 2) from RSF Residential Single Family District to HBD Highway Business District.

Copies of the proposed plans, ordinances or amendments may be examined in the Office of Community Development, 21 South Bruffey Street, Salem, Virginia.

At said hearing, parties in interest and citizens shall have an opportunity to be heard relative to the said requests.

THE COUNCIL OF THE CITY OF SALEM, VIRGINIA

BY:

H. Robert Light
Clerk of Council



CITY OF SALEM, VIRGINIA

**SALEM CITY COUNCIL
114 NORTH BROAD STREET
P.O. BOX 869
SALEM, VIRGINIA 24153-0869**

October 23, 2025

Patrick S. Pillis
101 East 4th Street
Salem, Virginia 24153

RE: Petition For Rezoning
522 South Market Street
Tax Map # 160-4-2

To Whom It May Concern:

You and/or your agent shall appear before City Council on **Monday, November 10, 2025, at 6:30 p.m.** in the **Council Chambers, First Floor, Salem City Hall, 114 North Broad Street, Salem, Virginia** for consideration of your rezoning request for the above referenced property. **The public hearing and first reading of the ordinance will be held at the November 10th meeting. A separate reading of the ordinance is required at a subsequent meeting, and the ordinance will be in full force and effective 10 days after the adoption of the ordinance on second reading.**

If you have any questions regarding this matter, please contact our office at (540) 375-3016.

Sincerely,

H. Robert Light
Assistant City Manager/Clerk of Council

AN ORDINANCE TO AMEND SECTION 106-110, ARTICLE I, CHAPTER 106, OF THE CODE OF THE CITY OF SALEM, VIRGINIA, RELATING TO ZONING AND DIVIDING THE CITY INTO BUILDING DISTRICTS AND ESTABLISHING DISTRICT BOUNDARY LINES ON THE ZONING MAP OF THE CITY OF SALEM, VIRGINIA.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF SALEM, VIRGINIA, that Section 106-110, Article I, Chapter 106 of The Code of the City of Salem, Virginia, relating to building district boundary lines be amended in the following particular and no other, viz:

That the following described property in the City of Salem of Pillis Enterprises, Inc., property owner, located at 522 South Market Street (Tax Map # 160-4-2) be and the same is hereby changed from RSF Residential Single-Family District to HBD Highway Business District, and the map referred to shall be changed in this respect and no other, said property being described as follows:

Commencing at an iron pin where the north line of East 4th Street intersects with the east line of South Market Street (formerly known as Alabama Street); thence with the east line of South Market Street N 11° 45' 00" W 90.00 feet to an iron pin, the ACTUAL POINT OF BEGINNING; thence continuing with the east line of South Market Street N 11° 45' 00" W 37.50 feet to an iron pin; thence leaving said South Market Street N 78° 15' 00" E 125.00 feet to an iron pin on the west side of a 16 foot alley (now or formerly Bishop Alley); thence with the west line of said 16 foot alley S 11° 45' 00" E 37.50 feet to an iron pin; thence leaving said alley S 78° 15' 00" W 125.00 feet to the ACTUAL POINT OF BEGINNING; and being one half of Lot 11 and all of Lot 12, Section 3, of the lands of the Salem Improvement Company, and containing 4,688 square feet or 0.1076 acres; and being recorded in the Circuit Court of Roanoke County, Virginia, in Plat Book 1, page 22½.

All ordinances or parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed.

This ordinance shall be in full force and effect ten (10) days after its final passage.

Upon a call for an aye and a nay vote, the same stood as follows:

- John Saunders -
- H. Hunter Holliday –
- Byron Randolph Foley –
- Anne Marie Green –
- Renée F. Turk –

Passed:
Effective:

/s/
Mayor

ATTEST:

H. Robert Light
Clerk of Council
City of Salem, Virginia



Item #: 6.A.

AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SALEM,
VIRGINIA HELD AT CITY HALL

MEETING DATE: November 24, 2025

AGENDA ITEM: **Appropriation of Funds**
Request to amend the School General Fund, Grants Fund, School Capital Projects Fund, and School Reserve Fund budgets as approved by the School Board on October 14, 2025. **Audit - Finance Committee**

SUBMITTED BY: Rosemarie Jordan, Director of Finance

SUMMARY OF INFORMATION:

The budget for various School funds was amended for fiscal year 2025-2026 by the School Board at their meeting on October 14, 2025. The Board amended the budgets to appropriate \$1,962,838 from the unallocated capital reserve funds. The attached memo covers the various appropriation changes. Also included is the CIP document for the six-year period, fiscal years 2027 – 2032.

FISCAL IMPACT:

Appropriation changes totaling \$1,962,838 to be made to the School General, Grants, Capital Projects, and Reserve Funds.

STAFF RECOMMENDATION:

Staff recommends that Council approve the School Board's appropriation changes of \$55,136 to the School General Fund, \$97,666 to the School Grants Fund, \$202,400 to the School Reserve Fund and \$1,627,636 to the School Capital Projects Fund per the attached reports. Staff also recommends approval by City Council of the six-year CIP document submitted by the School Board.

ATTACHMENTS:

1. CIP Board Report October 2025
2. Attachment A General Fund Requests FY 2025 Fund Balance Board Meeting
3. Attachment B 6 Year CIP Fall 2025
4. Schools Capital HVAC & Roofing List 2026 Attachment C

Salem City Schools
Capital Improvement Plan (CIP) for 2027-2032 and Projects for FY 2026
October 14, 2025

Summary of Issue:

This report is to request the Board to:

1. Approve the proposed projects for FY 2026 from the 6/30/2025 year-end balance and the funding of these projects (Capital Reserve) (Attachment A)
2. Approve the proposed 2027-2032 Six Year CIP (Attachment B, with Attachment C for HVAC & Roofing lists)

Background:

Salem's school buildings require on-going major maintenance projects on a regular basis due to age. In recent years this has included such things as roofing replacement, heating and air conditioning work, building renovations, door and window updates, classroom upgrades and similar.

In addition, the division has used capital reserve funds traditionally to replace buses, supplement its technology budget, and replace major cafeteria equipment on a planned regular basis to even out future necessary outlays. With the balance available from this past fiscal year, the projects in attachment A are the requests from the Division on how to use these funds.

There are 4 categories of how a fund balance is to be reported in the Capital Projects Fund for financial reporting purposes within the statement:

1. **Restricted Fund Balance** - restricted by external creditors (debt covenants) grantors, contributors
2. **Committed Fund Balance** - amounts that can only be used pursuant to constraints imposed by legislation, resolution, or ordinance and the constraints can only be removed by the same method
3. **Assigned Fund Balance** - amounts that are constrained by the government's *intent to be used for specific purposes*, but neither restricted or committed
4. **Unassigned Fund Balance** - any residual fund balance not in the first 3 categories.

Policy Reference:

FB, Facilities Planning

Fiscal Impact:

At this time, \$1,962,838 of the unallocated capital reserve funding will be categorized in Assigned Fund Balance. The total projects anticipated during the current fiscal year

from capital reserve are listed in Attachment A. The total project requests in the CIP for the six-year period FY 2027-2032 are \$27,632,810 per Attachment B.

Recommended Motion:

Move approval of the projects for FY 2026 using funding from the 6/30/2025 year-end balance and meals tax, and request that City Council appropriate funding from these balances as required, and also move approval of the FY 2027-2032 Capital Improvement Plan.

Salem City Schools		10/14/2025
CIP Requests from Principals and Central Administrators - FY 2025 Fund Balance		Attachment A
Capital reserve balance at 6/30/2025 - UNAUDITED		\$1,962,838
<u>Name of Project</u>	<u>Notes</u>	<u>Estimated Cost, if known</u>
Local Match for Extended School Year Grant	We received the grant of \$300,000 with a 20% match requirement. That would be \$60,000.	\$60,000.00
Local Match for School Security Grant	We applied for the max grant of \$250,000 with a 25% match requirement. We received \$150,663 so the required match would be \$37,666. Remaining amount will be used for security related project requests so the full amount available can be reappropriated to the grant fund.	\$37,666.00
Raptor Technologies Implementation	Hold this revenue back from available fund balance to cover expenses that were encumbered in FY 25 but paid in FY 26.	\$55,136.00
Requirement		\$152,802
Building Maintenance Needs	Roof Overhang at Door #10 Exterior Door at ALMS is becoming irreparable/corrects dangerous situation falling debris. This was in the safety audit conducted with City (Todd Sutphin). Also, repair leaks around SHS penthouse common area with Clerestory where new windows are required to fix ongoing leakage issue. This is part of the old library area.	\$57,500.00
Roof Work	Continued roof work by City to our facilities. Will include GWC request: During hard rains, a stream of water flows through our gym's roof. Ongoing recurring problems.	\$250,000.00
West Salem Replace Pumps Boiler & Chiller Pumps	City Maintenance request	\$280,000.00
West Salem Office Roof Top Unit	City Maintenance request	\$25,000.00
SHS Fieldhouse Football Weight Room RTU Replacement	City Maintenance request	\$85,000.00
ALMS Replace makeup air units (there are 4 in total, replace 2) - Phase I	City Maintenance request	\$215,000.00
Adt'l Funding for Fan Coil Units at Central Office	City Maintenance request. Current funding provided back in November 2024 isn't sufficient to complete project. Adding this will ensure the HVAC replacements can be accomplished.	\$20,000.00
City Requests		\$932,500
Division Security Updates & Storage Needs	Providing adt'l funding for West Salem storage bldg., Re-keying of interior doors at GW Carver, Install railing at entrance of SHS Auditorium & Addition of an exterior badge readers & re-key for AIIMS.	\$39,000.00
Safety		\$39,000
Door Badge Reader Software Replacement (Galaxy) for division	Current "Locks" system is unsupported and Operating System reaches end of life October 2025 (no security updates or vendor support).	\$99,865.00
Halo Vape Detectors (FlySense Replacement)	We have 42 total FlySense detectors. Seven were replaced in 24-25 with a security grant (leaving 35 to be completed). The same should happen in 25-26. This will leave 28 remaining to be replaced in a later time frame. Estimated cost per device is \$1,200.	\$42,000.00
Technology		\$141,865
Building & Trades CTE Class modifications in current space 2421 at SHS	Update Room 2421 for Building & Trades CTE Course 26-27 & purchase supplies & materials for start-up. Pricing for Masonry & Plumbing Program. Will cover \$50,000 from CIP, with rest to be a General Fund budget request in the FY 27 budget (\$100,000). By then we would know more about any donations to reduce the \$100k budget request.	\$50,000.00
Walk-In & Freezer Combination for Culinary at SHS	Hobart Installation. Currently not usable & warranty has expired (was new with renovation).	\$60,000.00
Repave Tennis Courts at SHS	Courts are in need or repair. The division is inquiring about a grant that would help cover costs and max eligibility is \$200k. The amount requested would complete repairs to one set our courts and will see how grant funding works out.	\$290,000.00
Bleachers for SHS Gym	Purchase replacement bleachers for one side of gym (old system no longer can be repaired). Do one side now and other side in 6 year plan (using same amount).	\$255,271.00
Replace playground equipment at Carver	The equipment is over 25 years old and replacements are needed. GW Carver will fund \$20k with internal money at their school and CIP would cover the remaining \$30k.	\$30,000.00
Phase II Seating Replacement in Band Room at ALMS	Chairs currently in use were purchased in 1993. Chairs are cracked, pinching students legs and many are unusable. Band room is also used for faculty and large meetings. Phase I was funded last year & this would finish that project.	\$11,400.00
Instruction & Division Needs		\$696,671
Total		\$1,962,838
	(Over)/Under Budget	\$0

Salem City Schools										10/14/2025				
Six Year Capital Improvement Plan (CIP) for FY 2027-2032														
October 2025 School Board Meeting										Attachment B				
Inflation factor														
1.03										TBD=Date To Be Determined				
	YR 1 FY 2027	YR 2 FY 2028	YR 3 FY 2029	YR 4 FY 2030	YR 5 FY 2031	YR 6 FY 2032	TBD	Total FY 2027-2032	Comments					
WHERE THE FUNDING WILL COME FROM:														
Future Capital Reserve Funds	\$3,917,343	\$0	\$4,455,608	\$2,670,522	\$6,446,126	\$3,790,699	\$4,392,346	\$1,719,000	\$27,391,644					
Cafeteria Fund Balance	\$103,370	\$34,071	\$24,793	\$25,537	\$26,303	\$27,092	\$0	\$0	\$241,166					
	\$4,020,713	\$4,489,679	\$2,695,315	\$6,471,663	\$3,817,002	\$4,419,438	\$1,719,000		\$27,632,810					
WHERE THE FUNDING WILL BE SPENT:														
Category 1: Recurring Projects														
General System-Wide Roof Replacement on Regular Schedule	\$600,000	FCR	\$400,000	FCR	\$400,000	FCR	\$400,000	FCR	\$400,000	FCR	\$2,600,000			
Two School Buses Annually	\$320,000	FCR	\$329,600	FCR	\$339,488	FCR	\$349,673	FCR	\$360,163	FCR	\$370,968	FCR	\$2,069,892	
School Technology-Infrastructure				\$50,000	FCR				\$50,000	FCR		\$100,000	Cloud transition space used to store School data & Switches to enable communication between networked devices.	
School Technology-Computer Replacement	\$332,770	FCR	\$342,753	FCR	\$353,036	FCR	\$363,627	FCR	\$374,536	FCR	\$385,772	FCR	\$2,152,494	On-going replacements
School Technology-General - Other Computer/Smart Board Replacement	\$100,000	FCR					\$100,000	FCR					\$200,000	
Cafeteria/Kitchen Equipment Replacement	\$23,370	FCR	\$24,071	FCR	\$24,793	FCR	\$25,537	FCR	\$26,303	FCR	\$27,092	FCR	\$151,166	On-going replacements
Division Vehicle Replacement				\$35,000	FCR				\$35,000	FCR			\$70,000	
Category 2: Future standalone projects														
Band Instrument Replacement **	\$60,000	FCR							\$60,000	FCR			\$120,000	
Connectivity for Transportation (Buses Wi-fi, GPS, etc.) **				\$78,760	FCR								\$78,760	
Calculator Replacement at Secondary levels	\$20,000	FCR											\$20,000	
Grand Piano & Risers at SHS **			\$28,000	FCR									\$28,000	
Choir Classroom Chairs & Upright Piano at ALMS	\$15,310	FCR											\$15,310	
New Basketball Goals at ALMS Main Gym **	\$20,000	FCR											\$20,000	
Rider Floor Scrubbers & Building Maintenance			\$21,000	FCR					\$21,000	FCR			\$42,000	
Gym Projector for PE at East **			\$20,000	FCR									\$20,000	
Renovate Art Room at West **				\$10,000	FCR								\$10,000	
Update Car Drop Off Area at West				\$26,000	FCR								\$26,000	
Welding Booths & Camera System	\$90,000	FCR											\$90,000	
Transportation Office Interior Renovations			\$66,000	FCR									\$66,000	

Salem City Schools										10/14/2025	
Six Year Capital Improvement Plan (CIP) for FY 2027-2032											
October 2025 School Board Meeting										Attachment B	
Inflation factor											
1.03										TBD=Date To Be Determined	
	YR 1 FY 2027	YR 2 FY 2028	YR 3 FY 2029	YR 4 FY 2030	YR 5 FY 2031	YR 6 FY 2032	TBD	Total FY 2027-2032	Comments		
2 Phase Replacement of Fitness Equipment at ALMS			\$15,960	F	\$15,000	F		\$30,960			
GW Carver Wiring Upgrade (IT)	\$288,000	F						\$288,000			
Stage Curtain Replacement at West	\$18,000	F						\$18,000			
Old Fieldhouse Weight room Equipment Replacement		\$70,000	F					\$70,000			
Removing carpet and polishing concrete in last 8 remaining rooms at SHS	\$40,000	F						\$40,000			
Remodel Track Field House at SHS**		\$300,000	F					\$300,000			
Painting at SHS in CTE & Hallways**		\$200,000	F					\$200,000			
Painting Interior at SHS	\$24,611	F						\$24,611			
Build new team room(s) in boys locker room at SHS**					\$200,000	F		\$200,000			
Track Fence Replacement at ALMS	\$6,000	F						\$6,000			
Replace Carpet with Tile in PreK rooms and Primary Classes at Carver**	\$40,000	F						\$40,000			
Sidewalk extension/handicap access to bus area at West**	\$15,000	F						\$15,000			
Blinds Replacement in classrooms at West	\$12,000	F						\$12,000			
Gym Audio System at West			\$12,278	F				\$12,278			
Prep, Scan & Index old records at ALMS		\$24,000	F					\$24,000			
Prep, Scan & Index Human Resources Records	\$20,000	F						\$20,000			
Work Stations at FACS & Tech Ed at ALMS		\$34,156	F					\$34,156			
Dyson Airblade V Hand Dryers at ALMS	\$20,000	F						\$20,000			
CTE Air Conditioning & Heat at SHS**		\$300,000	F					\$300,000			
Re-Tiling of Cafeteria Floor at ALMS **	\$128,000	F						\$128,000			
Continued Painting & Rehabilitation of ALMS Classrooms **	\$20,000	F	\$20,000	F	\$20,000	F		\$60,000			
Painting of ALMS Auditorium Floors, Walls & Lobby	\$25,000	F						\$25,000			
Replace Tile in Room 119 at ALMS		\$10,000	F					\$10,000			
Safety Needs: 2nd AIPHONE JK-1 MD Installation at West	\$15,000	F						\$15,000			
Carpet Replacement in Classrooms at West	\$12,322	F						\$12,322			

Salem City Schools											10/14/2025	
Six Year Capital Improvement Plan (CIP) for FY 2027-2032												
October 2025 School Board Meeting											Attachment B	
Inflation factor												
1.03											TBD=Date To Be Determined	
	YR 1 FY 2027	YR 2 FY 2028	YR 3 FY 2029	YR 4 FY 2030	YR 5 FY 2031	YR 6 FY 2032	TBD		Total FY 2027-2032	Comments		
Painting of Classrooms & Cafeteria at West **	\$14,000	FCR		\$10,000	FCR				\$24,000			
Transportation office vertical expansion **					\$85,000	FCR			\$85,000			
Division Cat6 Incremental Installation/replacement Phase II & III **	\$17,250	FCR	\$51,750	FCR					\$69,000			
Division Fiber Optic Replacements	\$25,000	FCR							\$25,000			
Coram AI for Elementary Schools	\$87,880	FCR							\$87,880			
Projector Replacements (Auditorium)			\$20,000	FCR					\$20,000			
Bleacher Replacement Side #2 at SHS			\$256,000	FCR					\$256,000			
SHS CADD/Robotics (room 2421) System Replacements **	\$41,325	FCR							\$41,325			
Upgrade Computers for Graphic Arts at SHS	\$25,000	FCR							\$25,000			
Replacement of ALMS Business Lab Computers Phase II **	\$26,000	FCR							\$26,000			
Caulking, then pressure Washing of Breezeway at ALMS	\$20,000	FCR							\$20,000			
Repair & Paint Various Door overhangs at ALMS (#8 & 10 repair, & #1, 2 & 3 paint)	\$25,000	FCR							\$25,000			
Replace Door #20 at East	\$15,000	FCR							\$15,000			
Update gas lines in Chemistry Classrooms at SHS (3)			\$35,000	FCR					\$35,000			
Sponsorship Board for SHS Gym			\$30,000	FCR					\$30,000			
Add Blacktop & Parking at End of Field at Carver **			\$10,000	FCR					\$10,000			
Furniture Upgrades at AIIMS	\$10,375	FCR							\$10,375			
Replacement of Crossing Guard Shacks (3)			\$22,500	FCR					\$22,500			
SHS Storage Building - Concrete Pad Only Building to be installed FY26)				\$40,000	FCR				\$40,000			
East Salem HVAC Work Replace Gym A/C Unit	\$275,000	FCR							\$275,000			
ALMS Replace makeup air units (there are four in total, replace one each year)	\$215,000	FCR	\$215,000	FCR	\$215,000	FCR			\$645,000			
SHS Clerestory Repairs/ Student Commons Area	\$35,000	FCR							\$35,000			

Salem City Schools										10/14/2025		
Six Year Capital Improvement Plan (CIP) for FY 2027-2032												
October 2025 School Board Meeting										Attachment B		
Inflation factor												
1.03											TBD=Date To Be Determined	
	YR 1 FY 2027	YR 2 FY 2028	YR 3 FY 2029	YR 4 FY 2030	YR 5 FY 2031	YR 6 FY 2032	TBD	Total FY 2027-2032	Comments			
Squeeze Type Resistance Spot Welder at SHS			\$15,000	FCR				\$15,000				
Phase III of SHS Stage & Auditorium Lighting Project	\$180,000	FCR						\$180,000				
Add Overhang Area at Outside of SHS Fieldhouse	\$70,000	FCR						\$70,000				
East Walk-in Freezer (evap/condenser/compressor)		\$10,000	FCR					\$10,000	Café Fund Balance			
SHS Walk-in Refrigerator (evap/condenser/compressor)	\$40,000	FCR						\$40,000	Café Fund Balance			
SHS Walk-in Freezer (evap/condenser/compressor)	\$40,000	FCR						\$40,000	Café Fund Balance			
Category 3: Future Projects which might become part of a school-wide renovation												
None											\$0	
Category 4: School-Wide Renovations TBD												
None											\$0	
Category 5: Partial School Renovations												
NEW: Facility Planning Study			\$150,000	FCR				\$150,000				
West Salem Elementary School Improvements					\$4,305,826	FCR		\$4,305,826	(1)			
East Salem Elementary School Improvements							\$3,150,606	FCR	\$3,150,606	(1)		
G W Carver Elementary School Improvements							\$0	FCR	\$0			
AIIMS Phase II Bldg Improvements							\$1,719,000	FCR	\$1,719,000	(1)		
Totals	\$4,020,713	\$4,489,679	\$2,695,315	\$6,471,663	\$3,817,002	\$4,419,438	\$1,719,000	\$27,632,810				
							Cross footing	\$27,632,810				
<p>(1) Amounts for West and East are from a 2021 Assessment completed by RRMM. A 6% inflation factor was added to that amount to allow for an increase to today's cost. Amount for AIIMS is from a Summer 2023 estimate by RRMM.</p> <p>Notes:</p> <p>All items in BOLD ITALICS have been inflation adjusted based on School Board guidance in prior years (by 3%)</p> <p>** = Formal quotes needed; internal estimates used for illustration/planning purposes</p>												
Legend:	FCR=Future Capital Reserve											
	BD = Bond Issues by City											
	CR=Capital Reserve											

HVAC

		FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	Total FY 2026-2031
Funded/In Process	West Salem Gym (replace 2 split system units)	\$ 175,000.00							\$ 175,000.00
	Roof Work	\$ 130,000.00							\$ 130,000.00
	GWC HVAC Classroom Units Replacement	\$ 25,000.00							\$ 25,000.00
	Central Repair 3 Indoor Fan Coil Units	\$ 15,000.00							\$ 15,000.00

Upcoming

\$ 345,000.00

Ranking

1	West Salem Replace Pumps Boiler and Chiller Pumps		\$ 280,000.00						\$ 280,000.00
2	West Salem Office Roof top unit		\$ 25,000.00						\$ 25,000.00
3	Central Repair 3 Indoor Fan Coil Units		\$ 20,000.00						\$ 20,000.00
4	SHS Fieldhouse Football Weight Room RTU Replacement		\$ 85,000.00						\$ 85,000.00
5	ALMS Replace makeup air units (there are four in total, replace one each year)		\$ 215,000.00	\$ 215,000.00	\$ 215,000.00	\$ 215,000.00			\$ 860,000.00
6	SHS Clerestory Repairs/ Student Commons Area		\$ 50,000.00						\$ 50,000.00
7	SHS Walk in Refrigerator (evap/condenser/compressor) - use cafe food balance to fund			\$ 40,000.00					\$ 40,000.00
8	SHS Walk in Freezer (evap/condenser/compressor) - use cafe food balance to fund			\$ 40,000.00					\$ 40,000.00
9	East Salem HVAC Work Replace Gym A/C Unit			\$ 275,000.00					\$ 275,000.00
10	SHS Science Wing HVAC Unit			\$ 300,000.00					\$ 300,000.00
11	GWC Replace 2 of 2 Boilers			\$ 185,000.00					\$ 185,000.00
12	East Salem Air Handler Replacement in multipurpose room (cafeteria)				\$ 275,000.00				\$ 275,000.00
13	Central Replace Air Cooled Chillers at School Board (97 & 91 models) 2 of 2				\$ 325,000.00				\$ 325,000.00
14	West Salem Replace Boilers 2 of 2				\$ 200,000.00				\$ 200,000.00
15	SHS Replace Chiller #2 (1996 York) 2 of 2				\$ 750,000.00				\$ 750,000.00
16	SHS Storage Building - Concrete Pad Only Building to be installed FY26)					\$ 40,000.00			\$ 40,000.00
17	ALMS Upsize AHU in section D that will not adequately cool the space (design/ replace) RTU-3					\$ 300,000.00			\$ 300,000.00
18	Central Replace Indoor Fan Coil Units					\$ 600,000.00			\$ 600,000.00
19	School Facility Study					\$ 150,000.00			\$ 150,000.00
20	SHS Storage Building Installed						\$ 50,000.00		\$ 50,000.00
21	South Salem Replace 2 of 4 Boilers						\$ 400,000.00		\$ 400,000.00
22	School Roof Survey						\$ 150,000.00		\$ 150,000.00
23	AIMS Replace HVAC						\$ 27,000.00		\$ 27,000.00
24	GWC HVAC Classroom Fan Coil Units Replacement							\$ 2,000,000.00	\$ 2,000,000.00
25	Central Roof Top Makeup Air Units (replace 2 of 2)							\$ 125,000.00	\$ 125,000.00
26	SHS Roof Top Units (Replace 1 of 4 Original Units)							\$ 150,000.00	\$ 150,000.00
27	SHS Gym Replace HVAC Units with Roof Top Unit (Replace 2 of 4 with 1 RTU)							\$ 300,000.00	\$ 300,000.00
Totals		\$ 345,000.00	\$ 675,000.00	\$ 1,055,000.00	\$ 1,765,000.00	\$ 1,305,000.00	\$ 627,000.00	\$ 2,575,000.00	\$ 8,347,000.00

\$ 8,002,000.00

\$ 8,347,000.00

\$ 8,347,000.00

Roofing

Project Name	FY 2025	FY 2026	FY 2027	FY 2028	FY 2029	FY 2030	FY 2031	Total FY 2026-2031
in above								\$ -
		\$ 250,000.00						\$ 250,000.00
			\$ 600,000.00					\$ 600,000.00
Locations to be determined per recommendation from City & Facility Study				\$ 400,000.00				\$ 400,000.00
					\$ 400,000.00			\$ 400,000.00
						\$ 400,000.00		\$ 400,000.00
							\$ 400,000.00	\$ 400,000.00
								\$ -
Totals	\$ -	\$ 250,000.00	\$ 600,000.00	\$ 400,000.00	\$ 400,000.00	\$ 400,000.00	\$ 400,000.00	\$ 2,450,000.00

\$ 2,450,000.00

\$ 345,000.00 \$ 925,000.00 \$ 1,655,000.00 \$ 2,165,000.00 \$ 1,705,000.00 \$ 1,027,000.00 \$ 2,975,000.00 \$ 10,797,000.00 \$ 10,797,000.00



Item #: 6.B.

AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SALEM,
VIRGINIA HELD AT CITY HALL

MEETING DATE: November 24, 2025

AGENDA ITEM: **Performance Agreement - LOS POLLOS AMIGOS, INC. (dba Wings Etc.)**
Consider a request authorizing the City Manager to finalize and execute a local performance agreement between LOS POLLOS AMIGOS INC. (dba Wings Etc.), the City of Salem, and the Economic Development Authority of the City of Salem.

SUBMITTED BY: Tommy Miller, Director of Economic Development

SUMMARY OF INFORMATION:

This performance agreement will result in the Economic Development Authority (EDA) of the City of Salem providing a local incentive grant in the amount of \$30,000. The grant will be provided through payment of the meals tax.

Los Pollos Amigos Inc., (dba Wings Etc.), on Wildwood Ave. has committed to investing \$1,500,000 in capital improvements and a minimum of 40 new jobs.

The EDA has approved this agreement pending final Council approval. The City Attorney has also reviewed and approved the agreement as to form.

FISCAL IMPACT:

This performance agreement assists the establishment of a business utilizing a previously vacant restaurant.

STAFF RECOMMENDATION:

Staff recommends Council authorize the City Manager to finalize and execute this local performance agreement.

ATTACHMENTS:

1. Item 6B 11-24-25 Salem - Econ Devt - Wings ETC - Perf Agmt (Final - Council 11-24-25)

PERFORMANCE AGREEMENT

This PERFORMANCE AGREEMENT (the “Agreement”) is made and entered into as of the ____ day of _____, 2025, by and among the CITY OF SALEM, VIRGINIA (the “City”), a municipal corporation of the Commonwealth of Virginia, the ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF SALEM, VIRGINIA (the “Authority”), a political subdivision of the Commonwealth of Virginia, and LOS POLLOS AMIGOS INC. t/a WINGS ETC (the “Company”), a Virginia corporation, any two or more of which may be referred to as “Parties.”

RECITALS

WHEREAS, the Company will operate a restaurant located at 260 Wildwood Road, identified as Tax Parcel 129-3-12.1 in the records of the City (the “Restaurant”), at which it is making a capital investment consisting of over \$1,500,000 in building improvements and new equipment to facilitate its restaurant operations;

WHEREAS, the Company’s equipping, improvement, and operation of the Restaurant will entail the creation and maintenance of over 40 new jobs at the Restaurant;

WHEREAS, the City and the Authority have determined that the Company’s equipping, improvement, and operation of the Restaurant will promote economic development, generate additional revenue, and provide employment opportunities;

WHEREAS, the stimulation of additional tax revenue and economic activity to be generated by the capital investment, as this Agreement defines such capital investment, and new jobs constitute a valid public purpose for the expenditure of public funds; and

WHEREAS, section 15.2-953 of the Code of Virginia authorizes the City and section 15.2-4905 authorizes the Authority to perform the activities that this Agreement contemplates; and

WHEREAS, this Agreement sets forth the understanding of the Parties concerning the payment of a meals tax grant to the Company.

NOW, THEREFORE, in consideration of the foregoing, the mutual benefits, promises, and undertakings of the Parties, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1.0 **Definitions and Interpretation.**

1.1 **Previously Defined Terms.** The terms “Agreement,” “Authority,” “City,” “Company,” “Parties,” and “Restaurant” have the meanings ascribed to them in this Agreement’s preamble and recitals.

1.2 **Additional Definitions.** The following terms have the following meanings for purposes of this Agreement:

1.2.1 **Capital Investment.** “Capital Investment” means capital expenditures by or on behalf of the Company that result in improvements to the Restaurant and an increase in Meals Tax Receipts at the Restaurant after January 1, 2025.

1.2.2 **Capital Investment Target.** “Capital Investment Target” means a Capital Investment of not less than \$1,500,000.

1.2.3 **Meal Tax Receipts.** “Meals Tax Receipts” means all taxes imposed and levied pursuant to section 82-102 of the Salem City Code and collected and remitted by the Company pursuant to section 82-103 of the Salem City Code as a result of the Company’s operation of the Restaurant, less (i) any penalty pursuant to section 82-113 of the Salem City Code, (ii) the amount of any statutory assessment by the Commissioner of the Revenue, and (iii) the portion of the Company’s remittance dedicated to capital projects of the Salem Public Schools pursuant to section 82-102 of the Salem City Code.

1.2.4 **Performance Date.** “Performance Date” means December 31, 2025.

1.3 **Computation of Time.**

A. When this Agreement requires that an act be performed a prescribed amount of time before an event, the day of such event will not be counted against the time allowed, but the day on which such act is performed will be counted as part of the time. When this Agreement requires that an act be performed within a prescribed amount of time after an event, the day on which the event occurred will not be counted against the time allowed.

B. When this Agreement requires, either by specification of a date or by a prescribed period of time, that an act be performed on a Saturday, Sunday, or legal holiday or on any day or part of a day on which the government office where the act to be performed is closed, the act may be performed on the next day that is not a Saturday, Sunday, legal holiday, or day on which the government office is closed.

2.0 **Capital Investment Target.** The Company shall meet the Capital Investment Target as of the Performance Date.

3.0 **Meals Tax Grant.**

3.1 **Grant Amount.**

A. The Authority will pay the meals tax grant to the Company if the Company meets the eligibility requirements set forth in section 3.2 of this Agreement for the purpose of offsetting expenses the Company incurred as a result of making the Capital Investment.

- B. The Authority will pay the meals tax grant in annual installments. The amount of each installment will equal the amount of Meals Tax Receipts for the year for which the Company requests the installment until the total amount the Authority has paid to the Company reaches \$30,000. Under no circumstances will the total the Authority pays to the Company exceed \$30,000.
- C. Under no circumstances will the meals tax grant be a general obligation of the Authority. The obligations of the Authority are limited solely to funds received from the City pursuant to this Agreement.

3.2 Company's Eligibility for Grant. The Company must comply with all of the following eligibility requirements to be eligible to receive the meals tax grant:

- A. The Company shall make the Capital Investment by the Performance Date.
- B. The Company shall collect and remit all taxes imposed and levied, as a result of the Restaurant's operations, pursuant to section 82-102 of the Salem City Code as and when required by chapter 82, article IV of the Salem City Code, subject only to such deductions as may be authorized by law.
- C. The Company shall ensure that all taxes properly assessed and levied by the City against the Restaurant and the Company are paid in full when required.
- D. The Company shall comply with the provisions of any laws or regulations enacted or otherwise made effective by any federal, state, or local governmental entity which might apply to the performance of this Agreement, obtain all necessary licenses and permits thereunder, and pay when required all taxes or other charges properly assessed against the Company thereunder.
- E. The Company shall ensure that the Company's representations under section 5.0 of this Agreement remain true.
- F. The Company shall not be in default under subsections (A), (B), (C), or any of them, of section 6.1 of this Agreement.

If the Company fails to meet any of these eligibility requirements, then the Company will be ineligible to receive further meals tax grant installments.

3.3 Request for Payment of Grant.

- A. The Company is entitled to request the initial installment of the meals tax grant beginning in the month after the twelfth month in which the Company first remits Meals Tax Receipts collected as a result of the Restaurant's operations or upon the Company's remittance to the City of Meals Tax Receipts in a total amount equal to the total amount of the meals tax grant set forth in subsection (A) of section 3.1, i.e., \$30,000, whichever occurs first. The Company shall make this request on a

form attached to this Agreement as Exhibit A and include therewith any information required pursuant to section 3.4 of this Agreement. The Company shall submit this request to both the Authority and the City no later than the last day of the month following the month in which the Company becomes entitled to request the initial installment pursuant to the first sentence of this subsection (A) of section 3.3. The Company shall follow the same process in submitting its subsequent requests for any subsequent years for which it remits Meals Tax Receipts collected as a result of the Restaurant's operations.

- B. Upon receipt of the request, the Authority will review the request for compliance with the requirements of this Agreement, including, but not limited to, sections 3.2 and 3.4. The Authority may disapprove a request which does not comply fully with the requirements of this Agreement and may require the Company to submit a revised request. In this event, the Authority shall provide notice to the Company stating the basis for disapproval, stating any defect in the request, and specifying the required additional information. The Company shall submit the revised request within 30 days of receipt of the notice of disapproval.

3.4 **Verification by Authority and City.**

- A. The Company hereby waives its protections under section 58.1-3 of the Code of Virginia and authorizes the Commissioner of the Revenue for the City of Salem, Virginia, and the Treasurer for the City of Salem, Virginia, to disclose tax information for the sole purpose of verifying the Capital Investment and the payment of taxes.
- B. Upon request by the Authority, but no later than the Performance Date, the Company shall provide to the Authority and the City each invoice, together with each receipt evidencing the Company's payment of that invoice, for each capital expenditure that the Company believes qualifies as part of the Capital Investment for the purpose of assisting the Authority and the City in verifying that the Company has met the Capital Investment Target by the Performance Date.

- 3.5 **Disbursement of Grant.** Following verification and approval of a request by the Company for payment of an installment of the meals tax grant and subject to the availability of funds, the Authority shall pay the installment, calculated pursuant to subsection (B) of section 3.1 of this Agreement, to the Company no later than the last day of the month following the month in which the Authority approved the request.

3.6 **Termination of Grant.**

- A. In the event (i) the Company fails to submit a request for payment of an installment of the meals tax grant as and when section 3.3 of this Agreement requires or (ii) the Authority does not approve a request, and the Company fails to submit a revised request that complies with all of the requirements of this Agreement as and when section 3.3 of this Agreement requires, then all obligations of the Authority and the

City pursuant to this Agreement will terminate and neither the City nor the Authority will have any obligation to fund, disburse, or provide any outstanding part of the total meals tax grant amount to the Company.

- B. If the Company fails to meet the Capital Investment Target as of the Performance Date, then at the Authority's option, (i) the Authority may extend the Performance Date with the approval of the City or (ii) the Company shall pay the Authority an amount equal to the total amount of the meals tax grant installments that the Authority paid to the Company no later than 5:00 p.m., Eastern Time, ten days after the Performance Date.

4.0 **Administration of Agreement.**

4.1 **Transfer of Funds.** The City shall transfer to the Authority the funds necessary for the Authority to meet its obligations when needed under this Agreement relating to the meals tax grant. The City will pay no administrative fees or expenses to the Authority in relation to this Agreement.

4.2 **Obligations Contingent upon Funding Availability.** The Authority's obligation to undertake the activities contemplated in this Agreement with regard to the meals tax grant is conditioned specifically upon the City's provision of funding; provided, however, that the City's obligation to provide such funding is subject to the availability of monies appropriated by the City's City Council for this Agreement.

4.3 **Documents.** The Authority agrees to provide the City's City Manager, or the designee thereof, with copies of all documents related to this Agreement and will keep the City's City Manager fully and timely informed of all matters related to the Agreement.

4.4 **Liability and Litigation.** It is the intent of the parties not to impose upon the Authority any responsibility, duty or obligation other than what may be required to implement the meals tax grant. Accordingly, the Authority does not assume any responsibility or liability whatsoever except as specifically stated in this Agreement. If litigation involving the meals tax grant is initiated or expected to be filed against the Authority, the Authority shall immediately notify the City's City Attorney and City Manager.

4.5 **Audit.** The Authority shall keep records of its financial transactions, if any, related to this Agreement in accordance with generally accepted accounting principles. The City's auditor or a designee thereof may at any time audit the financial transactions undertaken pursuant to this Agreement.

4.6 **No Surety.** The Authority is not required to furnish the City with surety.

5.0 **Representations.** The Company represents the following:

- A. The Company is empowered to enter into this Agreement, to be bound hereby, and to perform according to the terms hereof.

- B. Any and all actions necessary to enable the Company to enter into this Agreement, and to be bound hereby, have been duly taken.
- C. The person or persons executing or attesting the execution of this Agreement on behalf of the Company has or have been duly authorized and empowered to so execute or attest.
- D. The execution of this Agreement on behalf of the Company will bind and obligate the Company to the extent provided by the terms hereof.
- E. There exists no litigation pending against the Company or, to the Company's actual knowledge, threatened that, if determined adversely, would materially and adversely affect the ability of the Company to carry out its obligations under this Agreement or the transactions contemplated hereunder.
- F. The Company is authorized to transact business in the Commonwealth of Virginia as of the date written first above and warrants that it will remain so through the Authority's payment of the final meals tax grant installment pursuant to this Agreement.

6.0 Default.

6.1 Events of Default. Each of the following will constitute a default by the Company:

- A. Any court of competent jurisdiction enters an order, judgment, or decree approving a petition seeking reorganization of the Company, all or a substantial part of the assets of the Company, or any guarantor of the Company or appointing a receiver, sequestrator, trustee, or liquidator of the Company, any guarantor of the Company, or any of their property, and such order, judgment, or decree continues unstayed and in effect for at least 60 days.
- B. The Company (i) makes a general assignment for the benefit of creditors, (ii) is adjudicated as either bankrupt or insolvent, (iii) files a voluntary petition in bankruptcy or a petition or and answer seeking reorganization or an arrangement with creditors, (iv) either (a) takes advantage of any bankruptcy, reorganization, insolvency, readjustment of debt, dissolution, or liquidation law or (b) admits the material allegations of a petition filed against the Company in any proceedings under such a law, or (v) any guarantor of the Company takes action for the purposes of effecting any item identified in item (iv).
- C. The Company fails to maintain its corporate existence.
- D. The Company fails to meet the Capital Investment Target.

6.2 Effect of Default. In the case of a default:

- A. The provisions of section 3.0 of this Agreement will terminate immediately;
- B. Neither the City nor the Authority will have any further obligation relating to the provisions of section 3.0 of this Agreement; and
- C. The Company will no longer be eligible to receive grant installments pursuant to sections 3.0 of this Agreement.

7.0 **Notices.** All notices, demands, or other communications pursuant to this Agreement must be in writing, must be sent to the other Parties, and will be deemed to have been duly and validly given when actually received by the addressee or when delivered (i) in person, (ii) by independent, reputable, overnight commercial carrier, or (iii) by deposit in the United States mail, postage and fees fully prepaid, registered or certified mail, with return receipt requested, at the following addresses or such other addresses as any of the Parties may from time to time specify to the other Parties by notice given in accordance with this section:

If to the Authority:

Economic Development Authority
of the City of Salem, Virginia
Attn: Chair
114 N Broad St
Salem, VA 24153-3734

with a copy to:

Guynn Waddell, P. C.
Attn: Salem EDA Counsel
415 S College Ave
Salem, VA 24153-5055

If to the City:

City of Salem, Virginia
Attn: City Manager
114 N Broad St
Salem, VA 24153-3734

with copies to:

City of Salem, Virginia
Attn: Director of Economic Development
114 N Broad St
Salem, VA 24153-3734

and

Guynn Waddell, P. C.
Attn: Salem City Attorney
415 S College Ave
Salem, VA 24153-5055

If to the Company:

los pollos amigos Inc.
Attn: Director
3246 Links Manor Dr
Salem, VA 24153-6838

with a copy to:

los pollos amigos Inc.
Attn: Justin Lindsey, D.O.
3246 Links Manor Dr
Salem, VA 24153-6838

8.0 **Miscellaneous Provisions.**

8.1 **Assignment.** The Company may not assign, delegate, sublet, or otherwise transfer the Company's interest in this Agreement, any of the Company's rights or duties under this Agreement, or any part of such interest, rights, or duties. Further, the Company shall not assign, sublet, or transfer its interest or any part thereof in this Agreement by means or as part of any sale, merger, consolidation, assignment, or any other event that would result in new or different ownership, control, operation, or administration of the Company's business affairs without the prior written consents of the Authority and the City.

8.2 **Authorization to Act.** The City Manager of the City or a designee thereof is authorized to act on behalf of the City for purposes of this Agreement, and the Chairman of the Authority is authorized to act on behalf of the Authority for purposes of this Agreement.

8.3 **Captions.** This Agreement includes the captions, headings, and titles appearing herein for convenience only, and such captions, headings, and titles will not affect the construction, interpretation, or meaning of this Agreement.

8.4 **Counterparts.** This Agreement may be executed in one or more counterparts, each of which will be an original, and all of which together will be one and the same instrument. A signatory has signed this Agreement when that signatory's signature is delivered by electronic mail, facsimile transmission, or another electronic medium. All Parties will treat these signatures in all respects as having the same force and effect as original signatures.

8.5 **Dispute Resolution.**

8.5.1 **Attorneys' Fees.** Each party will bear the cost of its own attorneys' fees.

8.5.2 **Construction and Interpretation.** Each of the Parties has had the opportunity to have its legal counsel review this Agreement on its behalf. If an ambiguity or question of intent arises with respect to any provision of this Agreement, this Agreement will be construed as if drafted jointly by the Parties. Neither the form of this Agreement, nor any language herein, shall be construed or interpreted in favor of or against any party hereto as the sole drafter thereof.

8.5.3 **Forum and Venue Choice.** Any and all disputes, claims, and causes of action arising out of or in connection with this Agreement, or any performances made hereunder, shall be brought, and any judicial proceeding shall take place, only in the Circuit Court of the City of Salem, Virginia. The Company accepts the personal jurisdiction of this court for purposes of such action and waives all jurisdiction- and venue-related defenses to the maintenance of such action.

8.5.4 **Governing Law.** All issues and questions concerning the construction, enforcement, interpretation, and validity of this Agreement, or the rights and obligations of the Parties in connection with this Agreement, shall be governed by, and construed and interpreted in

accordance with, the laws of the Commonwealth of Virginia, without giving effect to any choice of law or conflict of laws rules or provisions, whether of the Commonwealth of Virginia or any other jurisdiction, that would cause the application of the laws of any jurisdiction other than those of the Commonwealth of Virginia.

- 8.6 **Entire Agreement; Modification.** This Agreement, including those documents incorporated herein by reference, contains the entire agreement of the Parties with respect to the subject matter hereof. No prior written agreement or contemporaneous or prior oral agreement between the Parties, or any of them, relating to the subject matter hereof shall be of any effect. No alteration, amendment, or modification to this Agreement is binding or valid unless memorialized in a written document signed by the duly authorized representatives of the Authority, the City, and the Company.
- 8.7 **No Partnership or Joint Venture.** Neither this Agreement nor any part thereof is intended or will be construed or interpreted to create or establish any joint venture, partnership, or similar arrangement between any of the Parties or to designate any of the Parties as the agent or representative of any other of the Parties for any purpose.
- 8.8 **No Third-Party Beneficiaries.** Notwithstanding any other provision of this Agreement, the Parties hereby agree that (i) no person will be considered, deemed, or otherwise recognized to be a third-party beneficiary of this Agreement, (ii) the provisions of this Agreement are not intended to be for the benefit of any person other than the Parties, (iii) no person will obtain any right to make any claim against the Authority, the City, or the Company under the provisions of this Agreement, and (iv) no provision of this Agreement will be construed or interpreted to confer third-party beneficiary status on any person. For purposes of this section, the word “person” has the meaning set forth in section 1-230 of the Code of Virginia and includes any person, whether or not such person is named in this Agreement.
- 8.9 **No Waiver; Rights and Remedies Cumulative.** The failure by any of the Parties to enforce any provision of or right under this Agreement does not constitute a waiver of such provision or right. The failure of any of the Parties to enforce such provision or right will not prejudice such party from later enforcing or exercising the same or any other provision or right that such party may have under this Agreement. The rights and remedies provided by this Agreement are cumulative, and the use of any one right or remedy by any of the Parties does not preclude or waive the right to use any or all other rights or remedies. The rights and remedies provided in this Agreement are given in addition to any other rights the Parties may have by law or otherwise.
- 8.10 **Records.**
- 8.10.1 **Maintenance and Access.** The Company shall maintain all books, records, and other documents relating to this Agreement for a period of five years after the end of each City

fiscal year during which this Agreement is performed. The Authority, the City, and their authorized agents, employees, and officers are entitled to reasonable access to and the right to audit, copy, and examine any of the books, records, and other documents of the Company relating to this Agreement during the performance of this Agreement and the five-year retention period.

- 8.10.2 **Applicable Law.** The Company acknowledges that records maintained by or in the custody of the Authority or the City are subject to the Virginia Public Records Act, Va. Code §§ 42.1-76 through 42.1-91.1, and the Virginia Freedom of Information Act, Va. Code §§ 2.2-3700 through 2.2-3715, and therefore are subject to the record retention and public disclosure requirements mandated by those statutes.
- 8.10.3 **Challenges to Nondisclosure.** If the Company submits records to the Authority or the City and requests that those records not be disclosed under applicable law and the Authority or the City consequently denies a request for disclosure of those records based on the Company's request, and the Authority's or the City's denial of a request for disclosure of those records is challenged in court, the Company shall indemnify and hold harmless the Authority, the City, and their agents, employees, and officers from and against any and all liability relating thereto and, upon written demand by the Authority or the City, defend at the Company's sole expense, including, but not limited to, attorneys' fees and other costs related to litigation, any actual or threatened administrative, arbitration, or judicial action, claim, investigation, proceeding, or suit initiated by a third party in connection with such liability.
- 8.11 **Severability.** If any provision of this Agreement is determined to be unenforceable, invalid, or illegal, then the enforceability, validity, and legality of the remaining provisions of this Agreement will not in any way be affected or impaired, and such provision will be deemed to be restated to reflect the original intentions of the Parties as nearly as possible in accordance with applicable law.
- 8.12 **Subject to Appropriations.** All payments and other performance by the City and the Authority under this Agreement are subject to appropriations by the City's City Council and to the approval of the City's City Council and the Authority's Board of Directors. Consequently, this Agreement binds the City and the Authority only to the extent that the City's City Council appropriates sufficient funds for the City to perform its obligations hereunder. Under no circumstances will the total liability of the Authority or the City, either or both, exceed the total amount of funds appropriated by the City's City Council for payments or other performance pursuant to this Agreement.

SIGNATURES ON FOLLOWING PAGE

IN WITNESS WHEREOF, the Parties have executed this Agreement by their duly authorized representatives as of the date written first above:

Approved as to Form:

CITY OF SALEM, VIRGINIA

By: _____
Jim H. Guynn, Jr.
City Attorney

By: _____
Christopher J. Dorsey
City Manager

Approved as to Form:

**ECONOMIC DEVELOPMENT AUTHORITY
OF THE CITY OF SALEM, VIRGINIA**

By: _____
Jim H. Guynn, Jr.
EDA Counsel

By: _____
Paul C. Kuhnel
Chair

LOS POLLOS AMIGOS INC.

By: _____
Justin A. Lindsey
Director



Item #: 6.C.

AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF SALEM,
VIRGINIA HELD AT CITY HALL

MEETING DATE: November 24, 2025

AGENDA ITEM: **Performance Agreement - McClung Lumber Company, Incorporated**
Consider a request authorizing the City Manager to finalize and execute a local performance agreement between McClung Lumber Company Incorporated, the City of Salem, and the Economic Development Authority of the City of Salem.

SUBMITTED BY: Tommy Miller, Director of Economic Development

SUMMARY OF INFORMATION:

This performance agreement will result in the Economic Development Authority of the City of Salem providing a local incentive grant to McClung Lumber Company Incorporated in the amount of \$10,000. The grant will be provided through a payment of additional business personal property tax generated until the value of \$10,000 is attained.

McClung Lumber Company Incorporated has committed to investing approximately \$300,000 in new taxable personal property at its facility within the City of Salem. In addition, a minimum of 2 new jobs will result.

The EDA has approved this agreement pending final Council approval. The City Attorney has also reviewed and approved the agreement as to form.

FISCAL IMPACT:

This performance agreement assists with supporting the growth of an existing small business in the City.

STAFF RECOMMENDATION:

Staff recommends Council authorize the City Manager to finalize and execute this local performance agreement.

ATTACHMENTS:

1. Item 6C 11-24-25 Salem - Econ Devt - McClung - Perf Agmt (Final - Council 11-24-25)

PERFORMANCE AGREEMENT

This PERFORMANCE AGREEMENT (the “Agreement”) is made and entered into as of the ____ day of _____, 2025, by and among the CITY OF SALEM, VIRGINIA (the “City”), a municipal corporation of the Commonwealth of Virginia, the ECONOMIC DEVELOPMENT AUTHORITY OF THE CITY OF SALEM, VIRGINIA (the “Authority”), a political subdivision of the Commonwealth of Virginia, and MCCLUNG LUMBER COMPANY, INCORPORATED (the “Company”), a Virginia corporation, any two or more of which may be referred to as “Parties.”

RECITALS

WHEREAS, the Company operates a custom millwork facility located at 802 South Market Street, identified as Tax Parcel 184-3-1 in the records of the City Assessor and 800 South Market Street, identified as Tax Parcel 184-3-4 and Tax Parcel 184-3-5 in the records of the City Assessor (the “Facility”), at which it will make a capital investment consisting, in part, of taxable tangible personal property employed in a trade or business, or business personal property, at the Facility;

WHEREAS, the Company’s capital investments for the equipping and improvement of the Facility will include approximately \$300,000 in new taxable business personal property at the Facility;

WHEREAS, the Company’s equipping, improvement, and operation of the Facility will entail the creation and maintenance of two new jobs at the Facility;

WHEREAS, the City and the Authority have determined that the Company’s equipping, improvement, and operation of the Facility will promote economic development, generate additional revenue, and provide employment opportunities;

WHEREAS, the stimulation of additional tax revenue and economic activity to be generated by the capital investment, as this Agreement defines such capital investment, and new jobs constitute a valid public purpose for the expenditure of public funds; and

WHEREAS, section 15.2-953 of the Code of Virginia authorizes the City and section 15.2-4905 authorizes the Authority to perform the activities that this Agreement contemplates;

WHEREAS, this Agreement sets forth the understanding of the Parties concerning the payment of a business personal property grant to the Company.

NOW, THEREFORE, in consideration of the foregoing, the mutual benefits, promises, and undertakings of the Parties, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree as follows:

1.0 Definitions and Interpretation.

- 1.1 **Previously Defined Terms.** The terms “Agreement,” “Authority,” “City,” “Company,” “Facility,” and “Parties” have the meanings ascribed to them in this Agreement’s preamble and recitals.
- 1.2 **Additional Definitions.** The following terms have the following meanings for purposes of this Agreement:
- 1.2.1 **Capital Investment.** “Capital Investment” means capital expenditures by or on behalf of the Company that result in improvements to the Facility and an increase in the City’s tax receipts from business personal property at the Facility after January 1, 2026.
- 1.2.2 **Capital Investment Target.** “Capital Investment Target” means a Capital Investment of not less than \$300,000.
- 1.2.3 **Performance Date.** “Performance Date” means December 31, 2027.
- 1.3 **Computation of Time.**
- A. When this Agreement requires that an act be performed a prescribed amount of time before an event, the day of such event will not be counted against the time allowed, but the day on which such act is performed will be counted as part of the time. When this Agreement requires that an act be performed within a prescribed amount of time after an event, the day on which the event occurred will not be counted against the time allowed.
- B. When this Agreement requires, either by specification of a date or by a prescribed period of time, that an act be performed on a Saturday, Sunday, or legal holiday or on any day or part of a day on which the government office where the act to be performed is closed, the act may be performed on the next day that is not a Saturday, Sunday, legal holiday, or day on which the government office is closed.
- 2.0 **Capital Investment Target.** The Company shall meet the Capital Investment Target as of the Performance Date.
- 3.0 **Business Personal Property Grant.**
- 3.1 **Grant Amount.**
- A. The Authority will pay the business personal property grant to the Company if the Company meets the eligibility requirements set forth in section 3.2 of this Agreement for the purpose of offsetting increased business personal property taxes paid by the Company as a result of the Capital Investment.
- B. The Authority will pay the business personal property grant in annual installments. The amount of each installment will equal the amount of the increase in revenue to the City due to business personal property tax receipts resulting from the Capital

Investment for the year for which the Company requests the installment until the total amount the Authority has paid to the Company reaches \$10,000. Under no circumstances will the total the Authority pays to the Company exceed \$10,000.

- C. Under no circumstances will the business personal property grant be a general obligation of the Authority. The obligations of the Authority are limited solely to funds received from the City pursuant to this Agreement.

3.2 Company's Eligibility for Grant. The Company must comply with all of the following eligibility requirements to be eligible to receive the business personal property grant:

- A. The Company shall make the Capital Investment by the Performance Date.
- B. The Company shall ensure that all taxes properly assessed and levied by the City against the Facility, and any tangible personal property of the Company are paid in full when required.
- C. The Company shall comply with the provisions of any laws or regulations enacted or otherwise made effective by any federal, state, or local governmental entity which might apply to the performance of this Agreement, obtain all necessary licenses and permits thereunder, and pay when required all taxes or other charges properly assessed against the Company thereunder.
- D. The Company shall ensure that the Company's representations under section 5.0 of this Agreement remain true.
- E. The Company shall not be in default under subsections (A), (B), (C), or any of them, of section 6.1 of this Agreement.

If the Company fails to meet any of these eligibility requirements, then the Company will be ineligible to receive further business personal property grant installments.

3.3 Request for Payment of Grant.

- A. Beginning in the year in which the Capital Investment results in an increase in revenue to the City of at least \$3,000 in business personal property tax receipts, the Company is entitled to request the initial installment of the business personal property grant upon the Company's payment of business personal property taxes assessed against the business personal property put into service as a result of the Capital Investment. The Company shall make this request on a form attached to this Agreement as Exhibit A and include therewith any information required pursuant to section 3.4 of this Agreement. The Company shall submit this request to both the Authority and the City no later than September 30 in the year following the year in which the Company paid the aforementioned business personal property taxes. The Company shall follow the same process in submitting its subsequent requests for the subsequent years for which it pays business personal property taxes assessed

against the business personal property put into service as a result of the Capital Investment.

- B. Upon receipt of the request, the Authority will review the request for compliance with the requirements of this Agreement, including, but not limited to, sections 3.2 and 3.4. The Authority may disapprove a request which does not comply fully with the requirements of this Agreement and may require the Company to submit a revised request. In this event, the Authority shall provide notice to the Company stating the basis for disapproval, stating any defect in the request, and specifying the required additional information. The Company shall submit the revised request within 30 days of receipt of the notice of disapproval.

3.4 **Verification of Reports.** The Company hereby waives its protections under section 58.1-3 of the Code of Virginia and authorizes the Commissioner of the Revenue for the City of Salem, Virginia, and the Treasurer for the City of Salem, Virginia, to disclose tax information for the sole purpose of verifying the Capital Investment and the payment of taxes.

3.5 **Disbursement of Grant.** Following verification and approval of a request by the Company for payment of an installment of the business personal property grant and subject to the availability of funds, the Authority shall pay the installment, calculated pursuant to subsection (B) of section 3.1 of this Agreement, to the Company no later than December 31 of the year in which the Authority approved the request.

3.6 **Termination of Grant.**

- A. In the event (i) the Company fails to submit a request for payment of an installment of the business personal property grant as and when section 3.3 of this Agreement requires or (ii) the Authority does not approve a request, and the Company fails to submit a revised request that complies with all of the requirements of this Agreement as and when section 3.3 of this Agreement requires, then all obligations of the Authority and the City pursuant to this Agreement will terminate and neither the City nor the Authority will have any obligation to fund, disburse, or provide any outstanding part of the total business personal property grant amount to the Company.
- B. If the Company fails to meet the Capital Investment Target as of the Performance Date, then at the Authority's option, (i) the Authority may extend the Performance Date with the approval of the City or (ii) the Company shall pay the Authority an amount equal to the total amount of the business personal property grant installments that the Authority paid to the Company no later than 5:00 p.m., Eastern Time, ten days after the Performance Date.

4.0 **Administration of Agreement.**

- 4.1 **Transfer of Funds.** The City shall transfer to the Authority the funds necessary for the Authority to meet its obligations when needed under this Agreement relating to the business personal property grant. The City will pay no administrative fees or expenses to the Authority in relation to this Agreement.
- 4.2 **Obligations Contingent upon Funding Availability.** The Authority's obligation to undertake the activities contemplated in this Agreement with regard to the business personal property grant is conditioned specifically upon the City's provision of funding; provided, however, that the City's obligation to provide such funding is subject to the availability of monies appropriated by the City's City Council for this Agreement.
- 4.3 **Documents.** The Authority agrees to provide the City's City Manager, or the designee thereof, with copies of all documents related to this Agreement and will keep the City's City Manager fully and timely informed of all matters related to the Agreement.
- 4.4 **Liability and Litigation.** It is the intent of the parties not to impose upon the Authority any responsibility, duty or obligation other than what may be required to implement the business personal property grant. Accordingly, the Authority does not assume any responsibility or liability whatsoever except as specifically stated in this Agreement. If litigation involving the business personal property grant is initiated or expected to be filed against the Authority, the Authority shall immediately notify the City's City Attorney and City Manager.
- 4.5 **Audit.** The Authority shall keep records of its financial transactions, if any, related to this Agreement in accordance with generally accepted accounting principles. The City's auditor or a designee thereof may at any time audit the financial transactions undertaken pursuant to this Agreement.
- 4.6 **No Surety.** The Authority is not required to furnish the City with surety.
- 5.0 **Representations.** The Company represents the following:
- A. The Company is empowered to enter into this Agreement, to be bound hereby, and to perform according to the terms hereof.
 - B. Any and all actions necessary to enable the Company to enter into this Agreement, and to be bound hereby, have been duly taken.
 - C. The person or persons executing or attesting the execution of this Agreement on behalf of the Company has or have been duly authorized and empowered to so execute or attest.
 - D. The execution of this Agreement on behalf of the Company will bind and obligate the Company to the extent provided by the terms hereof.

- E. There exists no litigation pending against the Company or, to the Company's actual knowledge, threatened that, if determined adversely, would materially and adversely affect the ability of the Company to carry out its obligations under this Agreement or the transactions contemplated hereunder.
- F. The Company is authorized to transact business in the Commonwealth of Virginia as of the date written first above and warrants that it will remain so through the Performance Date.

6.0 Default.

6.1 Events of Default. Each of the following will constitute a default by the Company:

- A. Any court of competent jurisdiction enters an order, judgment, or decree approving a petition seeking reorganization of the Company, all or a substantial part of the assets of the Company, or any guarantor of the Company or appointing a receiver, sequestrator, trustee, or liquidator of the Company, any guarantor of the Company, or any of their property, and such order, judgment, or decree continues unstayed and in effect for at least 60 days.
- B. The Company (i) makes a general assignment for the benefit of creditors, (ii) is adjudicated as either bankrupt or insolvent, (iii) files a voluntary petition in bankruptcy or a petition or and answer seeking reorganization or an arrangement with creditors, (iv) either (a) takes advantage of any bankruptcy, reorganization, insolvency, readjustment of debt, dissolution, or liquidation law or (b) admits the material allegations of a petition filed against the Company in any proceedings under such a law, or (v) any guarantor of the Company takes action for the purposes of effecting any item identified in item (iv).
- C. The Company fails to maintain its corporate existence.
- D. The Company fails to meet the Capital Investment Target.

6.2 Effect of Default. In the case of a default:

- A. The provisions of section 3.0 of this Agreement will terminate immediately;
- B. Neither the City nor the Authority will have any further obligation relating to the provisions of section 3.0 of this Agreement; and
- C. The Company will no longer be eligible to receive grant installments pursuant to sections 3.0 of this Agreement.

7.0 Notices. All notices, demands, or other communications pursuant to this Agreement must be in writing, must be sent to the other Parties, and will be deemed to have been duly and validly given when actually received by the addressee or when delivered (i) in person, (ii)

by independent, reputable, overnight commercial carrier, or (iii) by deposit in the United States mail, postage and fees fully prepaid, registered or certified mail, with return receipt requested, at the following addresses or such other addresses as any of the Parties may from time to time specify to the other Parties by notice given in accordance with this section:

If to the Authority:

Economic Development Authority
of the City of Salem, Virginia
Attn: Chair
114 N Broad St
Salem, VA 24153-3734

with a copy to:

Guynn Waddell, P. C.
Attn: Salem EDA Counsel
415 S College Ave
Salem, VA 24153-5055

If to the City:

City of Salem, Virginia
Attn: City Manager
114 N Broad St
Salem, VA 24153-3734

with copies to:

City of Salem, Virginia
Attn: Director of Economic Development
114 N Broad St
Salem, VA 24153-3734

and

Guynn Waddell, P. C.
Attn: Salem City Attorney
415 S College Ave
Salem, VA 24153-5055

If to the Company:

McClung Lumber Company, Incorporated
Attn: President
802 S Market St
Salem, VA 24153-5107

with a copy to:

McClung Lumber Company, Incorporated
Attn: Ryan Millard
802 S Market St
Salem, VA 24153-5107

8.0 **Miscellaneous Provisions.**

- 8.1 **Assignment.** The Company may not assign, delegate, sublet, or otherwise transfer the Company's interest in this Agreement, any of the Company's rights or duties under this Agreement, or any part of such interest, rights, or duties. Further, the Company shall not assign, sublet, or transfer its interest or any part thereof in this Agreement by means or as part of any sale, merger, consolidation, assignment, or any other event that would result in new or different ownership, control, operation, or administration of the Company's business affairs without the prior written consents of the Authority and the City.

- 8.2 **Authorization to Act.** The City Manager of the City or a designee thereof is authorized to act on behalf of the City for purposes of this Agreement, and the Chairman of the Authority is authorized to act on behalf of the Authority for purposes of this Agreement.
- 8.3 **Captions.** This Agreement includes the captions, headings, and titles appearing herein for convenience only, and such captions, headings, and titles will not affect the construction, interpretation, or meaning of this Agreement.
- 8.4 **Counterparts.** This Agreement may be executed in one or more counterparts, each of which will be an original, and all of which together will be one and the same instrument. A signatory has signed this Agreement when that signatory's signature is delivered by electronic mail, facsimile transmission, or another electronic medium. All Parties will treat these signatures in all respects as having the same force and effect as original signatures.
- 8.5 **Dispute Resolution.**
- 8.5.1 **Attorneys' Fees.** Each party will bear the cost of its own attorneys' fees.
- 8.5.2 **Construction and Interpretation.** Each of the Parties has had the opportunity to have its legal counsel review this Agreement on its behalf. If an ambiguity or question of intent arises with respect to any provision of this Agreement, this Agreement will be construed as if drafted jointly by the Parties. Neither the form of this Agreement, nor any language herein, shall be construed or interpreted in favor of or against any party hereto as the sole drafter thereof.
- 8.5.3 **Forum and Venue Choice.** Any and all disputes, claims, and causes of action arising out of or in connection with this Agreement, or any performances made hereunder, shall be brought, and any judicial proceeding shall take place, only in the Circuit Court of the City of Salem, Virginia. The Company accepts the personal jurisdiction of this court for purposes of such action and waives all jurisdiction- and venue-related defenses to the maintenance of such action.
- 8.5.4 **Governing Law.** All issues and questions concerning the construction, enforcement, interpretation, and validity of this Agreement, or the rights and obligations of the Parties in connection with this Agreement, shall be governed by, and construed and interpreted in accordance with, the laws of the Commonwealth of Virginia, without giving effect to any choice of law or conflict of laws rules or provisions, whether of the Commonwealth of Virginia or any other jurisdiction, that would cause the application of the laws of any jurisdiction other than those of the Commonwealth of Virginia.
- 8.6 **Entire Agreement; Modification.** This Agreement, including those documents incorporated herein by reference, contains the entire agreement of the Parties with respect to the subject matter hereof. No prior written agreement or contemporaneous or prior oral agreement between the Parties, or any of them, relating to the subject matter hereof shall be of any effect. No alteration, amendment, or modification to this Agreement is binding

or valid unless memorialized in a written document signed by the duly authorized representatives of the Authority, the City, and the Company.

- 8.7 **No Partnership or Joint Venture.** Neither this Agreement nor any part thereof is intended or will be construed or interpreted to create or establish any joint venture, partnership, or similar arrangement between any of the Parties or to designate any of the Parties as the agent or representative of any other of the Parties for any purpose.
- 8.8 **No Third-Party Beneficiaries.** Notwithstanding any other provision of this Agreement, the Parties hereby agree that (i) no person will be considered, deemed, or otherwise recognized to be a third-party beneficiary of this Agreement, (ii) the provisions of this Agreement are not intended to be for the benefit of any person other than the Parties, (iii) no person will obtain any right to make any claim against the Authority, the City, or the Company under the provisions of this Agreement, and (iv) no provision of this Agreement will be construed or interpreted to confer third-party beneficiary status on any person. For purposes of this section, the word “person” has the meaning set forth in section 1-230 of the Code of Virginia and includes any person, whether or not such person is named in this Agreement.
- 8.9 **No Waiver; Rights and Remedies Cumulative.** The failure by any of the Parties to enforce any provision of or right under this Agreement does not constitute a waiver of such provision or right. The failure of any of the Parties to enforce such provision or right will not prejudice such party from later enforcing or exercising the same or any other provision or right that such party may have under this Agreement. The rights and remedies provided by this Agreement are cumulative, and the use of any one right or remedy by any of the Parties does not preclude or waive the right to use any or all other rights or remedies. The rights and remedies provided in this Agreement are given in addition to any other rights the Parties may have by law or otherwise.
- 8.10 **Records.**
- 8.10.1 **Maintenance and Access.** The Company shall maintain all books, records, and other documents relating to this Agreement for a period of five years after the end of each City fiscal year during which this Agreement is performed. The Authority, the City, and their authorized agents, employees, and officers are entitled to reasonable access to and the right to audit, copy, and examine any of the books, records, and other documents of the Company relating to this Agreement during the performance of this Agreement and the five-year retention period.
- 8.10.2 **Applicable Law.** The Company acknowledges that records maintained by or in the custody of the Authority or the City are subject to the Virginia Public Records Act, Va. Code §§ 42.1-76 through 42.1-91.1, and the Virginia Freedom of Information Act, Va. Code §§ 2.2-

3700 through 2.2-3715, and therefore are subject to the record retention and public disclosure requirements mandated by those statutes.

- 8.10.3 **Challenges to Nondisclosure.** If the Company submits records to the Authority or the City and requests that those records not be disclosed under applicable law and the Authority or the City consequently denies a request for disclosure of those records based on the Company's request, and the Authority's or the City's denial of a request for disclosure of those records is challenged in court, the Company shall indemnify and hold harmless the Authority, the City, and their agents, employees, and officers from and against any and all liability relating thereto and, upon written demand by the Authority or the City, defend at the Company's sole expense, including, but not limited to, attorneys' fees and other costs related to litigation, any actual or threatened administrative, arbitration, or judicial action, claim, investigation, proceeding, or suit initiated by a third party in connection with such liability.
- 8.11 **Severability.** If any provision of this Agreement is determined to be unenforceable, invalid, or illegal, then the enforceability, validity, and legality of the remaining provisions of this Agreement will not in any way be affected or impaired, and such provision will be deemed to be restated to reflect the original intentions of the Parties as nearly as possible in accordance with applicable law.
- 8.12 **Subject to Appropriations.** All payments and other performance by the City and the Authority under this Agreement are subject to appropriations by the City's City Council and to the approval of the City's City Council and the Authority's Board of Directors. Consequently, this Agreement binds the City and the Authority only to the extent that the City's City Council appropriates sufficient funds for the City to perform its obligations hereunder. Under no circumstances will the total liability of the Authority or the City, either or both, exceed the total amount of funds appropriated by the City's City Council for payments or other performance pursuant to this Agreement.

SIGNATURES ON FOLLOWING PAGE

IN WITNESS WHEREOF, the Parties have executed this Agreement by their duly authorized representatives as of the date written first above:

Approved as to Form:

CITY OF SALEM, VIRGINIA

By: _____
Jim H. Guynn, Jr.
City Attorney

By: _____
Christopher J. Dorsey
City Manager

Approved as to Form:

**ECONOMIC DEVELOPMENT AUTHORITY
OF THE CITY OF SALEM, VIRGINIA**

By: _____
Jim H. Guynn, Jr.
EDA Counsel

By: _____
Paul C. Kuhnel
Chair

**MCCLUNG LUMBER COMPANY,
INCORPORATED**

By: _____
Thomas J. Stratton
President

Item #6.D
Date: 11/24/2025

November 24, 2025

Council of the City of Salem
Salem, Virginia 24153

Dear Council Members:

For your information, I am listing appointments and vacancies on various boards and commissions:

<u>Board or Commission</u>	<u>Recommendation</u>
Blue Ridge Behavioral Healthcare	Recommend reappointing Rev. Todd Hester for a three-year term ending December 31, 2028 as a City-appointed representative; and ratifying the reappointment of Patrick Kenney by Blue Ridge Behavioral Healthcare as an at-large member for a three-year term ending December 31, 2028.
Board of Equalization of Real Estate Assessments	Recommend David Prosser for Circuit Court reappointment for a three-year term ending November 30, 2028.
Western Virginia Emergency Medical Services Council	Recommend re-appointing Deputy Chief Matt Rickman for a three-year term ending December 31, 2028.
<u>Vacancies</u>	
Board of Zoning Appeals	Need one alternate member for the remainder of a five-year term ending March 1, 2028, and one alternate member for the remainder of a five-year term ending November 13, 2028.
Roanoke River Blueway Advisory Committee	Need one member for a two-year term.

Sincerely,

Laura Lea Harris

Laura Lea Harris
Deputy Clerk of Council

MEMBER EXPIRATION OF TERM

FINE ARTS COMMISSION (INACTIVE)

Term of Office: 4 years	
Cameron Vest	5-01-15
Julie E. Bailey Hamilton	5-01-15
Brenda B. Bower	7-26-12
Vicki Daulton	10-26-12
Hamp Maxwell	10-26-12
Fred Campbell	5-01-13
Rosemary A. Saul	10-26-13
Rhonda M. Hale	10-12-14
Brandi B. Bailey	10-12-14

STUDENT REPRESENTATIVES

LOCAL OFFICE ON AGING

Term of Office: 3 years	
John P. Shaner	3-01-27

Partnership for a Livable Roanoke Valley (INACTIVE)

Term of Office: Unlimited

PERSONNEL BOARD

Term of Office: 2 years	
William R. Shepherd	6-09-27
J. Chris Conner	8-12-27
Margaret Humphrey	8-12-27
Garry Lautenschlager	11-23-26
Teresa Sizemore	4-26-27

PLANNING COMMISSION AND
NPDES CITIZENS' COMMITTEE

Term of Office: 4 years	
Mark Henrickson	7-31-26
Denise "Dee" King	7-31-26
Nathan Routt	7-26-27
Reid Garst	7-31-26
N. Jackson Beamer	8-28-27

REAL ESTATE TAX RELIEF REVIEW BOARD

Term of Office: 3 years	
David G. Brittain	2-14-28
Wendel Ingram	6-11-27
Daniel L. Hart	2-14-27

ROANOKE REGIONAL AIRPORT COMMISSION

Term of Office: 4 years	
Dale T. Guidry	7-1-28

ROANOKE RIVER BLUEWAY ADVISORY COMMITTEE

Term of Office: 2 years	
Jeff Ceasar	6-30-24
Vacant	6-30-25

MEMBER EXPIRATION OF TERM

ROANOKE VALLEY-ALLEGHANY REGIONAL
COMMISSION

Term of Office: 3 years	
H. Hunter Holliday	6-30-27
Dee King	6-30-26
Anne Marie Green	6-30-27

ROANOKE VALLEY BROADBAND AUTHORITY

Term of Office: 4 years	
H. Robert Light	12-14-27
Mike McEvoy (Citizen At-large)	12-13-25

ROANOKE VALLEY DETENTION COMMISSION

No Terms	
Member	Alternate
Rosemarie Jordan	Chris Dorsey

ROANOKE VALLEY GREENWAY COMMISSION

Term of Office: 3 years	
Dr. Steven L. Powers	11-08-27
Russ Craighead	6-30-28
Denise P. King	9-26-26

ROANOKE VALLEY RESOURCE AUTHORITY

Term of Office: 4 years	
Rob Light	12-31-27

ROANOKE VALLEY TRANSPORTATION PLANNING
ORGANIZATION (TPO) POLICY BOARD

Term of Office: 3 years	
Renee F. Turk	6-30-26
H. Hunter Holliday	6-30-26
Alternate: Byron R. Foley	6-30-26

SCHOOL BOARD OF THE CITY OF SALEM

Term of Office: 3 years	
Teresa Sizemore-Hernandez	12-31-27
Andy Raines*	12-31-25
*reappointed term as of 1/1/26	12-31-28
Stacey Danstrom**	12-31-25
**Michael Crawley as of 1/1/26	12-31-28
Macel Janoschka	12-31-26
Chris King	12-31-27

SOCIAL SERVICES ADVISORY BOARD

Term of Office: 4 years, 2 term limit	
Anne Marie Green	6-30-26

TOTAL ACTION FOR PROGRESS

Term of Office: 3 years	
Byron Randolph Foley	12-31-27

MEMBER EXPIRATION OF TERM

TRANSPORTATION TECHNICAL COMMITTEE (TTC)

Term of office: 3 years

Crystal Williams	6-30-26
Josh Pratt	6-30-26
Alternate: Vacant	6-30-26
Alternate: Max Dillon	6-30-26

VIRGINIA ALCOHOL SAFETY ACTION PROGRAM

BOARD (VASAP)

Term of office: 3 years

Chris Shelor	1-27-28
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VIRGINIA WESTERN COMMUNITY COLLEGE LOCAL

ADVISORY

Term of Office: 4 years (2 terms only)

Michael Maxey	6-30-26
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VIRGINIA'S BLUE RIDGE BOARD

Term of Office: No term limit

Chris Dorsey

John Shaner

WESTERN VIRGINIA EMERGENCY MEDICAL

SERVICES COUNCIL

Term of office: 3 years

Deputy Chief Matt Rickman	12-31-25
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WESTERN VIRGINIA REGIONAL INDUSTRIAL

FACILITY AUTHORITY

Term of Office: 4 years (**Requires Oath of Office**)

Tommy Miller	2-3-26
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Chris Dorsey	2-3-28
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Crystal Williams (Alternate)	2-3-26
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H. Robert Light (Alternate)	2-3-28
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WESTERN VIRGINIA REGIONAL JAIL AUTHORITY

Appointee Term of Office: 1 year – Expires 12-31-25

Alternates serve until another alternate is appointed

(Requires Oath of Office)

Governing Body Appointee (by Council): Byron R. Foley

Governing Body Alternate (by Council): H. Hunter Holliday

Local Official Appointee (by Council): Rosemarie Jordan

Local Official Alternate (by Council): Chris Dorsey

Sheriff (Automatic): Chris Shelor

Sheriff Alternate (Appointed by Sheriff): Chief Deputy-

Major Steve Garber