

**Christiansburg Planning Commission**  
**Minutes of February 2, 2015**

Present: Matthew J. Beasley (arrived at 7:06 pm)  
Ann Carter  
Harry Collins  
David Franusich  
Steve Huppert  
Jennifer D. Sowers, Vice-Chairperson  
Joe Powers  
Craig Moore, Chairperson  
Nichole Hair, Secretary Non-Voting

Absent: None

Staff/Visitors: Randy Wingfield, staff  
Sara Morgan, staff  
Cindy Wells Disney, Montgomery County Planning Commission  
Kevin Conner, Gay & Neel, Inc.

Chairperson Moore called the meeting to order at 7:00 p.m. in the Christiansburg Town Hall at 100 E. Main Street, Christiansburg, Virginia.

**Public Comment.**

Chairperson Moore opened the floor for public comment. There were no public comments. Chairperson Moore closed the floor for public comment.

**Approval of meeting minutes for December 15, 2014.**

Chairperson Moore introduced the discussion. Commissioner Franusich made a motion to approve the Planning Commission meeting minutes. Commissioner Sowers seconded the motion, which passed 7-0.

**Planning Commission public hearing on a Conditional Use Permit request by Community Housing Partners for office use at 446 Depot Street, N.E. (tax parcels 496 – ((A)) – 46, 497 – ((A)) – 17, 18, 19, 20, and 21) in the MU-1: Residential-Limited Business District.**

Chairperson Moore introduced the discussion. Kevin Conner, Gay & Neel, explained Community Housing Partners used to be based in Downtown Cambria area and have since expanded to the 446 Depot Street property. Mr. Conner added the 446 Depot Street property used to be the Tekoa Boys Home and currently houses the administrative offices for Community Housing Partners. Mr. Conner stated the architecture and construction division is located in the old cafeteria/dining hall.

Planning Commission public hearing on a Conditional Use Permit request by Community Housing Partners for office use at 446 Depot Street, N.E. (tax parcels 496 – ((A)) – 46, 497 – ((A)) – 17, 18, 19, 20, and 21) in the MU-1: Residential-Limited Business District - (continued).

Mr. Conner explained Community Housing Partners previously obtained a Conditional Use Permit for office space in the mixed used district. Mr. Conner added Community Housing Partners has outgrown the current buildings, which is good for both the company and Christiansburg. Mr. Conner detailed the location of two buildings that are used for storage, one being the older home on the property. Mr. Conner stated the house is in disrepair on the inside.

Mr. Conner reviewed a concept plan but the applicant has requested the concept plan not be tied to the Conditional Use Permit. Mr. Conner explained the plan is to reconfigure the entrances and parking from Depot Street. Mr. Conner stated this would give a sense of arrival to the property. Mr. Conner added the buildings would face a courtyard and the parking would be reconfigured because the site can be confusing for first time visitors. Mr. Conner added the new building would have an approximately 3,500 square feet footprint with basement storage and two floors for office.

Commissioner Collins inquired about the current parking owned by Community Housing Partners. Mr. Conner showed the parking lot on the aerial. Commissioner Carter asked if the parking would become part of the new layout. Mr. Conner explained that the parking would be reconfigured.

Chairperson Moore opened the floor for public comment. There were no public comments. Chairperson Moore closed the public hearing.

Chairperson Moore explained that there are no proposed conditions and the applicant has requested the concept plan not be part of the request.

Ms. Hair detailed the conditions from the former Conditional Use Permit. Commissioner Franusich asked if the current Conditional Use Permit covers what they are requesting. Ms. Hair explained condition 2 of the former Conditional Use Permit restricts additions or new buildings. Condition 2 states "This permit is valid for the use of the existing buildings only. Any new building construction or additions for office use shall require Conditional Use Permit application."

Chairperson Moore asked if the new Conditional Use Permit would replace the existing permit. Ms. Hair stated that she would consider the new permit to replace the original. Commissioner Powers asked if staff is proposing the original Conditional Use Permit conditions. Ms. Hair suggested using the first condition of the original Conditional Use Permit; "This permit is valid for Community Housing Partners and its subsidiaries only and is not transferrable". Commissioner Powers asked if staff is proposing the original Conditional Use Permit conditions.

Planning Commission public hearing on a Conditional Use Permit request by Community Housing Partners for office use at 446 Depot Street, N.E. (tax parcels 496 – ((A)) – 46, 497 – ((A)) – 17, 18, 19, 20, and 21) in the MU-1: Residential-Limited Business District - (continued).

Ms. Hair suggested using the first condition of the original Conditional Use Permit; "This permit is valid for Community Housing Partners and its subsidiaries only and is not transferrable". Ms. Hair added Town staff has met with the applicant regarding their site and Community Housing Partners will be required to meet all regulations through the site plan review process. Commissioner Carter noted that the water issues down the hill will be addressed through the site plan. Commissioner Franusich stated he believes Community Housing Partners is a good neighbor.

Mr. Conner noted that the applicant has gone through a number of concept plans working with their Architecture Department. Mr. Conner added Community Housing Partners has met with their board will have an input meeting to select the concept plan shown. Mr. Conner does not believe Community Housing Partners will change their mind about the proposed concept plan.

Chairperson Moore asked about the pervious pavers currently being used on the property. Mr. Conner explained there are pervious concrete, open cell concrete pavers, and dry link pavers on the property. Mr. Conner confirmed the applicant will be incorporating those types of parking designs in moving forward. Mr. Conner stated the use of pervious pavement will be incorporated for stormwater purposes. Mr. Conner added there currently is biorention on the property. Mr. Conner added the site was developed before stormwater regulations included addressing the amount of stormwater. Mr. Conner added any redevelopment will go above and beyond what is on the property at present time.

Mr. Conner showed the existing parking and house in comparison to the new concept on the concept plan. He pointed out pedestrian and vehicle space. Commissioner Collins asked about the walkways with the pedestrian space. Mr. Conner stated the applicant is calling the space a pedestrian plaza. Commissioner Powers noted it is tying the three buildings together.

Commissioner Franusich noted Community Housing Partners likes to use pervious surfaces for driveways in their projects. He added their projects were well done.

Commissioner Powers asked why the applicant does not want to tie the request to concept plan. Mr. Conner explained the board may change their mind about the location of a building and the request is for office use not the layout of the site. Chairperson Moore added the ordinances will protect the development of the site if the Planning Commission feels office is a permitted use for the site.

Chairperson Moore stated the request should include the first condition from the original request while the second condition would be stricken.

Commissioner Franusich proposed a condition to include the number of buildings in.

Planning Commission public hearing on a Conditional Use Permit request by Community Housing Partners for office use at 446 Depot Street, N.E. (tax parcels 496 – ((A)) – 46, 497 – ((A)) – 17, 18, 19, 20, and 21) in the MU-1: Residential-Limited Business District - (continued).

Chairperson Moore suggested the permit would be good for the existing structures and one additional building. Ms. Hair suggested limiting the square footage. Chairperson Moore noted the number of buildings allowed is limited due to the stormwater and topography of the land. Mr. Conner noted there is not much developable land outside of the land surrounding the existing buildings due to the topography. Chairperson Moore believes the applicant's development would be an improvement to the area and would hate to be restrictive when they are adding value. Commissioners noted the site limitations on development. Mr. Conner noted the development will be restricted on height and setbacks.

Commissioners Powers, Beasley, and Carter agreed with a condition to restrict transferring the Conditional Use Permit. Commissioner Carter noted Community Housing Partners has a good track record in the community.

Commissioner Beasley made a motion to approve the Conditional Use Permit with one condition. Commissioner Collins seconded the motion, which passed 8-0.

Planning Commission public hearing on a Conditional Use Permit request by the Town of Christiansburg for a farmers market located on the Hickok Street right-of-way from East Main Street to College Street in the B-2 Central Business District.

Chairperson Moore introduced the request. Assistant Town Manager Randy Wingfield presented to the Planning Commission. Mr. Wingfield stated the Town has been working to locate a farmers market downtown. Mr. Wingfield added the Town is currently requesting to use the Hickok Street right-of-way until a location can be acquired for a permanent structure. Mr. Wingfield stated a farmers market committee has been formed and has been meeting on a regular basis. Mr. Wingfield presented the farmers market mission and draft regulations for the farmers market. Mr. Wingfield stated the committee is expected to vote on the draft regulations at the committee's next meeting.

Mr. Wingfield detailed a diagram showing an angled layout for vendors. Mr. Wingfield stated the spaces are nine feet wide; however, the spaces will probably end up being ten feet wide. Mr. Wingfield stated this would accommodate 15 vendor spaces. Mr. Wingfield stated there are three layouts for the farmers market committee to consider; however, the angled layout is preferred. Mr. Wingfield added the other layouts will be kept in case more vendors need to be added later on. Mr. Wingfield noted having 10-12 vendors would be considered successful.

Mr. Wingfield added that the Town would like to be flexible with locations in case there are more vendors than anticipated. Mr. Wingfield stated the Town has reached out to potential vendors and has received interest from that effort.

Planning Commission public hearing on a Conditional Use Permit request by the Town of Christiansburg for a farmers market located on the Hickok Street right-of-way from East Main Street to College Street in the B-2 Central Business District - (continued).

Mr. Wingfield stated the farmers market will be open on Thursdays in order to not compete with from other markets. Mr. Wingfield added the first year will be operated on Thursdays from 3-7pm. Commissioner Collins asked if the topic on the dates and time were closed. Mr. Wingfield stated he does not believe it is completely closed.

Mr. Wingfield stated the start date of April is fairly certain and it would run through October. Mr. Wingfield stated the cost to lease a space would be \$40/month or \$180 if you sign up for the whole year. Mr. Wingfield added drop in spaces would be available at \$15/space; however, priority would be given to those with month or year-long commitments.

Mr. Wingfield stated marketing has been a focus for the farmers' market committee. Mr. Wingfield added a couple of different groups are working on a market logo. Mr. Wingfield added the Town is looking for a more permanent location; however, the goal is to get the market off the ground. Mr. Wingfield stated this will allow the Town to address issues in the first year of operation.

Chairperson Moore opened the floor for public comment. There were no public comments. Chairperson Moore closed the public hearing.

Commissioner Collins stated he does not believe Thursdays are the best approach. Commissioner Collins stated he would like to see the farmers market go head to head with Blacksburg. Mr. Wingfield explained the farmers market committee does not want to go head to head with other markets because this will limit vendor availability. Mr. Wingfield added Blacksburg has a waiting list for their farmers market and the committee is looking into obtaining that list. Commissioner Collins stated he does not want to have a weekday night market and not have anyone show up. Mr. Wingfield stated he does believe in the long term the Town will have a Saturday market. Mr. Wingfield added a long term goal is to develop a permanent location with stalls.

Commissioner Collins asked if tents will be used for the vendor spaces. Mr. Wingfield explained the vendors are responsible for their own setup. Mr. Wingfield stated the vendors can have the back of a truck or a tent.

Commissioner Huppert noted that Town Council has approved \$10,000 next year for farmers market operations. Commissioner Huppert stated there will be the opportunity for bands or food trucks to set up for the Thursday night farmers market. Commissioner Collins stated having this type of entertainment would help a lot. Commissioner Huppert added the hope is to make the farmers market a special event.

Planning Commission public hearing on a Conditional Use Permit request by the Town of Christiansburg for a farmers market located on the Hickok Street right-of-way from East Main Street to College Street in the B-2 Central Business District - (continued).

Mr. Wingfield noted there has been a discussion about what product would be available and the conclusion was agricultural based products. Mr. Wingfield stated these products could be locally grown produce or vegetables, soap, eggs, etc.

Commissioner Sowers asked the distance tied to the term local. Mr. Wingfield stated the farmers market will allow a 100 mile radius to be considered local. Mr. Wingfield added this topic was highly debated as Blacksburg uses a 50 mile radius. Mr. Wingfield stated there is a general consensus the committee would like to cast a bigger net than in the Town's first year of operating a farmers market. Mr. Wingfield added the Virginia Department of Consumer Services defined local as a 100 mile radius.

Commissioner Collins asked how the earmarked \$10,000 would be used. Mr. Wingfield stated half of the money will be used for a market manager salary. Mr. Wingfield added the market manager position will be on a contract basis. Mr. Wingfield stated there are several knowledgeable people who have expressed interest in this position. Mr. Wingfield stated the market manager will be facilitating management of the market and visiting farms for inspection. Commissioner Collins asked if others, like Blacksburg, require this. Mr. Wingfield confirmed they do.

Mr. Wingfield noted that the Town Attorney recommended the establishment of a nonprofit 501-C-3 to manage the market for liability reasons.

Commissioner Huppert asked Mr. Wingfield to explain what the adjacent buildings are on the layout. Mr. Wingfield pointed out the veterinary clinic and the church.

Commissioner Powers asked Ms. Hair if the proposed farmers market meets the definition in the Zoning Ordinance. Ms. Hair confirmed the request meet the definition.

Chairperson Moore closed the public hearing.

Chairperson Moore noted the Planning Commissioners have the market mission statement in front of them.

Commissioner Huppert stated the Town has been working towards a farmers market for a number of years. Commissioner Huppert added the residents have been looking forward to this. Commissioner Huppert stated he believes this is a good start. Commissioner Huppert added the market would be beneficial for the Town in the long run. Chairperson Moore stated other Conditional Use Permits have typically been tied to the applicant.

Planning Commission public hearing on a Conditional Use Permit request by the Town of Christiansburg for a farmers market located on the Hickok Street right-of-way from East Main Street to College Street in the B-2 Central Business District - (continued).

Chairperson inquired what would happen if the nonprofit 501 © 3 were to manage the farmers market. Mr. Wingfield added the market board would be appointed by Town Council. Commissioner Huppert stated he believes he speaks for Council.

Commissioner Powers suggested including the Town of Christiansburg and the nonprofit in a condition. Commissioner Collins asked what the 501©3 would be named. Mr. Wingfield stated it could be something similar to "Friends of Christiansburg Farmers Market." Mr. Wingfield added if the Town relinquishes control to the board, the Town would still own property. Mr. Wingfield stated if the location of the farmers' market was to change, a new Conditional Use Permit would be required.

Commissioner Collins inquired about insurance requirements. Mr. Wingfield stated the Town has liability insurance of \$2 million. Mr. Wingfield added the attorney recommended the market vendors be required to have \$1 million insurance. Commissioner Collins asked if other localities, like Blacksburg, do the same. Mr. Wingfield stated Blacksburg requires the insurance and this is fairly common regulation.

Commissioner Carter asked if there were any restrictions that should be placed. Commissioner Powers stated he believes the Planning Commission can trust those in charge of the farmers market.

Mr. Conner asked about Town Council having to vote on closing the street for events that have alcohol sales and inquired if alcohol would be sold at the farmers' market. Mr. Wingfield stated only wineries would be able to sell, but this could change in the future. Mr. Conner stated he brought this up in case it became an issue further down the road. Commissioner Franusich noted alcohol sales would be covered by ABC laws. Ms. Hair added that Town Council would not have to vote on closing the street for the farmers' market.

Mr. Wingfield noted the draft regulations include a provision of a special exemption that could be approved by the market committee in regards to the 100 mile radius (i.e. fruit or seafood).

Ms. Hair read the proposed condition.

1. The Conditional Use Permit is for the Town of Christiansburg and/or a Town designated nonprofit, and is nontransferable.

Planning Commission public hearing on a Conditional Use Permit request by the Town of Christiansburg for a farmers market located on the Hickok Street right-of-way from East Main Street to College Street in the B-2 Central Business District - (continued).

Commissioner Powers asked about the previous farmers market conditions. Ms. Hair noted that parking and noise were addressed in those conditions. That permit was for a market operating on the weekend and adjoined residential properties.

Commissioner Collins asked the planned hours of operation. Mr. Wingfield stated the market plans to be open 3-7 p.m. Mr. Wingfield added the vendors would be allowed to set up one hour prior to the market and one hour after the market to break down. Commissioner Sowers stated the Planning Commission should not restrict the hours in case the market is successful and hours need to be extended. Mr. Wingfield stated the hours of operation have been discussed and flexibility would be needed depending on how the market was going. Commissioner Huppert noted during the summer, it does not get dark until 9:00 p.m. Commissioner Powers added it will be self-limiting because the Town will not be closing the street seven days a week. The Planning Commission decided not to restrict the time of the market.

Commissioner Powers noted that the noise ordinance would be in effect. Ms. Hair added being in the Downtown District, the farmers' market does not impact as many residential properties. Ms. Hair added those who live Downtown are familiar with the noise and street closures from other events held Downtown.

Commissioner Collins asked when the market would start. Commissioner Sowers stated it will start in April.

Chairperson Moore proposed reviewing the permit in one year. Commissioner Carter noted the review may be needed for changes to be made, depending on how well the market does. The Planning Commission review in a year was added as a second condition. Ms. Hair suggested reviewing the request 12 months from the start of the market. This was affirmed by Planning Commissioners.

Commissioner Collins asked Mr. Wingfield what conditions he would like to see. Mr. Wingfield stated the market could be self-policed through the committee and Town Council would have control.

Commissioner Collins made a motion to approve the Conditional Use Permit with two conditions. Commissioner Franusich seconded the motion, which passed 8-0.

Discussion of proposed Chapter 42 "Zoning" changes.

Chairperson Moore introduced the discussion. Ms. Hair stated the Development Subcommittee has drafted proposed changes to the Zoning Ordinance and the committee would like input regarding those changes before requesting public hearings be set.

Discussion of proposed Chapter 42 “Zoning” changes – (continued).

Ms. Hair reviewed the proposed changes including changes to the definitions of accessory apartment and building height.

Commissioner Powers added that the main change for the accessory building is the “licensed caregiver.” Ms. Hair noted recent conferences have discussed aging in place and this definition change provides the option to age in a home with a licensed caregiver on the property. Ms. Hair added that the “licensed caregiver” language makes the definition more enforceable. Ms. Hair stated this would prevent the property owner from claiming the person is a caregiver rather than just having an apartment.

Ms. Hair reviewed the changes to conditional zoning, which currently prohibits cash proffers and off-site improvements. Ms. Hair stated the proposed change would allow developers to proffer off-site construction (i.e. street or sidewalk improvements).

Mr. Hair stated a provision to all handicap ramps within a setback is being added to numerous Zoning districts.

Ms. Hair stated a provision is proposed to require duplexes to have a variation of three feet with the front façade, similar to the requirements for townhomes. Ms. Hair indicated this will provide the distinction of the two individual dwelling units.

Ms. Hair stated a provision is being proposed to require sidewalks when the principal structure on a business property is being renovated or expanded. Currently in our B-3 District all new development requires sidewalks.

Chairperson Moore requested clarification regarding the three foot variation for the duplexes. Ms. Hair and Commissioner Powers explained that it says at least three feet.

Ms. Hair stated she will request public hearings be set by Town Council. There were no objections by Planning Commissioners.

Chairperson Moore thanked the Development Subcommittee for their hard work.

Other Business.

Ms. Hair stated that the Comprehensive Plan Subcommittee will hold a Neighborhood Planning meeting on March 19. Ms. Hair added Neighborhood Planning was featured in the recent Town newsletter that went out in the recent utility billing. Ms. Hair added staff has received feedback from this outreach. Ms. Hair added the Comprehensive Plan Subcommittee will meet next Wednesday, February 11 at 8:30 a.m. to prepare for the March meeting.

Other Business – (continued).

Commissioner Franusich asked if the next meeting Planning Commission will be on a Tuesday. Ms. Hair stated there are currently no public hearings scheduled and decisions were made tonight, so the Planning Commission may not need to hold a meeting on February 17.

Commissioner Powers asked for clarification on the Development Subcommittee meetings. Ms. Hair stated the Development Subcommittee meets the fourth Wednesday of the month at 8:30 a.m. Ms. Hair added the Comprehensive Plan Subcommittee meetings have been move to the morning as well.

There being no more business, Chairperson Moore adjourned the meeting at 7:49 p.m.

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Craig Moore, Chairperson

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Nichole Hair, Secretary Non-Voting

**AN ORDINANCE AMENDING CHAPTER 42 "ZONING" OF THE CHRISTIANSBURG TOWN CODE IN REGARDS TO DEFINITIONS, CONDITIONAL ZONING, SETBACKS, OFF-SETS FOR TWO-FAMILY DWELLINGS AND SIDEWALK REQUIREMENTS.**

WHEREAS, notice of the Planning Commission public hearing regarding the intention of the Town Council to pass said ordinance was published two consecutive weeks (xx and xx) in The News Messenger, a newspaper published in and having general circulation in the Town of Christiansburg; and,

WHEREAS, notice of the intention of the Town Council to pass said ordinance was published two consecutive weeks (xx and xx) in The News Messenger, a newspaper published in and having general circulation in the Town of Christiansburg; and,

WHEREAS, a public hearing of the Planning Commission of the Town was held June 30, 2014 and resulted in a recommendation by the Planning Commission that the following proposed ordinance revisions be adopted; and,

WHEREAS, a public hearing of Council of the Town was held xxxxxx; and,

WHEREAS, Council deems proper so to do,

Be it ordained by the Council of the Town of Christiansburg, Virginia that Chapter 42 "Zoning" of the *Christiansburg Town Code* be amended as follows:

**ARTICLE I. IN GENERAL**

**Sec. 42-1. Definitions.**

*Apartment, accessory*, means a dwelling unit with ~~or without~~ a kitchen ~~or~~ **and** bath provided for ~~a caregiver or~~ family members ~~related by blood or marriage~~ within a single-family residence or within a residential garage structure.

*Building, height of*, means the vertical distance measured from the level of the curb or the established curb grade opposite the middle of the front of the **building or** structure to the highest point of the ~~roof~~ **building or structure**, ~~if a flat roof, to the deck line of a mansard roof or the mean height level between the eaves and ridge of a gable, hip or gambrel roof~~. For buildings set back from the street line, the height shall be measured from the average elevation of the ground surface along the front of the building **or structure**.

*Family* means one or more persons related by blood, marriage, adoption or legal guardianship

**Sec. 42-12. Conditional zoning.**

(a) *Purpose.* Where competing and incompatible uses conflict, traditional zoning methods and procedures are sometimes inadequate. In such cases, more flexible and adaptable zoning methods are needed to permit differing land uses and at the same time to recognize effects of change. It is the purpose of this section to provide a zoning method as authorized under Code of Virginia, § 15.2-2303, as amended, whereby a zoning reclassification may be allowed subject to certain conditions proffered by the zoning applicant for the protection of the community even though said conditions may not be generally applicable to land similarly zoned. While the conditions may vary from property to property by reason of the nature of

the use and different circumstances at a particular location, it is not the intention of this section to authorize conditions limited to a particular individual or group, owner or operator, and the provisions of this section shall not be used for the purpose of discrimination in housing.

(b) *Proffer, in writing.*

- (1) As a part of a petition for rezoning or amendment of the zoning district map, the owner or owners of the property involved may, prior to a public hearing before the town council, voluntarily proffer, in writing, such reasonable conditions, in addition to the regulations provided for the zoning district or districts as herein set forth, as he deems appropriate for the particular case; provided that:
  - a. The rezoning itself must give rise for the need for the conditions;
  - b. Such conditions shall have a reasonable relation to the rezoning;
  - c. Such conditions shall not include a cash contribution to the town;
  - d. Such conditions shall not include mandatory dedication of real or personal property for open space, parks, schools, fire departments or other public facilities not otherwise provided for in the subdivision ordinance, chapter 40;
  - e. The conditions shall not include a requirement that the applicant create a property owners' association under the Code of Virginia, § 55-508, et seq., which includes an express further condition that members of a property owners' association pay an assessment for the maintenance of public facilities owned in fee by a public entity, including open space, parks, schools, fire departments and other public facilities not otherwise provided for in Code of Virginia, § 15.2-2241; however, such facilities shall not include sidewalks, special street signs or markers, or special street lighting in public rights-of-way not maintained by the Virginia Department of Transportation;
  - f. Such conditions shall not include payment for ~~or construction of~~ off-site improvements, except those provided for in the subdivision ordinance, chapter 40;
  - g. No condition shall be proffered that is not related to the physical development or physical operation of the property; and
  - h. All such conditions shall be in conformity with the comprehensive plan.
- (2) For the purpose of this chapter, proffered conditions shall be interpreted to include written statements, development plans, profiles, elevations, and/or other demonstrative materials. Materials of whatever nature and intended as conditions shall be annotated with the following statement signed by the owner, or owners, of the subject property: "I (we) hereby proffer that the development of the subject property of this application shall be in strict accordance with the conditions set forth in this submission."
- (3) Once proffered and accepted as part of an amendment to the zoning ordinance, such conditions shall continue in full force and effect until a subsequent amendment changes the zoning on the property covered by such conditions; provided, however, that such conditions shall continue if the subsequent amendment is part of a comprehensive implementation of a new or substantially revised zoning ordinance.

## ARTICLE II. AGRICULTURAL DISTRICT A

### Sec. 42-37. Yards.

- (a) The minimum side yard for each main structure shall be a minimum of 25 feet or side lot line easement width, whichever is greater.
- (b) Each main structure shall have a rear yard of 50 feet or more.
- (c) Accessory structures shall have a side and rear yard of 3 feet or more.
- (d) **Handicap ramps shall be allowed to encroach in all yards if the following criteria are met:**
  - (1)The encroachment by the ramp must be the minimum necessary to accomplish safe access;
  - (2) The ramp must meet the current edition of the Virginia Uniform Statewide Building Code and the Town of Christiansburg Code; and
  - (3) The minimum size of a building entry landing associated with the ramp shall meet Virginia Uniform Statewide Building Code requirements. The maximum building entry landing size shall be six (6) feet by six (6) feet.

## ARTICLE III. RURAL RESIDENTIAL DISTRICT R-1A

### Sec. 42-72. Yards.

- (a) The minimum side yard for each main structure shall be a minimum of 15 feet or side lot line easement width whichever is greater.
- (b) Each main structure shall have a rear yard of 40 feet or more.
- (c) Accessory structures shall have a side and rear yard of three feet or more.
- (d) Sidewalks and curb and gutter shall be required on both sides of the public streets for all new streets. In lieu of sidewalks and curb and gutter, an owner or developer shall provide a paved multi-use trail a minimum of ten feet in width connecting to the street right-of-way adjoining other properties and to each lot within the development by a hard surface connection.
- (e) **Handicap ramps shall be allowed to encroach in all yards if the following criteria are met:**
  - (1)The encroachment by the ramp must be the minimum necessary to accomplish safe access;
  - (2) The ramp must meet the current edition of the Virginia Uniform Statewide Building Code and the Town of Christiansburg Code; and
  - (3) The minimum size of a building entry landing associated with the ramp shall meet Virginia Uniform Statewide Building Code requirements. The maximum building entry landing size shall be six (6) feet by six (6) feet.

## ARTICLE IV. SINGLE-FAMILY RESIDENTIAL DISTRICT R-1

### Sec. 42-97. Yards.

- (a) The minimum side yard for each main structure shall be a minimum of ten feet or side lot line easement width, whichever is greater.
- (b) Each main structure shall have a rear yard of 35 feet or more.
- (c) Accessory structures shall have a side and rear yard of three feet or more.
- (d) Sidewalks and curb and gutter shall be required on both sides of the public streets for all new streets. In lieu of sidewalks and curb and gutter, an owner or developer shall provide a paved multi-use trail a minimum of ten feet in width connecting to the street right-of-way adjoining other properties and to each lot within the development by a hard surface connection.
- (e) **Handicap ramps shall be allowed to encroach in all yards if the following criteria are met:**
  - (1) **The encroachment by the ramp must be the minimum necessary to accomplish safe access;**
  - (2) **The ramp must meet the current edition of the Virginia Uniform Statewide Building Code and the Town of Christiansburg Code; and**
  - (3) **The minimum size of a building entry landing associated with the ramp shall meet Virginia Uniform Statewide Building Code requirements. The maximum building entry landing size shall be six (6) feet by six (6) feet.**

## ARTICLE V. TWO-FAMILY RESIDENTIAL DISTRICT R-2

### Sec. 42-131. Frontage.

- (a) The minimum lot width at the setback line and the street line shall be 80 feet for a single-family dwelling and 100 feet for a two-family dwelling and other permitted uses.
- (b) All structures in this district shall be located on the lot with the front of the structure facing the front lot line.
- (c) **The full facades of individual units within a two-family dwelling shall be varied by changed front yard setbacks. Variation in setback shall be at least three feet.**

### Sec. 42-132. Yards.

- (a) The minimum side yard for each main structure shall be a minimum of ten feet or side lot line easement width, whichever is greater.
- (b) Each main structure shall have a rear yard of 25 feet or more.
- (c) Accessory structures shall have a side and rear yard of three feet or more.

- (d) The front yard shall contain a minimum of 20 percent greenspace or landscaped area. For duplexes for individual sale, the greenspace or landscaped area in the front yard shall be maintained at a ratio of 20 percent for each dwelling unit on each lot. For this purpose, corner lots shall be deemed to contain a minimum of 20 percent greenspace or landscaped area in each yard fronting a public street.
- (e) Sidewalks and curb and gutter shall be required on both sides of the public streets for all new streets. In lieu of sidewalks and curb and gutter, an owner or developer shall provide a paved multi-use trail a minimum of ten feet in width connecting to the street right-of-way adjoining other properties and to each lot within the development by a hard surface connection.
- (f) **Handicap ramps shall be allowed to encroach in all yards if the following criteria are met:**
  - (1) The encroachment by the ramp must be the minimum necessary to accomplish safe access;
  - (2) The ramp must meet the current edition of the Virginia Uniform Statewide Building Code and the Town of Christiansburg Code; and
  - (3) The minimum size of a building entry landing associated with the ramp shall meet Virginia Uniform Statewide Building Code requirements. The maximum building entry landing size shall be six (6) feet by six (6) feet.

## ARTICLE VI. MULTIPLE-FAMILY RESIDENTIAL DISTRICT R-3

### Sec. 42-158. Frontage and lot depth.

- (a) The minimum lot width at the setback line and street line shall be 80 feet for a single-family dwelling, 100 feet for a two-family dwelling and other permitted nonresidential uses, and 125 feet for a multiple-family dwelling.
- (b) All structures in this district shall be located on the lot with the front of the structure facing the front lot line. Where permitted, multiple buildings on a single lot may be arranged in accord with approved site plans.
- (c) **The full facades of individual units within a two-family dwelling shall be varied by changed front yard setbacks. Variation in setback shall be at least three feet.**

### Sec. 42-159. Yards.

- (a) The minimum side yard for each main structure shall be a minimum of ten feet or side lot line easement width, whichever is greater.
- (b) Each main structure shall have a rear yard of 20 feet or more.
- (c) Accessory structures shall have a side and rear yard of three feet or more.
- (d) The front yard shall contain a minimum of 20 percent greenspace or landscaped area. For duplexes for individual sale, the greenspace or landscaped area in the front yard shall be maintained at a ratio of 20 percent for each dwelling unit on each lot. For this purpose, corner lots shall be deemed to contain a minimum of 20 percent greenspace or landscaped area in each yard fronting a public street.

- (e) Sidewalks and curb and gutter shall be required on both sides of the public streets for all new streets and for all multifamily residential development. In lieu of sidewalks and curb and gutter, an owner or developer shall provide a paved multi-use trail a minimum of ten feet in width connecting to the street right-of-way adjoining other properties and to each lot within the development for single-family, duplex or townhouse development or at least the length of the total street frontage connecting to the right-of-way adjoining other properties and to each apartment or condominium unit within the development by a hard surface connection.
- (f) **Handicap ramps shall be allowed to encroach in all yards if the following criteria are met:**
  - (1)The encroachment by the ramp must be the minimum necessary to accomplish safe access;
  - (2) The ramp must meet the current edition of the Virginia Uniform Statewide Building Code and the Town of Christiansburg Code; and
  - (3) The minimum size of a building entry landing associated with the ramp shall meet Virginia Uniform Statewide Building Code requirements. The maximum building entry landing size shall be six (6) feet by six (6) feet.

## **ARTICLE VII. RESIDENTIAL MANUFACTURED HOME SUBDIVISION DISTRICT R-MS**

### **Sec. 42-187. Yards.**

- (a) The minimum side yard for each main structure shall be a minimum of ten feet or the side lot line easement width, whichever is greater.
- (b) Each main structure shall have a rear yard of 35 feet or more.
- (c) Accessory structures shall have a side and rear yard of three feet or more.
- (d) Sidewalks and curb and gutter shall be required on both sides of the public streets for all new streets. In lieu of sidewalks and curb and gutter, an owner or developer shall provide a paved multi-use trail a minimum of ten feet in width connecting to the street right-of-way adjoining other properties and to each lot within the development by a hard surface connection.
- (e) **Handicap ramps shall be allowed to encroach in all yards if the following criteria are met:**
  - (1)The encroachment by the ramp must be the minimum necessary to accomplish safe access;
  - (2) The ramp must meet the current edition of the Virginia Uniform Statewide Building Code and the Town of Christiansburg Code; and
  - (3) The minimum size of a building entry landing associated with the ramp shall meet Virginia Uniform Statewide Building Code requirements. The maximum building entry landing size shall be six (6) feet by six (6) feet.

## **ARTICLE VIII. MIXED USE: RESIDENTIAL—LIMITED BUSINESS DISTRICT MU-1**

### **Sec. 42-222. Frontage and yards.**

- (a) The minimum lot width at the setback line and street line shall be 80 feet for a single-family dwelling, 100 feet for a two-family dwelling, and 125 feet for a multiple-family dwelling. Commercial uses have no minimum width.
- (b) All residential structures in this district shall be located on the lot with the front of the structure facing the front lot line. Where permitted, multiple buildings on a single lot may be arranged in accord with approved site plans.
- (c) Commercial lots need not abut or adjoin a public street right-of-way, provided vehicular or pedestrian access is provided to a public street right-of-way through a perpetual unobstructed paved easement or parking area of at least 30 feet in width for vehicular access or ten feet in width for pedestrian access. Other access designs may be approved by the administrator with consideration being given to overall site conditions and traffic patterns in keeping with article XXI, Site Plan Review.
- (d) The minimum side yard for each residential structure shall be a minimum of ten feet or side lot line easement width, whichever is greater.
- (e) Each structure shall have a rear yard of 20 feet or more.
- (f) The minimum side yard for each main structure shall be a minimum of ten feet. The side yard of corner lots shall be 30 feet or more.
- (g) Single-family residences shall have a setback of a minimum of ten feet from any residential district. Main structures other than single-family residences shall have a setback of a minimum of 20 feet from any residential district.
- (h) Accessory structures shall have a side and rear yard of three feet or more.
- (i) Lots need not abut or adjoin a public street right-of-way, provided vehicular or pedestrian access is provided to a public street right-of-way through a perpetual unobstructed paved easement or parking area of at least 30 feet in width for vehicular access or ten feet in width for pedestrian access. Other access designs may be approved by the administrator with consideration being given to overall site conditions and traffic patterns in keeping with article XXI, Site Plan Review.
- (j) If a development includes common areas in addition to the individual lots, the common areas shall be maintained by, and be the sole responsibility of, the developer-owner of the development until such time as the developer-owner conveys such common area to a nonprofit corporate owner whose members shall be all of the individual owners of the individual lots in the development. Said land shall be conveyed to, and be held by, said nonprofit corporate owner solely for the benefit of the owners of the individual lots in the development. In the event of such conveyance by the developer-owner to a nonprofit corporate owner, deed restrictions and covenants shall provide, among other things, that any assessments, charges for cost of maintenance of such common areas shall constitute a pro rata lien upon the individual lots. Maintenance to exteriors, lawns, special lighting and drainage shall be provided in a manner so as to discharge any responsibility for the town.

- (k) Whenever any development containing common area is proposed by a developer, and before any permit for the erection of structures shall be granted, the developer, or his agent, shall apply, in writing, to the agent for the approval of the plat and submit three copies of the plat, including the lot, street and utilities layout to a scale of not less than one inch equals 50 feet. No lots shall be sold until a final plat for the development shall have been approved by council and recorded in the office of the clerk of the county within 60 days after notification of final approval by the agent; otherwise, the approval shall become invalid.
- (l) Provisions shall be made to ensure that nonpublic areas for the common use of occupants shall be maintained without expense to the town.
- (m) No business or commercial building or structure, temporary or permanent, shall be located closer than 20 feet to the boundary of a residential district or located within any easement or right-of-way. Residential development shall comply with all frontage, lot, yards and development standards for similar development in the R-3 Multiple-Family Residential District, unless such residence is part of the business building or structure.
- (n) The front yard shall contain a minimum of 20 percent greenspace or landscaped area with no more than 50 percent of the greenspace in grass alone. The greenspace shall contain trees with a minimum height, at time of planting, of six feet or more at the ratio of one tree per 400 square feet or less of greenspace area. Such greenspace is to be distributed uniformly around the perimeter of the site or distributed throughout the parking and pedestrian areas. For duplexes for individual sale, the greenspace or landscaped area in the front yard shall be maintained at a ratio of 20 percent for each dwelling unit on each lot. For this purpose, corner lots shall be deemed to contain a minimum of 20 percent greenspace or landscaped area in each yard fronting a public street.
- (o) A landscaping plan with all areas drawn to scale shall be submitted as part of the site plan.
- (p) Preservation of existing trees is encouraged and shall be credited toward the landscaping requirement.
- (q) Sidewalks shall be required for all new development. **Sidewalks shall be required whenever a new principal building is built or an existing principal building is renovated or expanded sufficiently to increase its value by twenty-five (25) percent before a Certificate of Occupancy may be issued.** The zoning administrator/town manager may waive this requirement in circumstances that sidewalks do not provide desired connectivity and/or are not physically practical due to site limitations, provided the owner/developer makes a contribution in an amount approximate to the sidewalk installation cost to the town to be utilized for sidewalk improvements and/or repairs in other locations. The zoning administrator/town manager may refer the decision regarding the connectivity and/or practicality to the planning commission should there be any doubts. The town manager/town engineer shall make the determination of the approximate sidewalk installation cost.
- (r) **Handicap ramps shall be allowed to encroach in all yards if the following criteria are met:**
  - (1)The encroachment by the ramp must be the minimum necessary to accomplish safe access;**

(2) The ramp must meet the current edition of the Virginia Uniform Statewide Building Code and the Town of Christiansburg Code; and

(3) The minimum size of a building entry landing associated with the ramp shall meet Virginia Uniform Statewide Building Code requirements. The maximum building entry landing size shall be six (6) feet by six (6) feet.

(s) The full facades of individual units within a two-family dwelling shall be varied by changed front yard setbacks. Variation in setback shall be at least three feet.

**ARTICLE IX. MIXED USE: RESIDENTIAL—LIMITED BUSINESS—LIMITED INDUSTRIAL DISTRICT MU-2**

**Sec. 42-253. Frontage and yards.**

- (a) The minimum lot width at the setback line and street line shall be 80 feet for a single-family dwelling, 100 feet for a two-family dwelling and 125 feet for a multiple-family dwelling. Commercial uses have no minimum width.
- (b) All residential structures in this district shall be located on the lot with the front of the structure facing the front lot line. Where permitted, multiple buildings on a single lot may be arranged in accord with approved site plans.
- (c) Commercial lots need not abut or adjoin a public street right-of-way, provided vehicular or pedestrian access is provided to a public street right-of-way through a perpetual unobstructed paved easement or parking area of at least 30 feet in width for vehicular access or ten feet in width for pedestrian access. Other access designs may be approved by the administrator with consideration being given to overall site conditions and traffic patterns in keeping with article XXI, Site Plan Review.
- (d) The minimum side yard for each residential structure shall be a minimum of ten feet or side lot line easement width, whichever is greater.
- (e) Each structure shall have a rear yard of 20 feet or more.
- (f) The minimum side yard for each main structure shall be a minimum of ten feet. The side yard of corner lots shall be 30 feet or more.
- (g) Single-family residences shall have a setback of a minimum of ten feet from any residential district. Main structures other than single-family residences shall have a setback of a minimum of 20 feet from any residential district.
- (h) Accessory structures shall have a side and rear yard of three feet or more.
- (i) Lots need not abut or adjoin a public street right-of-way, provided vehicular or pedestrian access is provided to a public street right-of-way through a perpetual unobstructed paved easement or parking area of at least 30 feet in width for vehicular access or ten feet in width for pedestrian access. Other access designs may be approved by the administrator with consideration being given to overall site conditions and traffic patterns in keeping with article XXI, Site Plan Review.

- (j) If a development includes common areas in addition to the individual lots, the common areas shall be maintained by, and be the sole responsibility of, the developer-owner of the development until such time as the developer-owner conveys such common area to a nonprofit corporate owner whose members shall be all of the individual owners of the individual lots in the development. Said land shall be conveyed to, and be held by, said nonprofit corporate owner solely for the benefit of the owners of the individual lots in the development. In the event of such conveyance by the developer-owner to a nonprofit corporate owner, deed restrictions and covenants shall provide, among other things, that any assessments, charges for cost of maintenance of such common areas shall constitute a pro rata lien upon the individual lots. Maintenance to exteriors, lawns, special lighting and drainage shall be provided in a manner so as to discharge any responsibility for the town.
- (k) Whenever any development containing common area is proposed by a developer, and before any permit for the erection of structures shall be granted, the developer, or his agent, shall apply, in writing, to the agent for the approval of the plat and submit three copies of the plat, including the lot, street and utilities layout to a scale of not less than one inch equals 50 feet. No lots shall be sold until a final plat for the development shall have been approved by council and recorded in the office of the clerk of the county within 60 days after notification of final approval by the agent; otherwise, the approval shall become invalid.
- (l) Provisions shall be made to ensure that nonpublic areas for the common use of occupants shall be maintained without expense to the town.
- (m) No business or commercial building or structure, temporary or permanent, shall be located closer than 20 feet to the boundary of a residential district or located within any easement or right-of-way. Residential development shall comply with all frontage, lot, yards and development standards for similar development in the R-3 Multiple-Family Residential District, unless such residence is part of the business building or structure.
- (n) The front yard shall contain a minimum of 20 percent greenspace or landscaped area with no more than 50 percent of the greenspace in grass alone. The greenspace shall contain trees with a minimum height, at time of planting, of six feet or more at the ratio of one tree per 400 square feet or less of greenspace area. Such greenspace is to be distributed uniformly around the perimeter of the site or distributed throughout the parking and pedestrian areas. For duplexes for individual sale, the greenspace or landscaped area in the front yard shall be maintained at a ratio of 20 percent for each dwelling unit on each lot. For this purpose, corner lots shall be deemed to contain a minimum of 20 percent greenspace or landscaped area in each yard fronting a public street.
- (o) A landscaping plan with all areas drawn to scale shall be submitted as part of the site plan.
- (p) Preservation of existing trees is encouraged and shall be credited toward the landscaping requirement.
- (q) Sidewalks shall be required for all new development. **Sidewalks shall be required whenever a new principal building is built or an existing principal building is renovated or expanded sufficiently to increase its value by twenty-five (25) percent before a Certificate of Occupancy may be issued.** The zoning administrator/town manager may waive this requirement in circumstances that sidewalks do not provide desired connectivity and/or are not physically practical due to site limitations, provided the owner/developer makes a contribution in an amount approximate to the sidewalk installation

cost to the town to be utilized for sidewalk improvements and/or repairs in other locations. The zoning administrator/town manager may refer the decision regarding the connectivity and/or practicality to the planning commission should there be any doubts. The town manager/town engineer shall make the determination of the approximate sidewalk installation cost.

- (r) **Handicap ramps shall be allowed to encroach in all yards if the following criteria are met:**
  - (1) The encroachment by the ramp must be the minimum necessary to accomplish safe access;
  - (2) The ramp must meet the current edition of the Virginia Uniform Statewide Building Code and the Town of Christiansburg Code; and
  - (3) The minimum size of a building entry landing associated with the ramp shall meet Virginia Uniform Statewide Building Code requirements. The maximum building entry landing size shall be six (6) feet by six (6) feet.
- (s) **The full facades of individual units within a two-family dwelling shall be varied by changed front yard setbacks. Variation in setback shall be at least three feet.**

## **ARTICLE X. LIMITED BUSINESS DISTRICT B-1**

### **Sec. 42-284. Yards.**

- (a) No building or structure shall be located closer than 20 feet to the boundary of a residential district or located within any easement or right-of-way.
- (b) A minimum of 20 percent of the site shall be reserved for greenspace landscaping with no more than 50 percent of the greenspace in grass alone. The greenspace shall contain trees with a minimum height at time of planting of six feet or more at the ratio of one tree per 400 square feet or less of greenspace area. Such greenspace is to be distributed uniformly around the perimeter of the site or distributed throughout the parking and pedestrian areas.
- (c) A landscaping plan with all areas drawn to scale shall be submitted as part of the site plan.
- (d) Preservation of existing trees is encouraged and shall be credited toward the landscaping requirement.
- (e) Sidewalks shall be required for all new development. In lieu of sidewalks, an owner-developer may provide a paved multi-use trail if approved by the town manager. The trail must be a minimum of ten feet in width and adjoin the street right-of-way. A trail must run the entire road frontage of the parcel. In the absence of unreasonable hardship, the town manager will not approve a trail for parcels whose adjoining parcels have sidewalks such that a trail connects to a sidewalk. The zoning administrator/town manager may waive this requirement in circumstances that sidewalks do not provide desired connectivity and/or are not physically practical due to site limitations provided the owner/developer makes a contribution in an amount approximate to the sidewalk installation cost to the town to be utilized for sidewalk improvements and/or repairs in other locations. The zoning administrator/town manager may refer the decision regarding the connectivity and/or practicality to the planning commission should there be any doubts. The town manager/town engineer shall make the determination of the approximate sidewalk installation cost.

(f) **Sidewalks shall be required whenever a new principal building is built or an existing principal building is renovated or expanded sufficiently to increase its value by twenty-five (25) percent before a Certificate of Occupancy may be issued.**

## **ARTICLE XI. CENTRAL BUSINESS DISTRICT B-2**

### **Sec. 42-308. Frontage, yards and height.**

(a) There shall be no minimum frontage, front yard setback, side yard setback or rear yard regulations, except that no building or structure shall be located closer than ten feet to the boundary of a residential district. However, no building or structure shall be located within any easement or right-of-way. Additionally, gas station pump island locations shall comply with Virginia Department of Transportation setbacks. There shall be no height regulation with the exception that structures greater than 70 feet shall require conditional use permit approval. Town water tanks shall be exempt from the conditional use permit requirement.

(b) Sidewalks shall be required for all new development. The zoning administrator/town manager may waive this requirement in circumstances that sidewalks do not provide desired connectivity and/or are not physically practical due to site limitations, provided the owner/developer makes a contribution in an amount approximate to the sidewalk installation cost to the town to be utilized for sidewalk improvements and/or repairs in other locations. The zoning administrator/town manager may refer the decision regarding the connectivity and/or practicality to the planning commission should there be any doubts. The town manager/town engineer shall make the determination of the approximate sidewalk installation cost.

(c) **Sidewalks shall be required whenever a new principal building is built or an existing principal building is renovated or expanded sufficiently to increase its value by twenty-five (25) percent before a Certificate of Occupancy may be issued.**

## **ARTICLE XII. GENERAL BUSINESS DISTRICT B-3**

### **Sec. 42-339. Frontage and yards.**

(a) Lots need not abut or adjoin a public street right-of-way, provided vehicular or pedestrian access is provided to a public street right-of-way through a perpetual unobstructed paved easement or parking area of at least 30 feet in width for vehicular access or ten feet in width for pedestrian access. Other access designs may be approved by the administrator with consideration being given to overall site conditions and traffic patterns in keeping with article XXI, Site Plan Review.

(b) If a development includes common areas in addition to the individual lots, the common areas shall be maintained by, and be the sole responsibility of, the developer-owner of the development until such time as the developer-owner conveys such common area to a nonprofit corporate owner whose members shall be all of the individual owners of the individual lots in the development. Said land shall be conveyed to, and be held by, said nonprofit corporate owner solely for the benefit of the owners of the individual lots in the development. In the event of such conveyance by the developer-owner to a nonprofit corporate owner, deed restrictions and covenants shall provide, among other things, that any assessments, charges for cost of maintenance of such common areas shall constitute a pro

rata lien upon the individual lots. Maintenance to exteriors, lawns, special lighting and drainage shall be provided in a manner so as to discharge any responsibility for the town.

- (c) Whenever any development containing common area is proposed by a developer, and before any permit for the erection of structures shall be granted, the developer, or his agent, shall apply, in writing, to the agent for the approval of the plat and submit three copies of the plat, including the lot, street and utilities layout to a scale of not less than one inch equals 50 feet. No lots shall be sold until a final plat for the development shall have been approved by council and recorded in the office of the clerk of the county within 60 days after notification of final approval by the agent; otherwise, the approval shall become invalid.
- (d) Provisions shall be made to ensure that nonpublic areas for the common use of occupants shall be maintained without expense to the town.
- (e) No business or commercial building or structure, temporary or permanent, shall be located closer than 20 feet to the boundary of a residential district or located within any easement or right-of-way. Residential development shall comply with all frontage, lot, yards and development standards for similar development in the R-3 Multiple-Family Residential District, unless such residence is part of the business building or structure.
- (f) A minimum of 20 percent of the site shall be reserved for greenspace landscaping with no more than 50 percent of the greenspace in grass alone. The greenspace shall contain trees with a minimum height, at time of planting, of six feet or more at the ratio of one tree per 400 square feet or less of greenspace area. Such greenspace is to be distributed uniformly around the perimeter of the site or distributed throughout the parking and pedestrian areas.
- (g) A landscaping plan with all areas drawn to scale shall be submitted as part of the site plan.
- (h) Preservation of existing trees is encouraged and shall be credited toward the landscaping requirement.
- (i) Sidewalks shall be required for all new development. In lieu of sidewalks, an owner or developer may provide a paved multi-use trail if approved by the town manager. The trail must be a minimum of ten feet in width and adjoin the street right-of-way. A trail must run the entire road frontage of the parcel. In the absence of unreasonable hardship, the town manager will not approve a trail for parcels whose adjoining parcels have sidewalks such that a trail connects to a sidewalk. The zoning administrator/town manager may waive this requirement in circumstances that sidewalks do not provide desired connectivity and/or are not physically practical due to site limitations, provided the owner/developer makes a contribution in an amount approximate to the sidewalk installation cost to the town to be utilized for sidewalk improvements and/or repairs in other locations. The zoning administrator/town manager may refer the decision regarding the connectivity and/or practicality to the planning commission should there be any doubts. The town manager/town engineer shall make the determination of the approximate sidewalk installation cost.
- (j) **Sidewalks shall be required whenever a new principal building is built or an existing principal building is renovated or expanded sufficiently to increase its value by twenty-five (25) percent before a Certificate of Occupancy may be issued.**

This ordinance shall become effective upon adoption. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid.

Upon a call for an aye and nay vote on the foregoing ordinance at a regular meeting of the Council of the Town of Christiansburg, Virginia held XXXXXX \_\_, 2015, the members of the Council of the Town of Christiansburg, Virginia present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

	<u>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
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Mayor D. Michael Barber\*

Samuel M. Bishop

Cord Hall

Steve Huppert

Henry Showalter

Bradford J. Stipes

James W. "Jim" Vanhoozier

\*Votes only in the event of a tie vote by Council.

SEAL:

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Michele M. Stipes, Town Clerk

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D. Michael Barber, Mayor

# Resolution of the Town of Christiansburg Planning Commission

## *Conditional Use Permit Application*

WHEREAS the Christiansburg Planning Commission, acting upon a request by the Christiansburg Town Council to study a request made by Holiday Lodge, Inc. for a dancehall at 2790 Roanoke Street (tax parcel 501- ((5)) – 2) in the B-3 General Business District, has found following a duly advertised Public Hearing that the public necessity, convenience, general welfare and good zoning practices (permit / ~~do not permit~~) the issuance of a Conditional Use Permit (CUP) to Holiday Lodge, Inc. for a dancehall at 2790 Roanoke Street (tax parcel 501 – ((5)) – 2) in the B-3 General Business District.

THEREFORE be it resolved that the Christiansburg Planning Commission (~~recommends / does not recommend~~) that the Christiansburg Town Council approve the Conditional Use Permit with the following conditions:

1. This permit shall be revocable for violations of Chapter 4 "Advertising" of the Christiansburg Town Code occurring on the property.
2. This permit is subject to inspections and approval of the facilities by the Fire Marshall and Building Official.
3. The facility is limited to no more than 6 pool tables.
4. This permit shall be subject to review by the Planning Commission in one year.
5. All entertainment, including but not limited to bands, karaoke and djs, shall end by 11:00 p.m. on Sunday, Monday, Tuesday, Wednesday and Thursday nights and by 1 a.m. on Saturday and Sunday mornings.
6. Before this Conditional Use Permit may be utilized for the operation of a dancehall/nightclub with more than 99 occupants, a sprinkler system will be required to be installed per Building Code.
7. This permit is nontransferable and to remain with the applicant, Holiday Lodge, Inc.
8. The property is to be maintained in a clean, sanitary, and sightly manner.

Dated this the 3<sup>rd</sup> day of March 2014.



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Craig Moore, Chairperson  
Christiansburg Planning Commission

The above Resolution was adopted on motion by Cowen seconded by Franusich at a meeting of the Planning Commission following the posting of a public hearing notice upon the property and a duly advertised Public Hearing on the above request on February 18, 2014. Upon a call for an aye and nay vote on the foregoing resolution, the Commission members present throughout all deliberations on the foregoing and voting or abstaining, stood as indicated opposite their names as follows:

<u>MEMBERS</u>	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Matthew J. Beasley	X			
Ann H. Carter				X
Harry Collins	X			
Ashley Cowen	X			
M. H. Dorsett, AICP	X			
David Franusich	X			
Jonathan Hedrick				X
Steve Huppert	X			
Craig Moore, Chairperson	X			
Joe Powers, Vice-Chairperson	X			
Jennifer D. Sowers				X

  
\_\_\_\_\_  
Craig Moore, Chairperson

  
\_\_\_\_\_  
Nichole Hair, Secretary Non-voting

DATE	ADDRESS	TYPE OF CALL	CALL FOR SERVICE #	DISPOSITION OF CALL
1/26/2014	2790 Roanoke Street	Drunk in Public	2014-001929	Arrest
3/1/2014	2790 Roanoke Street	Drunk in Public	2014-004750	Arrest
3/23/2014	2790 Roanoke Street	Driving Under the Influence	2014-006581	Arrest/Local Crash Report
4/5/2014	2790 Roanoke Street	Ambulance Needed	2014-007681	Assistance Provided
4/26/2014	2790 Roanoke Street	Driving Under the Influence	2014-009625	arrest
6/27/2014	2790 Roanoke Street	911 Hang-Up	2014-014950	Options Advised
8/1/2014	2790 Roanoke Street	Drunk in Public	2014-017887	Unable to Locate
10/12/2014	2790 Roanoke Street	Information	2014-024060	Cancelled by Communications
12/27/2014	2790 Roanoke Street	Locked out of Vehicle	2014-030218	Service Provided
12/27/2014	2790 Roanoke Street	Driving Under the Influence	2014-030220	Arrest
1/10/2015	2790 Roanoke Street	Information	2015-000737	Under Investigation