



# Town of Christiansburg Planning Commission Monday, November 16, 2020 Agenda

## **Planning Commission**

Chairperson

Hil Johnson

Vice-Chairperson

Jeananne Knies

Other Members

Thomas Bernard

Ashley Briggs

Felix Clarke

Mark Curtis

Jessica Davis

Johana Hicks

Ann Sandbrook

Jennifer Sowers

**Town Manager**

Randy Wingfield

**Town Attorney**

Sands Anderson P.C.

## ***Planning Commission's Next Meeting:***

*Monday, November 30,  
2020 at 7:00 p.m.*

## ***REGULAR MEETING***

Planning Commission will meet in the Christiansburg Town Hall located at 100 E. Main Street on **Monday, November 16, 2020 at 7:00 p.m.** for the purpose of allowing the full Commission to review the following:

- 1) Pledge of Allegiance.
- 2) Public comments – 5 minute limit per citizen.
- 3) Approval of Planning Commission Minutes for October 19, 2020.
- 4) Public hearing for a rezoning request by Balzer and Associates, Inc., on behalf of RWW36, LLC (applicant), for an approximately 4.306 acre property owned by Mary Maxie Jewell Trust, Mary Stewart, Janet Epperly, Bill Jewell, Trustees, located west of Weddle Way, N.W. (tax map no. 435-A-13). The request is to rezone the property from R-1A, Rural Residential to R-2, Two-Family Residential with proffers in order to create 7 two-family dwelling lots for a total of 14 units as well as a lot designated for stormwater management.. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.
- 5) Public Hearing for a proposed ordinance to amend Chapter 42, “Zoning” of the Christiansburg Town Code for the purpose of clarifying the allowance of structural projections such as awnings, canopies, roof eaves, gutters, architectural features, porches, and decks into minimum required yards.
- 6) Distribution of updated Planning Commission Bylaws.
- 7) Other Business.

Town Hall will be open and available to receive public comment in-person at the time of this meeting. Additionally, the Public shall have access to the meeting through live streaming as set forth below, and may submit comments by any of the following additional means:

- Online at [www.christiansburg.org/publichearings](http://www.christiansburg.org/publichearings).
- By e-mail to [info@christiansburg.org](mailto:info@christiansburg.org).
- By voicemail at (540) 382-6128 ext. 1109.
- By mail to Town Hall, 100 E. Main Street, Christiansburg, VA 24073 ATTN: Planning Commission (please allow adequate mailing time).
- By using the Town Hall drop box and labeling your comments for ATTN: Planning Commission.

The meeting will be streamed live on the Town of Christiansburg's YouTube channel at [www.christiansburg.org/youtube](http://www.christiansburg.org/youtube) and will remain on the Town's YouTube page once the meeting concludes.

Copies of the application and the draft ordinance amendment are available for review at the following link: [www.christiansburg.org/publichearings](http://www.christiansburg.org/publichearings). A copy of the application, the draft ordinance amendment, the Town's Zoning Map, Zoning Ordinance, and Future Land Use Map may be viewed in the Planning Department Office, 100 E. Main Street, Christiansburg, VA 24073 during normal office hours of 8:00 a.m. – 5:00 p.m. Monday through Friday. Contact Andrew Warren, Assistant Town Manager, by phone at (540) 382-6120 ext. 1130 or by email at [awarren@christiansburg.org](mailto:awarren@christiansburg.org) with any questions or if you require reasonable accommodations

Draft

**Christiansburg Planning Commission  
Minutes of October 19, 2020**

Present: Thomas Bernard  
Felix Clarke Jr.  
Mark Curtis  
Jessica Davis  
Johana Hicks  
Hil Johnson, Chairperson  
Jeananne Knies, Vice – Chairperson  
Ann Sandbrook  
Jennifer D. Sowers  
Andrew Warren, Secretary <sup>Non-Voting</sup>

Absent: Ashley Briggs

Staff/Visitors: Carrissa Carneal, 390 Teel St.  
James Carneal, 390 Teel St.  
Jude Cochran, staff  
Russell Crockett, 350 Teel St.  
John Neel, Gay & Neel, Inc.  
Ricky Plemmons, 340 Teel St.  
Paul Vanwagoner, 2120 Hammes St.

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

Chairperson Johnson asked that the Commission and meeting attendees observe a moment of silence to honor the recent passing of Planning Director, Will Drake.

Public Comment

Chairperson Johnson opened the floor for public comment.

John Neel, Gay and Neel, Inc., suggested tabling the public hearing for the Simmons Road/Teel Street project until the end of November in order for the developer and town staff to obtain more information regarding the nearby sanitary sewer pump station, stormwater management, and traffic in the area. Mr. Warren stated the planning commission public hearing could not be postponed, but the Town Council Public hearing could be delayed and rescheduled.

With no further comments, Chairperson Johnson closed the floor for public comment.

Approval of Planning Commission Minutes for the September 28, 2020 Meeting

Chairperson Johnson made a request to amend the September 28, 2020 Planning Commission meeting minutes to reflect that Vice-Chairperson Knies opened the public hearing in Chairperson Johnson's absence. Commissioner Sowers made a motion to approve the September 28, 2020 Planning Commission meeting minutes with the change as noted. Commissioner Clarke seconded the motion, which passed 9-0.

Public hearing for a Rezoning request by Gay and Neel, Inc., on behalf of Golden Triangle Development LLC (applicant), for an approximately 9.56 acre property owned by the Lina C Devore Estate, C/O Kenneth Devore Jr., Exec., located east of the terminus of Simmons Road, N.E. (tax map no. 499-1-5A, 6, 7, 8, 9) and at 390 Teel Street, N.E. (500-5BK2-46, 47, 48, 49). The request is to rezone the property from A, Agricultural and R-2, Two-Family Residential to R-3, Multi-Family Residential with proffers. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan

Public Hearing for a Conditional Use Permit request – contingent on the preceding item - by Gay and Neel, Inc. on behalf of Golden Triangle Development LLC (applicant), for a planned housing development to consist of single-family homes at a density of development not to exceed 6.37 units per acre for property owned by the Lina C Devore Estate, C/O Kenneth Devore Jr., Exec. located east of the terminus of Simmons Road, N.E. (tax map no. 499-1-5A, 6, 7, 8, 9) and at 390 Teel Street, N.E. (500-5BK2-46, 47, 48, 49) in the R-3, Multi-Family Residential District. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

Chairperson Johnson opened the public hearing.

Mr. Warren noted the updated staff report and the scheduled study for the town pump station to evaluate its potential capacity and whether it would be suitable for further development or if upgrades will be needed. Mr. Warren noted town staff had inspected stormwater runoff in the neighborhood.

Chairperson Johnson pointed out building setbacks and sidewalks had been mentioned in the staff report. Mr. Warren suggested a potential condition requiring a certified land survey be conducted when homes are constructed and submitted to town staff. Additionally, Mr. Warren stated sidewalk had been required on both sides of a new street in a recently approved planned housing development, noting it could be requested for this development as well.

Russell Crocket, 350 Teel Street, gave an overview of his ongoing stormwater issues and provided visuals of the issues at hand. Mr. Crocket noted personal experiences and requested storm water resolutions and a privacy fence between his property and the stormwater pond.



Ricky Plemmons, 340 Teel Street, stated his concern of the water runoff and erosion problems from the development. Mr. Plemmons stated he was not opposed to the development, but the water issues which would stem from it. Mr. Plemmons questioned the change of elevation of the subject property. Mr. Neel stated the elevation change was roughly 50 feet.

Mr. Plemmons stated his concern that the public hearing signage was insufficient in notifying all residents of the nearby area. Mr. Warren noted staff had met State requirements regarding the public hearing notices. Commissioner Hicks noted Mr. Plemmons was welcome to notify the neighborhood residents of the proposed development if he so desired.

Paul Vanwagoner, 2120 Hammes Street, stated his concern with the density of the proposed development and additional vehicle traffic conflicting with the existing traffic from Hubble Lighting. Mr. Vanwagoner noted multiple business in the adjacent area will have to compete with the additional traffic and suggested to not approve the proposed development. Additionally, Mr. Vanwagoner noted the Eastern Divide possibly creating additional issues for stormwater runoff.

James and Carrissa Carneal, 390 Teel St., noted their concern with the high density of the proposed development and the additional traffic and water issues that would stem from it. The Carneals stated their yard constantly floods presently and noted water pressure isn't adequate for the proposed density of the development. Mr. Carneal stated his concern with the additional traffic from the development conflicting with Hubble Lighting shift changes. Ms. Carneal stated crime rates will increase with a development with the density proposed.

Mr. Neel noted the previous meeting's presentation and additional information provided since the previous meeting. Mr. Neel stated 17% of Mr. Crocketts drainage issues could be tied to the subject property, noting once the property is developed the issues would likely be reduced. Mr. Neel stated the proposed development will meet all state and local stormwater requirements as well as the energy balance equation to furthermore reduce stormwater impacts on the downstream channel.

Mr. Neel mentioned that town staff recorded longer run times on average at the Teel street sanitary sewer pump station than at other pump stations in town. Mr. Neel stated the pump station could potentially have a simple fix. Additionally, Mr. Neel stated the developer would be willing to assist in necessary pump station and/or stormwater improvements if requested.

Commissioner Hicks requested the intended size of the proposed dwellings. Mr. Neel stated the dwellings are around 1,500-1,600 square feet. Commissioner Johnson requested the target sale price. Mr. Neel stated the target cost for the

dwellings will be around \$260,000 to \$300,000. Mr. Neel noted the homes are single family homes, more specifically patio homes. Mr. Neel noted no through interconnectivity from Teel Street to Simmons Road is planned, noting the developer found it unnecessary to install sidewalk on both sides of the roadways.

Commissioner Hicks questioned how often the pump station requires maintenance. Mr. Warren stated he was unsure of how often the particular station requires maintenance. Commissioner Hicks questioned how pump station improvements would be paid for. Mr. Warren noted all pump stations are scheduled to receive a comprehensive review, which has been budgeted for.

Chairperson Johnson noted all recent developments in town meet or exceed town requirements for stormwater management. Mr. Neel confirmed Chairperson Johnson's statement.

Commissioner Bernard requested that Town emergency personnel provide a recommendation regarding the adequacy of access to the proposed development.

Mr. Crockett asked about the erosion and sediment control plan. Mr. Neel noted sediment traps and sediment basins would be required and would have regular inspections by town engineers.

With no further comment, Chairperson Johnson closed the public hearing.

Discussion on a Rezoning request by Gay and Neel, Inc., on behalf of Golden Triangle Development LLC (applicant), for an approximately 9.56 acre property owned by the Lina C Devore Estate, C/O Kenneth Devore Jr., Exec., located east of the terminus of Simmons Road, N.E. (tax map no. 499-1-5A, 6, 7, 8, 9) and at 390 Teel Street, N.E. (500-5BK2-46, 47, 48, 49). The request is to rezone the property from A, Agricultural and R-2, Two-Family Residential to R-3, Multi-Family Residential with proffers. The property is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan

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Chairperson Johnson opened the discussion

Chairperson Johnson asked whether any traffic studies that had been done in the area. Mr. Warren noted a peak hour calculation was provided by the developer. Chairperson Johnson noted it would be helpful to know the volume of traffic at peak traffic times based on the impacts on the shift changes at Hubble. Mr. Warren noted staff can work to obtain additional traffic information. Vice-Chairperson Knies agreed that additional information regarding traffic would be beneficial for the Commission.

Commissioner Hicks stated she was concerned with the existing infrastructure and its ability to accommodate the proposed development. Additionally, Commissioner Hicks requested the water pressure in the area be investigated to see if it would be adequate to feed an additional development. Mr. Warren noted no issues had been brought to the Town's attention. Vice-Chairperson Knies noted the root cause of possible water pressure issues can vary.

Commissioner Sandbrook asked about the density of the Seneca Springs development and whether it is similar to the proposed development. Mr. Neel noted it is a similar density. Chairperson Johnson requested a comparison of 3 recently approved developments of similar densities.

Commissioner Hicks asked about proposed sidewalk installation in the areas surrounding the subject property. Mr. Warren noted a planned sidewalk section which would run from Gateway Plaza, under the overpass, and to the Hubble Drive area.

Commissioner Sandbrook stated a rezoning to R-3 could leave an opening for issues if the developer decided not to pursue this project, noting the by-right uses of the multi-family district. Mr. Neel noted a proffer could be made to limit the development to single family housing.

Commissioner Hicks asked about the width of Simmons Road. Mr. Warren stated he was unsure but could provide this information at a later meeting. Chairperson Johnson requested adding this to the traffic information requested by the Commission. Commissioner Hicks noted there was concern of heavy traffic in the neighborhood also.

Commissioner Curtis questioned if a homeowner's association is required. Mr. Warren explained homeowner's associations are required by State code, noting language was provided by the developer ensuring there would be a homeowner's association established.

Commissioner Hicks asked Mr. Crockett if town staff had provided any temporary solutions or if a plan was given to solve his flooding issues. Mr. Crockett noted no plan was given at the time of their visit. Mr. Plemmons noted an adjacent property to the pump station sometimes loses power when the pump station turns on. Commissioner Hicks requested possible solutions from staff regarding Mr. Crockett's stormwater issues.

Chairperson Johnson recommended delaying further discussion and action on the request to a later date when more infrastructure information is gathered. Vice-Chairperson Knies suggested the proposal should be a complete package before being presented to Town Council. Mr. Warren noted the previously scheduled public hearing for Town Council will be rescheduled once all information is provided and once the Planning Commission has made a recommendation to Town Council.

Commission Sandbrook motioned to delay action until additional information was gathered. Commissioner Sowers seconded the motion, which passed 9-0.

With no further comment, Chairperson Johnson closed the discussion.

#### Discussion/Action on potential adoption of Planning Commission policy on virtual meeting attendance.

Chairperson Johnson opened the discussion.

Chairperson Johnson gave a brief overview of the proposed Planning Commission policy change. Mr. Warren noted the drafted policy change has been directly taken from the language of the State code.

Commission Sowers motioned to approve the policy change to the Planning Commission bylaws. Commissioner Hicks seconded the motion, which passed 9-0.

With no further comment, Chairperson Johnson closed the discussion/action.

#### Other Business

Chairperson Johnson opened the discussion.

Chairperson Johnson stated he appreciated Mr. Warren for stepping back into a role with the Planning Commission during these difficult times.

Commissioner Hicks questioned the status of the proposed mentorship. Vice-Chairperson Knies noted she had informed Ms. Bell that the discussion has been postponed. Commissioner Hicks noted mentioning the ACCE program to Ms. Bell.

Chairperson Johnson requested the status of the comprehensive plan update. Mr. Warren stated Council has approved the review of the comprehensive plan. Commissioner Sowers noted the comprehensive plan update took close to a year to update during the last major revision to the plan.

Mr. Warren noted the previous comprehensive plan was completed in-house and was an extensive overhaul of the previous existing plan. Chairperson Johnson noted an additional planner from the New River Valley Regional Planning Commission is available to help with the comprehensive plan.

Vice-Chairperson Knies questioned what types of information is used to draft the comprehensive plan. Mr. Warren noted the recent regional housing study and census would be beneficial. Vice-Chairperson Knies noted her desire to be more intentional with the Comprehensive plan and the Planning Commission's decisions and actions to avoid possible discrimination. Mr. Warren noted the comprehensive plan is best considered a guide for the growth of the town and is typically very general by design.

With no further business, Chairperson Johnson adjourned the meeting at 8:32 p.m.

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Hil Johnson, Chairperson

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Andrew Warren, Secretary <sup>Non-Voting</sup>



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## Planning Department Staff Report

TO: Planning Commission

DATE: November 13, 2020

APPLICATION: Rezoning [RZN\_2020\_06]

LOCATION: West of Weddle Way NW (tax map no. 435-A-13)

PROPERTY OWNER: Mary Maxie Jewell Trust, Mary Stewart, Janet Epperly, Bill Jewell,  
Trustees

PROPOSAL: Rezone from R-1A to R-2 with proffers

### Request

The Town of Christiansburg has received a rezoning request by Balzer and Associates, Inc., on behalf of RWW36, LLC (applicant), for an approximately 4.306 acre property located west of Weddle Way NW (tax map no. 435-A-13). The request is to rezone the property from the R-1A, Rural Residential zoning district to the R-2, Two-Family Residential zoning district in order to create 7 two-family dwelling lots for a total of 14 units as well as a lot designated for stormwater management. The overall proposed density of development is 3.25 units per acre.

The applicant has submitted the following proffers with the rezoning request for the Town's consideration:

1. The property shall be developed in substantial conformance with the masterplan submitted dated October 12, 2020.
2. The property proposed for R-2 Zoning shall only be utilized for two-family residential use.

The applicant has submitted a concept plan showing the proposed design of the 14-unit development as well as a narrative describing the details of the development and providing its regulations. Please note the applicant has not requested a conditional use permit for a Planned Housing Development, meaning the proposed development would follow the standards of the base R-2 District with the exception of any proffered conditions that would limit development beyond what is required by the Zoning Ordinance.

The subject property is directly north of the Vinnie Avenue property recently approved for a Planned Housing Development.

### **Infrastructure**

- The applicant has proposed the installation of a new public street that will connect to Weddle Way NW. The proposed street will terminate at a cul-de-sac and will be designed to meet Town of Christiansburg standards. Five-foot-wide sidewalk will be installed along both sides of the new street.
- The applicant has stated the proposed development will install new waterlines and service connections to serve the new units via an existing 6-inch water main on the western side of Weddle Way NW.
- The applicant has stated lots 11-14 of the proposed development will connect to Town Sewer via individual service connections to an existing 8-inch gravity sewer line running along the northern property line, while lots 1-10 will be served by the installation of a new 8-inch main line which will connect to an existing gravity sewer line near the southwest corner of the site.
- According to the applicant, water and sewer usage at maximum possible occupancy of the proposed development would be estimated at 5,600 gallons per day (see attached narrative for additional information).

### **Traffic**

The applicant has provided information from the 10th Edition of the Institute for Transportation Engineers (ITE) Trip Generation Manual regarding anticipated trip generation from the development. The ITE Manual does not categorize two-family units so the figures presented reflect the rate for 14 single-family units.

According to the Trip Generation Manual, the development would generate an average of 9.43 trips per weekday per unit, with an average of 0.71 trips per unit in peak morning traffic and 1 trip per unit in peak evening traffic (see attached narrative for additional information). Based on the average, the 14-unit development would result in approximately 132 additional daily vehicular trips on local roads.

### **Stormwater Management**

The rezoning application features a narrative relating to stormwater management for the site. The applicant has stated the stormwater management facility will be sized to accommodate additional runoff created by the development's increase in impervious surface area. According to the applicant, the development intends to direct the majority of stormwater runoff to the northwest corner of the site in order minimize runoff reaching the channel along the southern property line and address runoff concerns raised by residents of Slate Creek Commons during the public hearing for the Vinnie Avenue Planned Housing Development.

The applicant has stated the stormwater management facility will conform to all requirements of the Department of Environmental Quality and the Town of Christiansburg and an overall stormwater management plan will ensure areas downstream of the development will not be adversely impacted. Please see the attached narrative for full details.

## **Miscellaneous**

- The applicant has noted the proposed development anticipates designating an open space area to be managed by the Homeowners Association. This area would serve as the stormwater management facility but could also provide for a future amenity area based on remaining usable square footage, according to the applicant.
- The applicant has noted any existing vegetation adjacent to the boundaries of the property will be preserved as grading allows and if vegetation is deemed to be healthy and safe to future residents.

## **Staff Comments**

The Town Engineering Department does not have any initial comments on the proposal at this time, however they are still reviewing the application regarding infrastructure, traffic, and stormwater management and will provide any additional comments prior to Planning Commission public hearing or the Commission's next meeting.

## **Background**

The property is not located within the 100- or 500-Year Flood Hazard Area or a Historic District. The property is not located within an Urban Development Area and is designated as Residential on the Future Land Use Map of the 2013 Christiansburg Comprehensive Plan.

The adjoining properties are zoned R-1A, Rural Residential, R-1, Single-Family Residential, and B-3, General Business. The adjoining properties contain single-family and two- residential uses, including the Slate Creek Commons and Carma Heights subdivisions.

## **Public Hearing Dates**

The Planning Commission Public Hearing is scheduled for Monday, November 16, 2020 and the Town Council Public Hearing is scheduled for Tuesday, December 8, 2020.

### **List of attachments included with staff report:**

1. Rezoning application
2. Proffer Statement
3. Development Narrative
4. Master Plan
5. Aerial map
6. Zoning map
7. Adjoining properties table
8. Public comments received





# TOWN OF CHRISTIANSBURG

100 East Main Street  
Christiansburg, VA 24073  
Phone (540) 382-6120 Fax (540) 381-7238

## Rezoning Application

Mary Maxie Jewell Trust

Landowner: Mary Stewart, Janet Epperly and Bill Jewell, Applicant: RWW36, LLC  
Trustees

Address: 90 Weddle Way NW Address: 144 Oak Tree Boulevard  
Christiansburg, VA 24073 Christiansburg, VA 24073

Phone: 540-239-6768 Phone: 540-382-5885

I am requesting a rezoning of my property from zoning classification R-1A to zoning classification R-2 under Chapter 42: Zoning of the Christiansburg Town Code.

My property is located at West of Weddle Way N.W.

Tax Parcel(s): 435-A-13

I understand that proffers may be made in conjunction with the request. Proffers are voluntary offers by the property owner(s) regarding the request which must be made in writing prior to the Public Hearing. Proffers are legally binding. Any proffer(s) should be attached on a separate sheet of paper and signed and dated by the property owner(s) with the statement: "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."

Fee: \$750.00

I certify that the information supplied on this application and any attachments is accurate and true to the best of my knowledge.

Signature of Landowner(s): Mary Stewart Date: 10-12-20

Janet Epperly Date: 10-12-20

Charles Jewell, Jr. Date: 10/12/2020

Signature of Applicant: [Signature] Date: 10/13/20

This request was approved/disapproved by a vote of the Christiansburg Town Council on \_\_\_\_\_.

Town Manager \_\_\_\_\_

Date \_\_\_\_\_

\*Please complete attached sheet

Please complete the following section:

Per Section 42-11(A) of the Christiansburg Town Code:

*Rezoning application submissions shall include a traffic impact statement whenever a proposed zoning map amendment substantially affects transportation on town streets through traffic generation of either:*

- (1) 100 vehicles trips per peak hour by residential development;*
- (2) 250 vehicles trips per peak hour by non-residential development; or*
- (3) 2,500 vehicle trips per day by non-residential development.*

*The data and analysis contained in the traffic impact statement shall comply with Virginia Department of Transportation Traffic Impact Analysis Regulations 24 VAC 30-155-60 and all applicable town ordinances.*

**A traffic impact analysis ☐ is ☒ not required for the proposed project:**

1. ☐ Yes or ☒ No, the proposed residential development generates 14 vph which is greater than the requirement of 100 vehicles per hour, or
2. ☐ Yes or ☐ No, the proposed non-residential project generates \_\_\_\_\_ vph which is greater than the requirement of 250 vehicles per hour
3. ☐ Yes or ☐ No, the proposed non-residential project generates \_\_\_\_\_ vpd which is greater than the requirement of 2,500 vehicles per day.
4. ☐ Yes or ☐ No, a new TIS study is not required because a previously submitted TIS is still applicable for the project site. (Note: the appropriate documentation must be attached)

**\*Trip generation shall be measured based on the current edition of the Institute for Transportation Engineers (ITE) Trip Generation Manual**

\*Please complete attached sheet

**WEDDLE WAY SUBDIVISION**  
**PROFFER STATEMENT**

**October 12, 2020**

Proffer Statement for a requested rezoning application of Tax Parcel #435-A 13 located west of Weddle Way. (Reference Chapter 42 of the Town of Christiansburg Zoning Ordinance effective date November 20, 1987)

Pursuant to Section 42-12(b) of the Town of Christiansburg Zoning Ordinance, the owner hereby voluntarily proffers that this property will be developed in accordance with the following conditions if and only if, approval of the proposed rezoning is granted. These proffers will be included in all future transactions of the property to all owners, their successors, and assigns.

We hereby proffer the development of the subject property of this application shall be in strict accordance with the conditions set forth in this submission.

- 1) The property shall be developed in substantial conformance with the masterplan submitted dated October 12, 2020.
- 2) The property proposed for R-2 Zoning shall only be utilized for two-family residential use.

**Owner / Applicant**

\_\_\_\_\_

Date

**Commonwealth of Virginia**  
**County of** \_\_\_\_\_

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_ 2020 by:  
\_\_\_\_\_ of \_\_\_\_\_ County.

\_\_\_\_\_  
Notary Public  
My commission expires \_\_\_\_\_

**REZONING APPLICATION  
FOR**

**WEDDLE WAY SUBDIVISION  
Christiansburg, Virginia**

**TAX PARCEL  
435-A 13**

**OCTOBER 12, 2020**

PREPARED FOR:  
RWW36, LLC  
144 Oak Tree Boulevard  
Christiansburg, VA 24073

PREPARED BY:  
BALZER & ASSOCIATES, INC.  
80 College Street, Suite H  
Christiansburg, VA 24073

**Table of Contents**

I. Land Use Plan..... 3

II. Preliminary Layout ..... 3

III. Site Development Regulations..... 3

IV. Public Utilities..... 6

V. Traffic Circulation Pattern ..... 8

VI. Zoning, Existing Land Use & Comprehensive Plan Vision ..... 9

Proffer Statement for the Application of Weddle Way Subdivision .....12

## **I. Land Use Plan**

### **Proposed Development**

This application is for the rezoning of a 4.306-acre parcel located off of Weddle Way approximately halfway between Vinnie Avenue and Almetta Avenue from R-1A Rural Residential to R-2 Two-Family Residential. The development is designed to be a two-family residential (duplex) community which will be compatible with the surrounding neighborhoods in both scale and density.

### **Existing Conditions Map**

The property included in the rezoning request is shown on Sheet Z2. The boundary information shown on this plan is a compilation of deed and plat research and the result of an actual field survey. All existing conditions shown on Sheet Z2 have been field surveyed for accuracy.

## **II. Preliminary Layout**

### **Zoning**

The proposed rezoning is for approximately 4.306 acres located west of Weddle Way from R-1A Rural Residential to R-2 Two-Family Residential with proffers. Sheet Z1 shows the overall location of the subject parcel and the existing zoning of the surrounding land uses.

### **Master Plan**

Appendix Sheet Z3- The Master Plan of the proposed development. The Master Plan graphically designates the location of proposed public road, building lots, open space, public utilities, and stormwater management areas. Specific design elements of the project are discussed in more detail in the following portions of this application. The project's direct correlation to guiding principles of the Town of Christiansburg Comprehensive Plan is discussed in Section VI entitled Zoning, Existing Land Use, and Comprehensive Plan Vision.

## **III. Site Development regulations**

As the project is proposed to be two-family development within the proposed R-2 zoning district and is not requesting a Conditional Use Permit for Planned Housing, the development will be designed per the "by-right" standards in the Town of Christiansburg Zoning Ordinance Article V. For reference, the standards are listed below.

### **Setbacks and Yards**

- (a) Building Setbacks -The minimum building setbacks from the public right of way and adjacent property lines are listed below:
  - a. Front Yard Setback: Thirty feet (30')
  - b. Side Yard Setback: Ten feet (10') along exterior property line for lots. None required on the interior or common property line for a two-family dwelling
  - c. Rear Yard Setback: Twenty-five feet (25')

- (d) Accessory Buildings - The minimum setback for accessory buildings is three feet from any adjoining property line unless otherwise noted in the Zoning Ordinance

Lot Area

- (a) Minimum lot area for two-family structures shall be 12,500 square feet with each single dwelling unit having a lot area of at least 6,250 square feet.

\*Lot areas shown on the masterplan may be adjusted during site plan development based on final engineering design but may not be less than the above stated minimums.

Street Frontage

- (a) Minimum lot width at the setback line and the street line shall be 100' for a two-family dwelling. Minimum width of 50' for each single unit of a two-family dwelling.

Height

All residential units and accessory buildings shall maintain a height of less than 35 feet as defined in the two-family residential district standards in the Christiansburg Town Code.

Density

The proposed R-2 District development shall have a maximum density requirement of 3.25 units per acre (14 total units).

Occupancy

The proposed R-2 development shall have a maximum dwelling unit occupancy requirement of a family and up to two unrelated individuals per unit.

Miscellaneous Provisions

- (a) Public utility easements shall be dedicated along exterior and interior property lines as required by the Town of Christiansburg Subdivision Ordinance.
- (b) Driveways will be designed and constructed in accordance with the Town of Christiansburg Zoning Ordinance.
- (c) Sidewalks will be provided along both sides of the proposed public street as required by Town Code. All principle structures shall be provided with a minimum three feet wide walkway connected to their driveway.

Open Space

According to the Town of Christiansburg Zoning Ordinance for R-2 Two Family Residential developments, no specific open space areas or requirements are specified. However, the proposed development does anticipate having an area that would be designated for open space and would be maintained by the Homeowners Association. This area will be utilized for stormwater management and may also provide for a future amenity area based on remaining usable square footage. This possible amenity area would be determined by the Homeowners Association after final construction is complete of both the infrastructure and the individual homes and is not proffered as part of this application.

### **Project Phasing**

Based on the project's design and the single cul-de-sac street connection to Weddle Way, it is intended that the infrastructure improvements will be constructed in one phase. This phase of development would include stormwater management, road design, water and sewer infrastructure and any overall lot grading. Any open space or amenities that are adjacent to a phase will be developed and dedicated as part of the project's final subdivision plat. The developer will determine the timing of construction for the residential units themselves based on market demand.

### **Subdividing & Parcels**

The project site currently exists as one individual parcel. Upon redevelopment, the proposed lots will be subdivided to meet Town ordinances. These lots and constructed units may be sold or rented. Any subdivided lots, open space, and other applicable easements will be dedicated on the final approved subdivision plat as required by the Town of Christiansburg Subdivision Ordinance. Utilities serving the parcels shall be designed to meet Town of Christiansburg Water and Sewer Standards. All parcels will have public utility easements and drainage easements as required by Town standards unless otherwise stated herein. Subdivision plats shall be required for all subdivisions within the proposed R-2 zoning district.

### **Landscaping & Screening**

Landscaping will be provided as specified in the Town of Christiansburg Zoning Ordinance. Screening may be designed to help mitigate any concerns from adjacent properties or address screening desired by the applicant. Any existing vegetation adjacent to outside parcel boundary lines will be preserved as grading allows and if the vegetation is deemed to be healthy and safe to future residents.

### **Site Lighting**

The developer may provide decorative scale lighting on each individual lot during building construction, such as a residential scale lamp post. Street lighting would also be provided as required by Town of Christiansburg zoning ordinance and in coordination with AEP.

### **Maintenance**

The applicants or their assigned will be responsible for maintenance of all common space elements including exterior elements such as open space and stormwater management areas. These areas will be under the development's ownership or an established Homeowners Association. This entity will also be responsible for mowing and landscaping of all the individual home lots.

### **Signage**

The developer reserves the right to construct a project identification sign at a location to be determined during the final construction plan development and approval process. Any proposed signage will be permitted separately from this rezoning and the designs and sizes will meet the signage requirements as stated within the Town of Christiansburg zoning ordinance.



## IV. Public Utilities

All utilities will be constructed to Town standards, and where appropriate, be dedicated to the Town. Public utility easements will be dedicated along water distribution and sewer collection lines outside of the road right-of-way.

### Water and Sanitary Sewer

The proposed rezoning area is on the west side of Weddle Way and is adjacent to three existing subdivisions: Carma Heights to the east, Slate Creek Commons to the west and Belmont Estates to the northwest. The proposed development will install new waterlines and service connections throughout the property to serve the new residential uses. According to the Town water maps and field surveyed data there is an existing 6" waterline on the western side of Weddle Way that will provide a connection point for the proposed development's water service. A new 8" waterline extension would connect here and extend approximately 660' along the new proposed road to the end of the cul-de-sac. As there is no connection point on the western end of the property, the proposed line would terminate with a fire hydrant. Any other required fire hydrants will be located within the project as required by Town Code. The proposed waterline sizes may change based on final design criteria.

According to Town sewer maps and actual field survey data, there is currently an 8" gravity sanitary sewer line running along the northern property line and an 8" gravity sanitary sewer line near the southwest corner of the property. Preliminary sewer design anticipates individual service connections to the northern line will serve Lots 11-14 and a new 8" main line will be extended along the rear of Lots 1-10 to connect to the existing southwestern line. All main lines will be located within easements or right of way and will be constructed per Town Code.

Based on local Standards, an average daily flow is estimated for the proposed uses below.

### RESIDENTIAL USE

Residential: Maximum of 14 total units (3 bedrooms each)

*Design Assumptions and Calculations:*

1. Water and Sewer usage for residential use is 100 gal/day per person.  
Assume 4 persons per unit.  
46 persons = 5,600 gal/day

**TOTAL ESTIMATED WATER/SEWER USAGE BY PROPOSED DEVELOPMENT = 5,600 gallons per day**

Applicant will construct or cause to be constructed at no expense to the Town all water/sewer mains and appurtenances on the Property and will connect the water/sewer mains to publicly owned water/sewer mains. All water mains and sewer mains will be constructed to the standards of the Town, will comply with the regulations and standards of the Town, and will comply with the regulations and standards of all other applicable regulatory authorities. All water mains and appurtenances and sewer mains will be dedicated to public use unless otherwise directed by the Town of Christiansburg. Any water mains and appurtenances and/or

sewer mains that must be relocated as part of the development will be relocated by the applicant at no cost to the Town.

### **Water Quality & Stormwater Management Standards**

The subject property shown for development currently sits on a small ridge and drains naturally to both the northern and southern limits of the property. The surface runoff from the northern portion of the site flows northwest to a swale and eventual tributary located on the adjacent Town of Christiansburg property north of Slate Creek Commons. Approximately 15 additional acres of offsite stormwater drains to this tributary at this location as well. The surface runoff from the southern portion of the site flows to a swale located on the adjacent property that also drains approximately 13 acres of upstream drainage area. This is the site where the Vinnie Avenue Patio Home rezoning request was recently approved. Runoff then continues to flow in a northwesterly direction around Slate Creek Commons and connecting with the existing tributary mentioned above that eventually flows through New River Village. That tributary continues west for approximately 1.4 miles before eventually connecting to Slate Branch. Thus, this property is part of the New River watershed. The current masterplan shows the preliminary location for the stormwater management area.

As development occurs and impervious areas increase on the project site, stormwater management will be required to control the increased water flows as they move offsite to this tributary. The stormwater management facility would be sized to accommodate the additional stormwater runoff created by the increased impervious areas of the development and designed to reduce the amount of post development runoff. Based on known runoff concerns by some of the residents of Slate Creek Commons, the development intends to direct the majority of its stormwater runoff to the northwest corner of the site to minimize runoff reaching the channel along the southern property line. It is anticipated that water quality requirements for the project can be achieved through a combination of onsite measures and the purchase of nutrient credits. If, during final design, the project is found to be within the threshold limits allowing for nutrient credit purchase, it is anticipated that the requirement will be handled with credits.

The proposed stormwater management areas will conform to all applicable Department of Environmental Quality regulations dealing with stormwater quantity and quality. At a minimum, the 2-Year and 10-Year post-development runoff rates will be less than or equal to the 2-Year and 10-Year pre-development runoff rates, and all current channel and flood protection requirements set by the Virginia Stormwater Management Program from the Department of Environmental Quality and the Town of Christiansburg will be met. Downstream adequacy will also be addressed with the overall stormwater management plan to ensure areas downstream of the project site do not see increased flooding or erosion. With these design measures in place there should be no negative impact on the groundwater supply for any adjacent well users.

### **Environmental Impacts & Concerns**

There are no known specific areas of environmental impact or concern on the property. However, prior to site plan development, the property will be investigated to confirm there are no streams or wetlands on the site. If any are found, they will be confirmed by the US Army Corps of Engineers and the Department of Environmental Quality, and all appropriate permits filed, and mitigation provided as necessary. During construction it

will also be necessary to provide all required erosion and sediment control measures along the stream to avoid any sediment and silt from reaching adjacent properties and the storm sewer system.

#### **Trash Pick-up**

The project plans to be serviced through the Town of Christiansburg solid waste and recycling program as typical for a single-family residential subdivision. No private dumpster service is planned for this project.

#### **Other Utilities**

Utility connections such as power, phone, cable television, gas, and any other miscellaneous utilities serving this community shall be located underground. Relocation of any existing utility lines will be at the direction of the individual utility companies. Coordination with AEP and the other private utility companies will be necessary to limit or avoid impacts to the adjacent residential areas during construction.

### **V. Traffic Circulation Pattern**

#### **Public Roads, Access Drives and Vehicular Traffic**

The current master plan shows a new public road being constructed that will connect to Weddle Way NW. The location of the proposed new road connection was originally shown on the 1964 recorded subdivision plat for Carma Heights Section 1 as it was owned by the same company that developed Carma Heights. When the property was later sold and an additional lot was subdivided from it, the 50' area was specifically noted as a deeded right of way for access for this lot and the new lot. As the right of way is 50' in width, the proposed road will be able to be designed to meet all Town road and subdivision street standards.

By completing the Town of Christiansburg VDOT Traffic Impact Analysis (TIA) Supplemental Application, it has been determined that a TIA is not warranted with this project. Based on the limited number of proposed lots, no negative traffic impacts to existing infrastructure are projected and no traffic improvements are proposed. The trip generation numbers for the proposed uses are shown below for the AM Peak, PM Peak and Weekday totals.

<u>Use</u>	<u>ITE</u>	<u># of Units</u>	<u>AM In</u>	<u>AM Out</u>	<u>AM Total</u>	<u>PM In</u>	<u>PM Out</u>	<u>PM Total</u>	<u>Weekday</u>
Two Family Dwelling	210	14	3	7	10	9	5	14	132

As shown, the use generates very minimal traffic on a daily basis and during peak hours, thus no detrimental impact is anticipated by the proposed development. It should be noted that the Single-Family Land Use code was used for the two-family use as the ITE manual does not have a separate category for two-family dwellings. In reviewing the Land Use Codes, it was determined that a duplex in this neighborhood was more compatible to single family traffic than multi-family traffic. On average, single family residential units produce more daily traffic than multi-family units thus using this land use code provides the most conservative trip generation estimate.

### **Pedestrian Walks**

Sidewalks will be installed along the north and south side of the new proposed public road extension. These sidewalks would terminate at the Weddle Way right of way as there is no existing sidewalk along Weddle Way to connect into. Sidewalks within the Town right of way will be standard 5' width and designed to Town standards.

## **VI. Zoning, Existing Land Use and Comprehensive Plan Vision**

The property is currently zoned R-1A Rural Residential. The property is in an area designated Area 1: 114 Corridor as shown on the Town of Christiansburg Planning Area Map in the Comprehensive Plan. The subject parcel is surrounded by several differing existing zoning designations including R-1A Rural Residential, R-1 Single-Family Residential, and B-3 General Business. The subject parcel is shown as Residential on the Future Land Use Map as are the adjacent properties to the north, south, east, and west. The property directly south of the subject parcel was recently rezoned from R1-A to R1 with a CUP to allow for a single family detached patio home development.

The proposed rezoning application supports and meets the guidelines set forth in the Comprehensive Plan and the Future Land Use Map. Housing inventory in the New River Valley, and particularly in Christiansburg and Blacksburg, continues to be scarce. Young families, young professionals, and empty nesters continue to look for housing options that are near shopping, restaurants, and easily accessible. The two-family (duplex) style development planned may provide a variety of individual home options such as a 1 or 2 story unit, units with a basement, and master bedroom on the main option. These units, much like Slate Creek Commons, will provide owners larger outdoor yard areas that will be maintained by the HOA. New commercial developments in the Franklin Street/Peppers Ferry Road area will also continue to support and encourage additional residential growth in and near the area designated as the "Mall Urban Development Area" as shown in the Town's Urban Development Area Study from November 2016. The subject property is approximately 560' west of the western edge of the designated Mall UDA. Peppers Ferry Road also continues to be growth corridor and the road improvements that were finalized several years ago have proved very beneficial and accommodating to this growth. As one of the last remaining infill development opportunities on the north side of Peppers Ferry Road, the proposed project will bring an underutilized housing type at a responsible density to an area designated for residential growth.

The proposed project shows a maximum of 14 residential units. This would on average have the potential of increasing the local public-school enrollment by 8 total students. This is a national average based on a dwelling unit adding 0.6 students to the school system. Based on the housing type, it is anticipated that there may be school age children that would be attending Montgomery County Public Schools.

The elements that directly conform to the goals and strategies stated in the **Town of Christiansburg 2013 Comprehensive Plan** are listed below and reference the Policy Chapter as adopted November 19, 2013. The italicized text is from the Comprehensive Plan, while the regular text is the how the proposal meets these guidelines.

## **Goals and Strategies**

### **ENV 1 - Natural Resources Goals and Strategies**

*ENV 1.2 Encourage the retention of existing trees and wooded lots and the planting of additional trees during development.*

Existing vegetation shall be preserved along the property lines as grading allows within the development.

*ENV 1.5 Require recognition of critical features in development plans and locations for future development.*

Critical features have been identified during the design development process.

*ENV 1.9 Ensure soil type identification for all new developments and verify the use of safe development practices.*

Soil types will be identified and verified for appropriate development as proposed.

*ENV 1.11 Encourage developers to consider methods to reduce development impacts.*

The developer is willing to look at options for reducing runoff and environmental impacts during final design plan development.

### **ENV 2 - Water Quality, Watersheds, and Stormwater Management Goals and Strategies**

*ENV 2.10 Maintain standards and specifications for design and construction of stormwater management infrastructure.*

Stormwater management will be implemented with the development that meets or exceeds state and local regulations and specifications.

*ENV 2.13 Reduce stormwater runoff and prevent flooding at existing sites by requiring upgrades with redevelopment or rezoning.*

Stormwater management will be implemented with the development that meets or exceeds state and local regulations.

*ENV 2.18 Minimize private sewage facilities to the extent practical.*

The project will utilize public water and sewer facilities. No private sewer is proposed.

### **ENV 3 - Open Space Goals and Strategies**

*ENV 3.1 Require dedicated open space for new developments and for changes in land use where appropriate.*

Open space will be dedicated with this project.

*ENV 3.5 Require and enforce maintenance of open space.*

All open space within the development will be maintained by a private property management company and the Homeowners Association.

*ENV 3.8 Plan for a trail network to connect public places, recreation areas, and other open spaces.*

While trails are not proposed with this project, sidewalks are proposed and will connect residents to future development areas through future Town sidewalks in the public right of way.

### **IS 4 - Stormwater Management Goals and Strategies**

*IS 4.1A Encourage the use of rain gardens, permeable pavements, green roofs, and increased urban tree canopy.*

Alternative water quality measures may be used in this development.

*IS 4.1B Encourage on-site water infiltration systems using natural vegetation and natural filtration systems for new developments.*

Onsite filtering systems may be used in this development.

*IS 4.2 Maintain standards and specifications for design and construction of stormwater*

*management infrastructure.*

The project will meet all current Town standards and specifications for stormwater management at the time of design and development.

### **CED 8 - Community Character Goals and Strategies**

*CED 8.6 Ensure that new residential neighborhoods in Town are compatible and integrated with the existing community character.*

The proposed development will be compatible with both the single-family detached neighborhood to the east and Slate Creek Commons duplex project to the west.

### **LUP 1 - Housing Goals and Strategies**

*LUP 1.5 Encourage a wide range of housing types and choices within neighborhoods including accommodations for those with special needs.*

The development of this parcel as proposed provides a two-family dwelling subdivision. Duplex developments are not as common as other types such as single family or townhomes. They provide a housing option that typically allows for more privacy than a townhome but at a lower price point than market rate single family homes.

*LUP 1.6A Strive to ensure new housing developments and infill structures are designed in context with existing built neighborhoods, complement the overall character and architecture of the neighborhood, and do not overtax existing public infrastructure.*

The proposed development will be compatible with Slate Creek Commons and Carma Heights and there is ample existing infrastructure in the vicinity of the new development area.

### **LUP 2 - Existing and Future Land Use and Planning Goals and Strategies**

*LUP 2.2A Ensure development is compatible with surrounding uses through buffers and other techniques.*

The proposed development will be compatible with Slate Creek Commons, Carma Heights and Belmont Estates.

*LUP 2.6 Limit development in environmentally sensitive areas.*

There are no known environmentally sensitive areas on the project site.

*LUP 2.7 Promote environmentally friendly neighborhoods and housing developments.*

The proposed design will promote a friendly neighborhood.

*LUP 2.7C Control stormwater runoff in new residential developments and subdivisions.*

Stormwater will be designed and implemented per new DEQ standards.

*LUP 2.7D Encourage common open spaces and playgrounds in new development.*

Open space is provided with the new development.

*LUP 2.8A Promote connected and walkable neighborhoods. Promote multiple entrances, interconnected streets, and pedestrian sidewalks or trail linkages for neighborhood development.*

Sidewalks are proposed for the development.

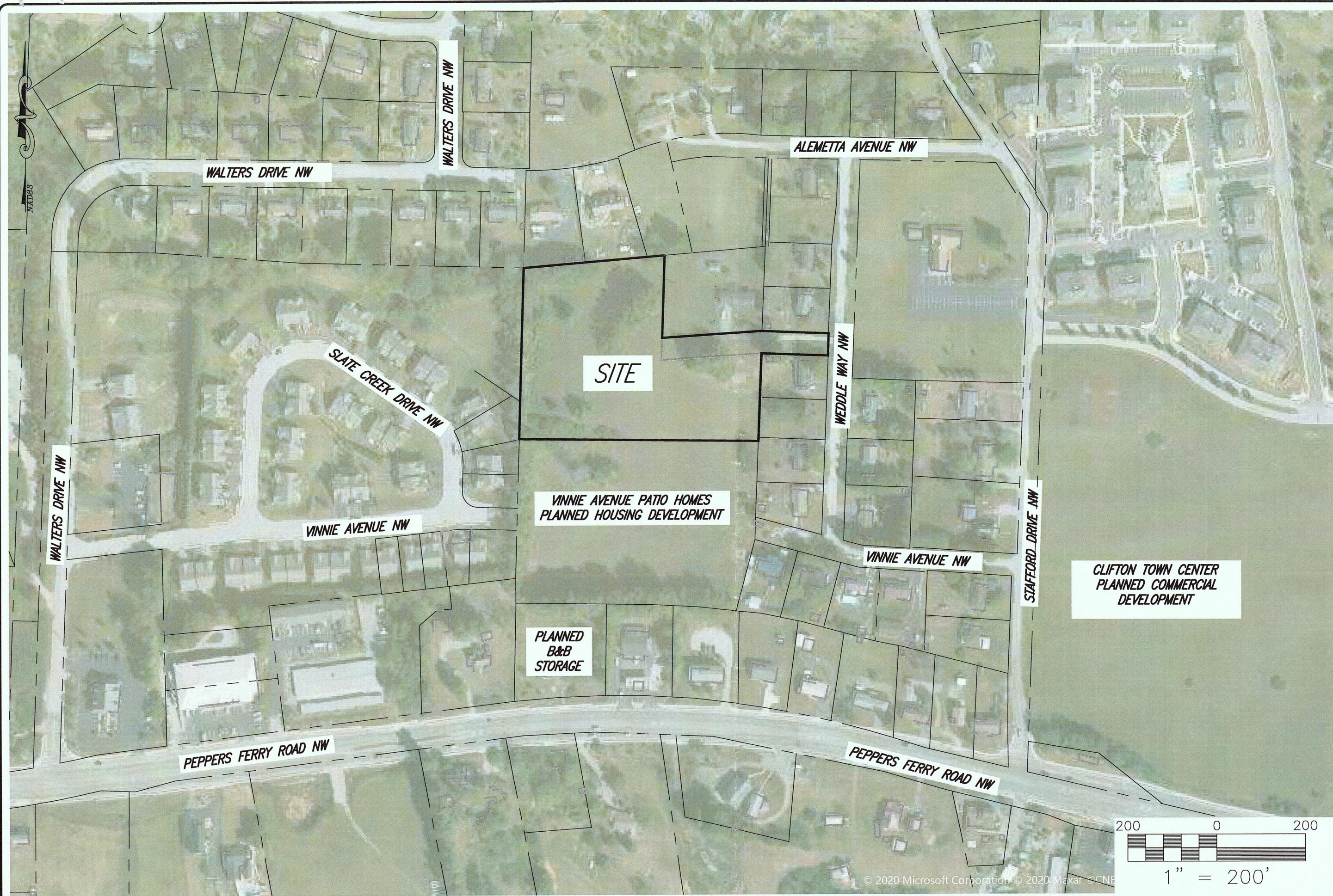
*LUP 2.10 Encourage cluster development to preserve natural resources and increase the provision of open space.*

Development of a two-family subdivision allows for the dedication of open space while still achieving density allowances.

*LUP 2.12 Promote new infill development and redevelopment utilizing existing infrastructure.*

This proposed project is on an infill development parcel and has existing utility infrastructure within its boundary and adjacent to it.





**BALZER  
& ASSOCIATES**  
PLANNERS / ARCHITECTS  
ENGINEERS / SURVEYORS

Roanoke / Richmond  
New River Valley / Staunton  
Harrisonburg / Lynchburg

[www.balzer.cc](http://www.balzer.cc)  
80 College Street  
Suite H  
Christiansburg, VA 24073  
540.381.4290

# WEDDLE WAY SUBDIVISION

## OVERALL EXISTING CONDITIONS

RIVER MAGISTERIAL DISTRICT  
TOWN OF CHRISTIANBURG, VIRGINIA

DATE 10/12/2020  
SCALE 1" = 200'  
REVISIONS

# Z1

PROJECT NO 24200064.00





**BALZER & ASSOCIATES**  
PLANNERS / ARCHITECTS  
ENGINEERS / SURVEYORS

Roanoke / Richmond  
New River Valley / Staunton  
Harrisonburg / Lynchburg

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## WEDDLE WAY SUBDIVISION

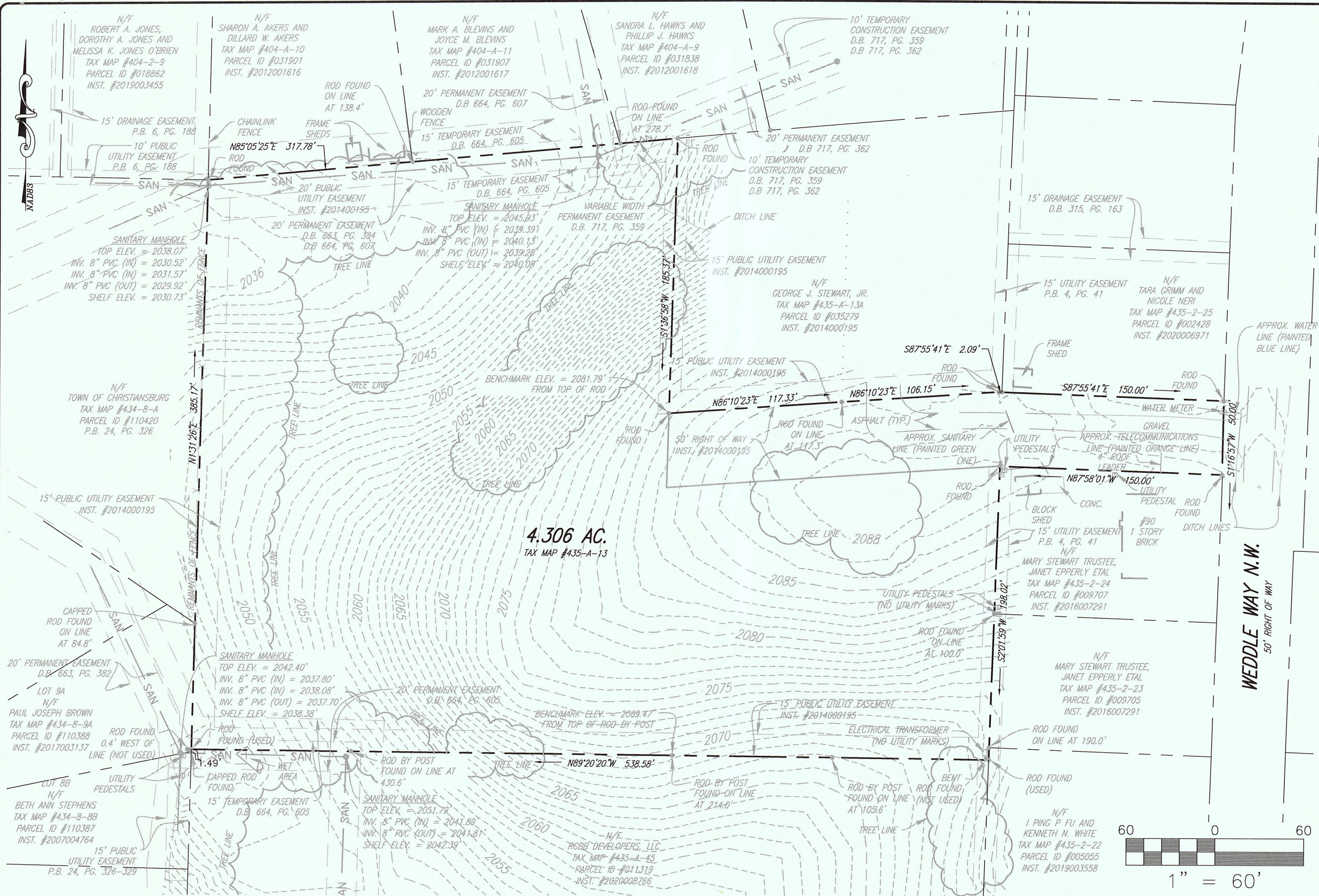
### EXISTING CONDITIONS

RIVER MAGISTERIAL DISTRICT  
TOWN OF CHRISTIANBURG, VIRGINIA

DATE 10/12/2020  
SCALE 1" = 60'  
REVISIONS

**Z2**

PROJECT NO 24200064.00







**BALZER**  
**& ASSOCIATES**  
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ENGINEERS / SURVEYORS

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80 College Street  
Suite H  
Christiansburg, VA 24073  
540.381.4290

## GENERAL NOTES

SITE ADDRESS: WEDDLE WAY N.W.  
CHRISTIANSBURG, VA 24073  
RINER MAGISTERIAL DISTRICT

OWNER: STEWART MARY TRUSTEE &  
EPPERLY JANET TRUSTEE ETAL  
6787 PULASKI AVENUE  
RADFORD, VA 24141

APPLICANT: RWW36, LLC  
144 OAK TREE BOULEVARD  
CHRISTIANSBURG, VA 24073  
PHONE: (540) 382-5885  
CONTACT: ROGER WOODY

APPLICANT: BALZER & ASSOCIATES, INC.  
80 COLLEGE STREET, SUITE H  
CHRISTIANSBURG, VA 24073  
PHONE: (540) 381-4290  
CONTACT: STEVE SEMONES

1. TOTAL SITE AREA:  $\pm 4.306$  AC.
2. TAX MAP NO.: 435-A-13
3. CURRENT ZONING: R-1A (RURAL RESIDENTIAL)
4. PROPOSED ZONING: R-2 (TWO-FAMILY RESIDENTIAL)
5. WATER SERVICE: TOWN OF CHRISTIANBURG
6. SEWER SERVICE: TOWN OF CHRISTIANBURG
7. PROPOSED USE: TWO-FAMILY DWELLING (DUPLEX)

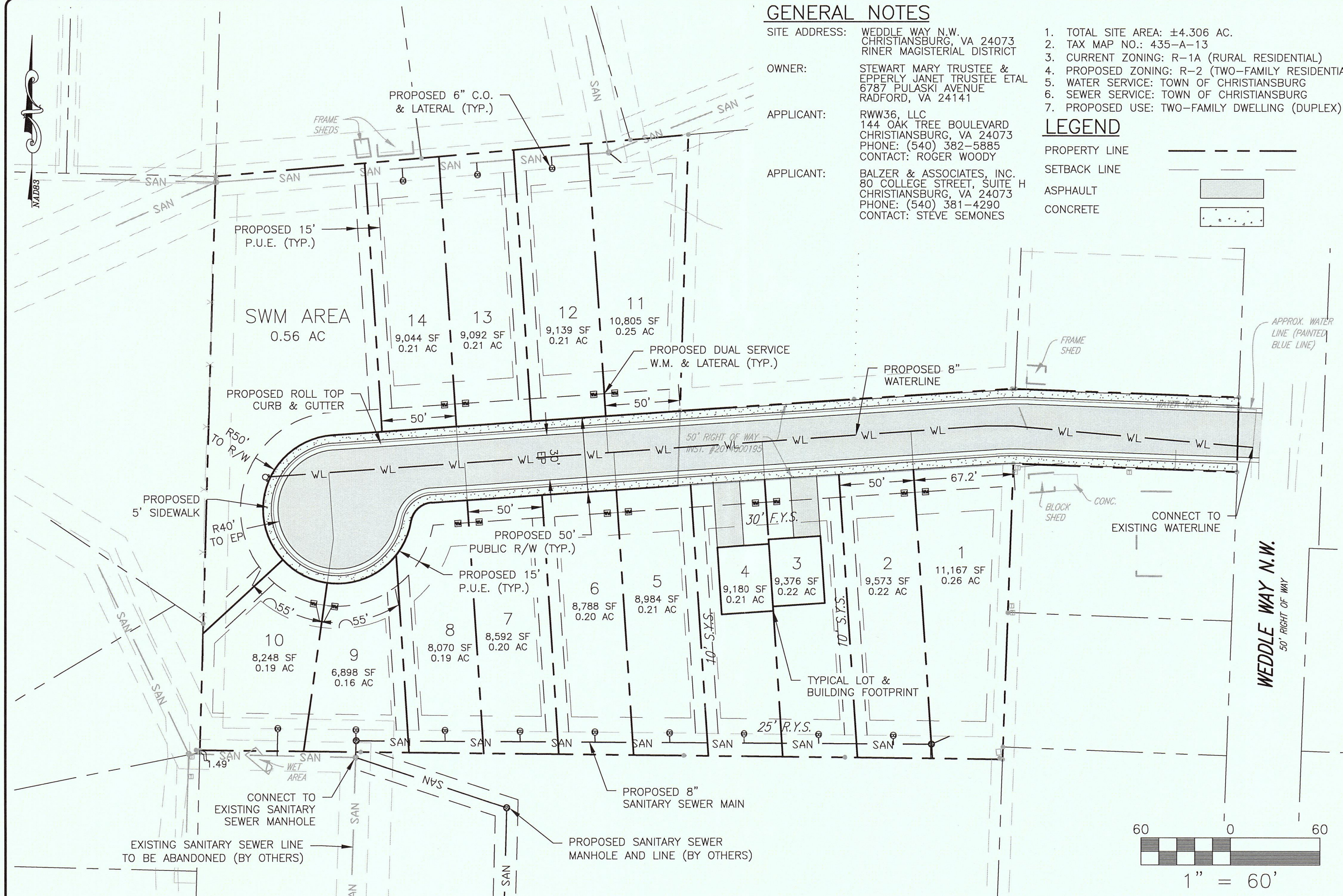
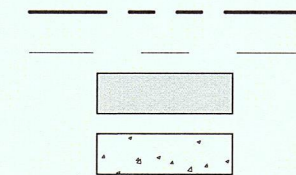
### LEGEND

PROPERTY LINE

SETBACK LINE

ASPHALT

## CONCRETE



## WEDDLE WAY SUBDIVISION

# MASTER PLAN

TOWN OF CHRISTIANSBURG, VIRGINIA

DATE 10/12/2020  
SCALE 1" = 60'  
REVISIONS

SCALE 1" = 60'

## REVISIONS

Z3

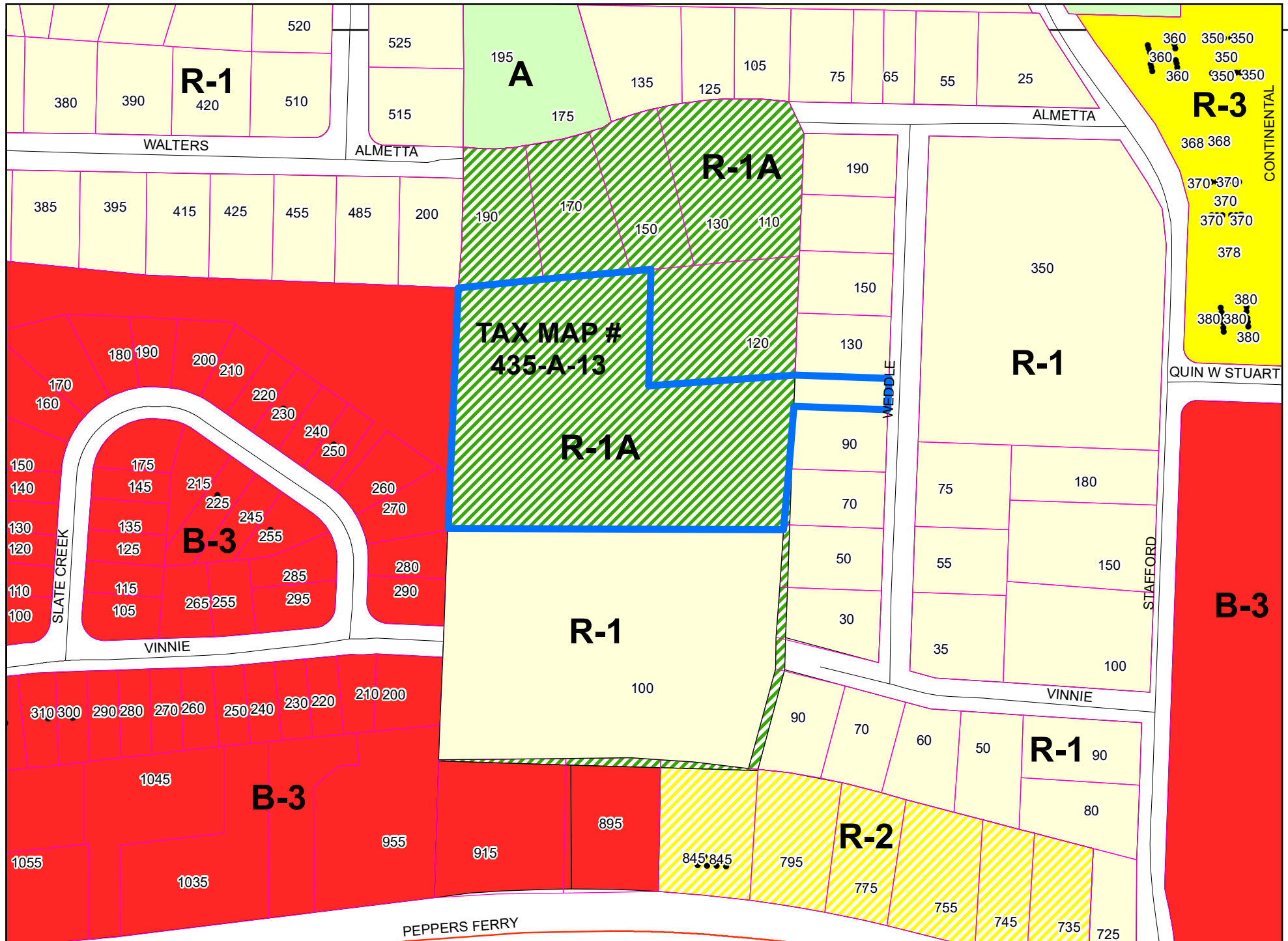
PROJECT NO 24200064.00





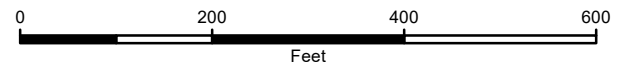
A horizontal number line is shown with tick marks at 0, 200, 400, and 600. The word "Feet" is written below the line. The segment between 100 and 200 is shaded gray.





RZN REQUEST: WEDDLE WAY NW

PLANNING COMMISSION PUBLIC HEARING: NOVEMBER 16, 2020  
TOWN COUNCIL PUBLIC HEARING: DECEMBER 8, 2020



## RZN: Weddle Way NW

### Adjoining Property Owners

<u>Tax Map #</u>	<u>Owner(s)</u>	<u>Mailing Address</u>	<u>City, State, Zip</u>
404- A 10	AKERS SHARON A	AKERS DILLARD W	CHRISTIANSBURG VA 24073
404- A 11	BLEVINS MARK A	BLEVINS JOYCE M	CHRISTIANSBURG VA 24073
434- 8 9A	BROWN PAUL JOSEPH	270 SLATE CREEK DR	CHRISTIANSBURG VA 24073
434- 8 A	CHRISTIANSBURG TOWN OF	100 EAST MAIN ST	CHRISTIANSBURG VA 24073
435- 2 22	FU I PING P	WHITE KENNETH N	BLACKSBURG VA 24060
435- 2 25	GRIMM TARA	NERI NICOLE	CHRISTIANSBURG VA 24073
404- A 9	HAWKS SANDRA L	HAWKS PHILLIP J	DUBLIN VA 24084
404- 2 9	JONES ROBERT A & DOROTHY A O BRIEN	MELISSA K JONES	CHRISTIANSBURG VA 24073
434- 8 9B	MACHYNSKI JAMES P	260 SLATE CREEK DR	CHRISTIANSBURG VA 24073
435- A 45	RCBB DEVELOPERS LLC	600 RADFORD ST	CHRISTIANSBURG VA 24073
434- 8 8B	STEPHENS BETH ANN	280 SLATE CREEK DR	CHRISTIANSBURG VA 24073
435- A 13A	STEWART GEORGE J JR	120 WEDDLE WAY NW	CHRISTIANSBURG VA 24073
435- A 13	STEWART MARY TRUSTEE	EPPERLY JANET TRUSTEE ETAL	RADFORD VA 24141
435- 2 24	STEWART MARY TRUSTEE	EPPERLY JANET TRUSTEE ETAL	RADFORD VA 24141
435- 2 23	STEWART MARY TRUSTEE	EPPERLY JANET TRUSTEE ETAL	RADFORD VA 24141
434- 8 8A	SWINK FAMILY LIVING TRUST	C/O HARRY WALLACE SWINK JR CO TRS	CHRISTIANSBURG VA 24073
435- A 4	WESLEY UNITED METHODIST CHURCH	350 STAFFORD DR	CHRISTIANSBURG VA 24073

Sandra Hawks

November 12, 2020

150 Almetta Ave

Christiansburg, Va 24073

Town of Christiansburg

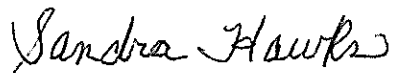
100 East Main St

Christiansburg, Va 24073

Dear Town,

I have property that backs up to the land that is being rezoned along Weddle Way. I am in favor of the proposed development. With all the development in our area my husband and I knew this property would be developed. I think the small number of homes being proposed will not detract from our property. I would rather see the proposed development instead of townhomes or apartments.

Thank you,

A handwritten signature in cursive script that reads "Sandra Hawks".

Sandra Hawks



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## Planning Department Staff Report

TO: Planning Commission

DATE: November 13, 2020

APPLICATION: Code Amendment [CODE\_2020\_01]

PROPOSAL: Clarify the allowance of structural projection such as awnings, canopies, roof eaves, gutters, architectural features, porches, and decks into minimum required yards.

### **Purpose**

Planning Commission is asked to evaluate potential amendments to Chapter 42, "Zoning" of the Christiansburg Town Code for the purpose of clarifying the allowance of structural projections such as roof eaves, gutters, architectural features, porches and decks into minimum required yards.

Staff has drafted proposed changes to the Zoning Ordinance, including the addition of a new code section and definitions clarifying the allowance of certain structural projections into minimum required yards. Also, the draft code amendment includes updates to existing code sections in order to ensure consistency across the entirety of the Zoning Ordinance.

### **Background**

Based upon discussions from the development community regarding the interpretation of encroachments into required setbacks, Town Council directed the Planning Commission to review potential amendments to Chapter 42, "Zoning" of the Christiansburg Town Code for the purpose of clarifying the allowance of structural projections such as awnings, canopies, roof eaves, architectural features, porches and decks into minimum required yards.

Staff drafted proposed code amendments this past spring and the Development Subcommittee reviewed and modified the proposed changes this summer. The full Planning Commission reviewed the changes at its August 17, 2020 meeting and were supportive of moving forward and seeking public comment from citizens and the development community.

## **Proposed Changes**

The draft code language aims to accomplish the following:

- Establish the distance roof features (eaves, gutters) and architectural features (bay windows, chimneys, fireplaces) may project into any yard and requiring a minimum yard width to remain.
- Establish the distance awnings, canopies, porches, and decks may project from the existing building face and requiring a minimum yard width to remain.
- Allow for a three-foot overhang over an entryway.
- Provide clear and distinct definitions for awning, canopy, deck, eave, and porch.
- Maintain buffers between varying zoning districts and uses as required by the Zoning Ordinance.
- Ensure consistency within the Zoning Ordinance regarding the allowance of structural projections.

Please note language was added to the new code section to clarify that yards fronting side streets on corner lots would adhere to the regulations for front yards set forth in the new section. Additionally, language was added to state that no projections other than eaves and gutters are permitted to project into buffers between zoning districts (e.g. residential and industrial) as required by the Zoning Ordinance.

## **Development Community Feedback**

Staff has reached out to members of the development community for comments on the draft ordinance. The only comment received at this time suggested the possible addition of a definition for “stoop” in order to clarify its difference from a deck. The developer noted a stoop is typically installed at an entryway where a deck would not necessarily be. Staff has not added a separate definition at this time as an uncovered stoop would be treated the same as a deck under the draft changes and the current definition would capture both structures, at an entryway or otherwise.

## **Public Hearing Dates**

The Planning Commission Public Hearing is scheduled for Monday, November 16, 2020 and the Town Council Public Hearing is scheduled for Tuesday, December 8, 2020.

Attachment included with staff report:

1. Draft Ordinance Amendment
2. Development Subcommittee Meeting Notes – 7/20/2020
3. Development Subcommittee Meeting Notes – 8/03/2020

**AN ORDINANCE AMENDING CHAPTER 42 “ZONING” OF THE CHRISTIANSBURG  
TOWN CODE FOR THE PURPOSE OF CLARIFYING THE ALLOWANCE OF  
STRUCTURAL PROJECTIONS SUCH AS AWNINGS, CANOPIES, ROOF EAVES,  
GUTTERS, ARCHITECTURAL FEATURES, PORCHES, AND DECKS INTO  
MINIMUM REQUIRED YARDS**

**WHEREAS**, notice of a public hearing before the Christiansburg Planning Commission concerning this ordinance was published two consecutive weeks (October 31, 2020 and November 7, 2020) in The News Messenger, a newspaper published in and having general circulation in the Town of Christiansburg; and,

**WHEREAS**, the a public hearing of the Planning Commission was held November 16, 2020 and resulted in a recommendation by the Planning Commission that the following proposed zoning ordinance amendment be adopted; and,

**WHEREAS**, notice of the public hearing before the Town Council concerning this ordinance was published two consecutive weeks (November 25, 2020 and December 2, 2020) in The News Messenger, a newspaper published in and having general circulation in the Town of Christiansburg; and,

**WHEREAS**, Town Council held a public hearing on December 8, 2020 to receive public comments and suggestions and considered the public’s comments and suggestions;

**WHEREAS**, Town Council has considered the following amendment to the Town’s Zoning Ordinance and found that the public necessity, convenience, and good zoning practices deem it proper to do so;

**NOW THEREFORE, BE IT HEREBY ORDAINED** by the Council of the Town of Christiansburg that Chapter 42, “Zoning” is hereby amended and reenacted as follows:

**Chapter 42 – ZONING**

\* \* \*

**ARTICLE I. – IN GENERAL**

\* \* \*

**Sec. 42-1. – Definitions.**

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

\* \* \*



*Awning* means a permanent roof like structure that projects from the wall of a building, covered with any material designed and intended for protection from the weather or as a decorative embellishment including those types which can be retracted, folded, or collapsed against the face of the supporting building.

\* \* \*

*Canopy* means a structure made of permanent construction without pillars or posts, which is totally or partially attached to a building for the purpose of providing shelter to patrons or motor vehicles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure and cannot be raised or retracted.

\* \* \*

*Deck* means a structure with an elevated floor and no solid roof usually attached to or part of and with direct access to or from, a building.

\* \* \*

*Eave* means the underside of the projection of a roof beyond the outer wall of a building.

\* \* \*

*Porch* means a roofed open area usually attached to or part of and with direct access to or from a building.

\* \* \*

*Structure, permanent*, means a structure, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including dwellings, buildings, signs, etc.; except for fences (see the definition of "fence" in this section). For purposes of setback requirements, bus stop shelters may not be classified as a structure under this definition. For allowable projections from structures, see section 42.15

\* \* \*

*Yard, front*, means an open unoccupied space, excluding steps and as otherwise provided in this chapter, on the same lot as a building between the front line of the building, excluding steps, and the front lot or street line and extending across the full width of the lot.

*Yard, rear*, means an open, unoccupied space, excluding steps and as otherwise provided in this chapter, on the same lot as a building between the rear line of the building, excluding steps, and the rear line of the lot and extending the full width of the lot.

*Yard, side*, means an open, unoccupied space, excluding steps and as otherwise provided in this chapter, on the same lot as a building between the sideline of the building, ~~excluding steps~~, and the sideline of the lot and extending from the front yard line to the rear yard line.

(Code 1972, § 30-1; Code 1992, § 30-1; Ord. of 6-20-1989; Ord. of 4-3-1990; Ord. of 10-16-1990; Ord. of 7-2-1991; Ord. of 9-1-1992; Ord. of 6-15-1993; Ord. of 9-5-1995; Ord. of 12-17-1996, art. I; Ord. of 6-2-1998; Ord. of 4-20-1999; Ord. of 12-7-1999; Ord. No. 2000-2, 4-18-2000; Ord. No. 2001-2, 5-15-2001; Ord. No. 2002-2, 3-5-2002; Ord. No. 2003-6, 8-5-2003; Ord. No. 2004-4, 9-7-2004; Ord. No. 2007-1, 4-3-2007; Ord. No. 2008-6, 12-2-2008; Ord. No. 2010-8, 12-21-2010; Ord. No. 2012-6, § 30-1, 6-19-2012; Ord. No. 2012-10, § 30-1, 11-20-2012; Ord. No. 2014-04, 7-22-2014; Ord. No. 2015-1, 4-28-2015; Ord. No. 2016-5, 8-23-2016; Ord. No. 2017-7, 9-12-2017; Ord. No. 2017-9, 10-24-2017; Ord. No. 2018-2, 3-27-2018; Ord. No. 2018-5, 9-11-2018; Ord. No. 2019-3, 1-22-2019; Ord. No. 2019-4, 3-12-2019; Ord. No. 2019-5, 3-12-2019; Ord. No. 2019-6, 6-25-2019)

\* \* \*

#### Sec. 42-15. - Permitted structural projections into required yards.

(a) For any yard, including front yards, either as required by this chapter or as currently existing and legally established on a lot, the following structural projections shall be permitted, provided applicable sight distance and fire safety requirements are met and maintained and provided no part of the structure is located within any easement or right-of-way:

1. Awnings or canopies projecting no more than eight (8) feet from the building face, provided such projection does not reduce the side yard to less than five (5) feet or front or rear yard to less than ten (10) feet.
2. Overhanging eaves or gutters projecting no more than three (3) feet from the building face, provided such projection does not reduce the side yard to less than three (3) feet or front or rear yard to less than ten (10) feet.
3. Architectural features such as bay windows, chimneys, fireplaces, or the like projecting no more than three (3) feet from the building face, provided such projection does not reduce the side yard to less than five (5) feet or front or rear yard to less than ten (10) feet.
4. Decks projecting no more than ten (10) feet from the front building face, provided such projection does not reduce the front yard to less than ten (10) feet. Decks projecting into a side or rear yard provided such projection does not reduce the width of a rear or side yard to less than three (3) feet.
5. Porches projecting no more than ten (10) feet from the building face, provided such projection does not reduce the width of a side yard to less than five (5) feet or front or rear yard to less than ten (10) feet.
6. Protective coverings or overhangs over a doorway projecting no more than three (3) feet from the existing building face.

- (b) Limits set forth in this section for maximum structural projection from an existing building face shall not apply if minimum yard requirements are met by the entire structure, including the projection.
- (c) For lots with street frontage along more than one public street, any yard adjoining a public street right-of-way shall adhere to the front yard requirements set forth in section 42-15(a).
- (d) In business and industrial districts, structural projections other than overhanging eaves and gutters shall not be permitted into yards adjoining residential districts as required by this Chapter.

\* \* \*

## ARTICLE II. – AGRICULTURAL DISTRICT A

\* \* \*

### Sec. 42-35. – Setback.

Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width, or, in the event that buildings are already constructed on the same side of the street in the same block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. Parking lots shall have a minimum setback of 15 feet from any street right-of-way. The keeping of swine or goats shall require a minimum setback of 100 feet from all zoning district boundary lines other than the A Agricultural, I-1 Limited Industrial or I-2 General Industrial Districts.

(Code 1972, § 30-17; Code 1992, § 30-17; Ord. No. 2002-2, 3-5-2002)

\* \* \*

### 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 three 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 feet by six feet.
- e) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

(Code 1972, § 30-19; Code 1992, § 30-19; Ord. of 6-20-1989; Ord. No. 2007-1, 4-3-2007; Ord. No. 2012-6, § 30-19, 6-19-2012; Ord. No. 2015-1, 4-28-2015)

\* \* \*

#### **Sec. 42-39. – Corner lots.**

The following special provisions shall apply to corner lots:

1. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.
2. The side yard on the side facing the side street shall be 35 feet or more for both main and accessory buildings, except as otherwise provided in this chapter.

(Code 1972, § 30-21; Code 1992, § 30-21)

\* \* \*

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

\* \* \*

#### **Sec. 42-70. – Setback.**

Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width, or, in the event that buildings are already constructed on the same side of the street in the same block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. Parking lots shall have a minimum setback of 15 feet from any street right-of-way.

(Code 1972, § 30-25; Code 1992, § 30-25; Ord. No. 2002-2, 3-5-2002)

\* \* \*

**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 feet by six feet.
- f) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

(Code 1972, § 30-27; Code 1992, § 30-27; Ord. of 6-20-1989; Ord. No. 2007-1, 4-3-2007; Ord. No. 2010-9, 12-21-2010; Ord. No. 2012-6, § 30-27, 6-19-2012; Ord. No. 2015-1, 4-28-2015)

\* \* \*

**Sec. 42-74. – Corner lots**

- 1. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.
- 2. The side yard on the side facing the side street shall be 35 feet or more for both main and accessory buildings except as otherwise provided in this chapter.
- 3. For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum width at the setback line and the street line measured to the Pi of a radius where a radius exists of 125 feet.

(Code 1972, § 30-29; Code 1992, § 30-29)

\* \* \*

**ARTICLE IV. – SINGLE-FAMILY RESIDENTIAL DISTRICT R-1**

\* \* \*

**Sec. 42-95. – Setback.**

Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width, or, in the event that buildings are already constructed on the same side of the street in the same block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. Parking lots shall have a minimum setback of 15 feet from any street right-of-way.

(Code 1972, § 30-33; Code 1992, § 30-33; Ord. No. 2002-2, 3-5-2002)

\* \* \*

**Sec. 42-97. – Yards.**

- a) The minimum side yard for each main structure shall be a minimum of 10 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 feet by six feet.
- f) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

(Code 1972, § 30-35; Code 1992, § 30-35; Ord. of 6-20-1989; Ord. No. 2007-1, 4-3-2007; Ord. No. 2010-9, 12-21-2010; Ord. No. 2012-6, § 30-35, 6-19-2012; Ord. No. 2015-1, 4-28-2015)

\* \* \*

**Sec. 42-99. – Corner lots.**

1. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.
2. The side yard on the side facing the side street shall be 35 feet or more for both main and accessory buildings, except as otherwise provided in this chapter.
3. For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum width at the setback line and the street line measured to the Pi of a radius where a radius exists of 125 feet.

(Code 1972, § 30-36; Code 1992, § 30-36; Ord. of 12-17-1991(2))

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

\* \* \*

### **Sec. 42-130. Setback.**

Structures shall be located 30 feet or more from any street right-of-way, or, in the event that buildings are already constructed on the same side of the street in the same block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. Parking lots shall have a minimum setback of 15 feet from any street right-of-way.

(Code 1972, § 30-41; Code 1992, § 30-41; Ord. No. 2002-2, 3-5-2002)

\* \* \*

### **Sec. 42-132. – Yards.**

- a) The minimum side yard for each main structure shall be a minimum of 10 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 feet by six feet.
- g) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

(Code 1972, § 30-43; Code 1992, § 30-43; Ord. of 6-20-1989; Ord. No. 2002-2, 3-5-2002; Ord. No. 2007-1, 4-3-2007; Ord. No. 2010-9, 12-21-2010; Ord. No. 2012-6, § 30-43, 6-19-2012; Ord. No. 2015-1, 4-28-2015)

\* \* \*

#### **Sec. 42-134. – Corner lots.**

- 1. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.
- 2. The side yard on the side facing the side street shall be 30 feet or more for both main and accessory buildings, except as otherwise provided in this chapter.
- 3. For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum width at the setback line and the street line measured to the Pi of a radius where a radius exists of 125 feet.

(Code 1972, § 30-45; Code 1992, § 30-45; Ord. of 11-20-1987, § (a))

\* \* \*

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

\* \* \*

#### **Sec. 42-157. – Setback.**

Structures shall be located 30 feet or more from any street right-of-way, or, in the event that buildings are already constructed on the same side of the street in the block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. Parking lots shall have a minimum setback of 15 feet from any street right-of-way.



(Code 1972, § 30-50; Code 1992, § 30-50; Ord. No. 2002-2, 3-5-2002)

\* \* \*

#### **Sec. 42-159. – Yards**

- a) The minimum side yard for each main structure shall be a minimum of 10 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 feet by six feet.
- g) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

(Code 1972, § 30-52; Code 1992, § 30-52; Ord. of 6-20-1989; Ord. No. 2002-2, 3-5-2002; Ord. No. 2007-1, 4-3-2007; Ord. No. 2010-9, 12-21-2010; Ord. No. 2012-6, § 30-52, 6-19-2012; Ord. No. 2015-1, 4-28-2015)

\* \* \*

#### **Sec. 42-161. – Corner lots.**

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

2. The side yard on the side facing the side street shall be 30 feet or more for both main and accessory buildings, except as otherwise provided in this chapter.
3. For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum width at the setback line and the street line measured to the Pi of a radius where a radius exists of 125 feet.

(Code 1972, § 30-54; Code 1992, § 30-54; Ord. of 11-20-1987, § (a))

\* \* \*

**Sec. 42-163. – Development standards for apartments.**

- a) The development, or project, shall be designed to promote harmonious relationships with surrounding adjacent and nearby developed properties, particularly in larger developments, or projects where more than one building is involved, and to this end may employ such design techniques as may be appropriate to a particular case, including use of building types, orientation, spacing and setback of buildings, careful use of topography, maintenance of natural vegetation, location of access points, recreation areas, open spaces and parking areas, grading, landscaping and screening.
- b) No apartment building shall contain more than 12 dwelling units and no more than three apartment buildings shall be contiguous.
- c) No apartment building shall be located closer than 15 feet from a private drive, access road or open common parking area, whether oriented to the front, sides or rear of the buildings, except that parking areas may be located within five feet and private drives may be located within ten feet of any blank or windowless wall.
- d) More than one apartment building may be located on the lot, provided a minimum distance of 25 feet shall separate any two buildings, or groups of apartment buildings, from any other abutting use or building type.
- e) At least 400 square feet of commonly usable open space shall be provided for each dwelling unit. Such space shall be of such location and dimensions as to provide for outdoor living, patios, pools, lawns, play areas, walks, wooded areas and the like, but not including driveways and parking areas.
- f) Where community refuse containers are provided as accessory uses to apartment developments, such containers shall be conveniently located for pickup vehicle access and completely screened from view by means of a fence or wall with outside landscaping and an appropriately designed gate which can be latched open and closed.
- g) Each apartment dwelling unit shall contain at least 600 square feet of livable floor area, exclusive of garages, carports, cellars, basements, attics, open porches, patios or breezeways, except that up to ten percent of the units may be constructed with less floor area than this minimum.
- h) Apartment development requiring ingress and egress to a public street shall meet all the requirements of the town subdivision ordinance.
- i) Parking lots shall have a minimum setback of 15 feet from any street right-of-way.

- j) Structural projections into minimum required yards shall be permitted in accordance with section 42-15, provided all other requirements of this section are met.

(Code 1972, § 30-56; Code 1992, § 30-56; Ord. of 6-20-1989; Ord. No. 2002-2, 3-5-2002)

\* \* \*

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

\* \* \*

### **Sec. 42-185. - Setback**

Structures shall be located 30 feet or more from any street right-of-way which is 50 feet or greater in width, or, in the event that buildings are already constructed on the same side of the street in the same block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. Parking lots shall have a minimum setback of 15 feet from any street right-of-way.

(Code 1972, § 30-61; Code 1992, § 30-61; Ord. No. 2002-2, 3-5-2002)

\* \* \*

### **Sec. 42-187. – Yards.**

- a) The minimum side yard for each main structure shall be a minimum of 10 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 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 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 feet by six feet.
- f) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

\* \* \*

#### **Sec. 42-189. – Corner Lots.**

1. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.
2. The side yard on the side facing the side street shall be 30 feet or more for both main and accessory buildings, except as otherwise provided in this chapter.
3. For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum width at the setback line and the street line measured to the Pi of a radius where a radius exists of 125 feet.

(Code 1972, § 30-65; Code 1992, § 30-65; Ord. of 11-20-1987, § (a))

\* \* \*

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

\* \* \*

#### **Sec. 42-221. – Setback.**

Structures, temporary or permanent, shall be located 30 feet or more from any street right-of-way, or, in the event that buildings are already constructed on the same side of the street in the block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. The minimum building setback from any common area shall be ten feet. Parking lots shall have a minimum setback of 15 feet from any street right-of-way. Restaurant outdoor dining areas shall have a minimum setback of 15 feet from any street right-of-way.

(Code 1992, § 30-70; Ord. No. 2004-4, 9-7-2004; Ord. No. 2007-1, 4-3-2007)

\* \* \*

#### **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 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 feet by six 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.
- t) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

(Code 1992, § 30-71; Ord. No. 2004-4, 9-7-2004; Ord. No. 2007-1, 4-3-2007; Ord. No. 2010-9, 12-21-2010; Ord. No. 2012-6, § 30-71, 6-19-2012; Ord. No. 2015-1, 4-28-2015).

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#### **Sec. 42-224. – Corner Lots.**

1. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.
2. The side yard on the side facing the side street shall be 30 feet or more for both main and accessory buildings, except as otherwise provided in this chapter.
3. For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum width at the setback line and the street line measured to the Pi of a radius where a radius exists of 125 feet.

(Code 1992, § 30-73; Ord. No. 2004-4, 9-7-2004)

\* \* \*

#### **Sec. 42-226. – Development standards for apartments.**

- a) The development, or project, shall be designed to promote harmonious relationships with surrounding adjacent and nearby developed properties, particularly in larger developments, or projects where more than one building is involved, and to this end may employ such design techniques as may be appropriate to a particular case, including use of building types, orientation, spacing and setback of buildings, careful use of topography, maintenance of natural vegetation, location of access points, recreation areas, open spaces and parking areas, grading, landscaping and screening.
- b) No apartment building shall contain more than 12 dwelling units and no more than three apartment buildings shall be contiguous.
- c) No apartment building shall be located closer than 15 feet from a private drive, access road or open common parking area, whether oriented to the front, sides or rear of the buildings, except that parking areas may be located within five feet and private drives may be located within ten feet of any blank or windowless wall.
- d) More than one apartment building may be located on the lot, provided a minimum distance of 25 feet shall separate any two buildings, or groups of apartment buildings, from any other abutting use or building type.

- e) At least 400 square feet of commonly usable open space shall be provided for each dwelling unit. Such space shall be of such location and dimensions as to provide for outdoor living, patios, pools, lawns, play areas, walks, wooded areas and the like, but not including driveways and parking areas.
- f) Where community refuse containers are provided as accessory uses to apartment developments, such containers shall be conveniently located for pickup vehicle access and completely screened from view by means of a fence or wall with outside landscaping and an appropriately designed gate which can be latched open and closed.
- g) Each apartment dwelling unit shall contain at least 600 square feet of livable floor area, exclusive of garages, carports, cellars, basements, attics, open porches, patios or breezeways, except that up to ten percent of the units may be constructed with less floor area than this minimum.
- h) Apartment development requiring ingress and egress to a public street shall meet all the requirements of the town subdivision ordinance.
- i) Parking lots shall have a minimum setback of 15 feet from any street right-of-way.
- j) Structural projections into minimum required yards shall be permitted in accordance with section 42-15, provided all other requirements of this section are met.

(Code 1992, § 30-75; Ord. No. 2004-4, 9-7-2004)

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## **ARTICLE IX. – MIXED USE: RESIDENTIAL – LIMITED INDUSTRIAL DISTRICT MU-2**

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### **Sec. 42.252. – Setback.**

Structures, temporary or permanent, shall be located 30 feet or more from any street right-of-way, or, in the event that buildings are already constructed on the same side of the street in the block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. The minimum building setback from common area shall be ten feet. Parking lots shall have a minimum setback of 15 feet from any street right-of-way. Restaurant outdoor dining areas shall have a minimum setback of 15 feet from any street right-of-way.

(Code 1992, § 30-81; Ord. No. 2004-4, 9-7-2004; Ord. No. 2007-1, 4-3-2007)

\* \* \*

### **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 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 feet by six 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
- t) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

(Code 1992, § 30-82; Ord. No. 2004-4, 9-7-2004; Ord. No. 2007-1, 4-3-2007; Ord. No. 2010-9, 12-21-2010; Ord. No. 2012-6, § 30-82, 6-19-2012; Ord. No. 2015-1, 4-28-2015)

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#### **Sec. 42-255 – Corner lots**

1. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.
2. The side yard on the side facing the side street shall be 30 feet or more for both main and accessory buildings, except as otherwise provided in this chapter.
3. For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum width at the setback line and the street line measured to the Pi of a radius where a radius exists of 125 feet.

(Code 1992, § 30-84; Ord. No. 2004-4, 9-7-2004)

\* \* \*

#### **Sec. 42-257. Development standards for apartments.**

- a) The development, or project, shall be designed to promote harmonious relationships with surrounding adjacent and nearby developed properties, particularly in larger developments, or projects where more than one building is involved, and to this end may employ such design techniques as may be appropriate to a particular case, including use of building types, orientation, spacing and setback of buildings, careful use of topography, maintenance of natural vegetation, location of access points, recreation areas, open spaces and parking areas, grading, landscaping and screening.
- b) No apartment building shall contain more than 12 dwelling units and no more than three apartment buildings shall be contiguous.
- c) No apartment building shall be located closer than 15 feet from a private drive, access road or open common parking area, whether oriented to the front, sides or rear of the buildings, except that parking areas may be located within five feet and private drives may be located within ten feet of any blank or windowless wall.
- d) More than one apartment building may be located on the lot, provided a minimum distance of 25 feet shall separate any two buildings, or groups of apartment buildings, from any other abutting use or building type.

- e) At least 400 square feet of commonly usable open space shall be provided for each dwelling unit. Such space shall be of such location and dimensions as to provide for outdoor living, patios, pools, lawns, play areas, walks, wooded areas and the like, but not including driveways and parking areas.
- f) Where community refuse containers are provided as accessory uses to apartment developments, such containers shall be conveniently located for pickup vehicle access and completely screened from view by means of a fence or wall with outside landscaping and an appropriately designed gate which can be latched open and closed.
- g) Each apartment dwelling unit shall contain at least 600 square feet of livable floor area, exclusive of garages, carports, cellars, basements, attics, open porches, patios or breezeways, except that up to ten percent of the units may be constructed with less floor area than this minimum.
- h) Apartment development requiring ingress and egress to a public street shall meet all the requirements of the town subdivision ordinance.
- i) Parking lots shall have a minimum setback of 15 feet from any street right-of-way.
- j) Structural projections into minimum required yards shall be permitted in accordance with section 42-15, provided all other requirements of this section are met.

(Code 1992, § 30-86; Ord. No. 2004-4, 9-7-2004)

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

\* \* \*

### **Sec. 42-283. – Setback.**

Structures, temporary or permanent, shall be located 30 feet or more from any street right-of-way, or, in the event that buildings are already constructed on the same side of the street in the block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. Parking lots shall have a minimum setback of 15 feet from any street right-of-way. Restaurant outdoor dining areas shall have a minimum setback of 15 feet from any street right-of-way

(Code 1972, § 30-69; Code 1992, § 30-91; Ord. of 4-3-1990; Ord. No. 2002-2, 3-5-2002; Ord. No. 2004-4, 9-7-2004; Ord. No. 2007-1, 4-3-2007)

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### **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) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

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 25 percent before a certificate of occupancy may be issued.

(Code 1972, § 30-70; Code 1992, § 30-92; Ord. of 5-2-1989; Ord. of 6-20-1989; Ord. of 7-2-1991; Ord. of 6-2-1998; Ord. No. 2004-4, § 30-70, 9-7-2004; Ord. No. 2013-6, § 30-92, 5-7-2013; Ord. No. 2015-1, 4-28-2015)

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

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### **Sec. 42-338. – Setback.**

Structures, temporary or permanent, shall be located 30 feet or more from any street right-of-way, or, in the event that buildings are already constructed on the same side of the street in the

block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. The minimum building setback from any common area shall be ten feet. Parking lots shall have a minimum setback of 15 feet from any street right-of-way. Restaurant outdoor dining areas shall have a minimum setback of 15 feet from any street right-of-way.

(Code 1972, § 30-80; Code 1992, § 30-102; Ord. of 4-3-1990; Ord. No. 2001-5, 11-6-2001; Ord. No. 2002-2, 3-5-2002; Ord. No. 2004-4, § 30-80, 9-7-2004; Ord. No. 2007-1, 4-3-2007)

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#### **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) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

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 25 percent before a certificate of occupancy may be issued.

(Code 1972, § 30-81; Code 1992, § 30-103; Ord. of 5-2-1989; Ord. of 6-20-1989; Ord. of 7-2-1991; Ord. of 6-2-1998; Ord. No. 2001-5, 11-6-2001; Ord. No. 2004-4, § 30-81, 9-7-2004; Ord. No. 2013-6, § 30-103, 5-7-2013; Ord. No. 2015-1, 4-28-2015)

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### **ARTICLE XIII. – LIMITED INDUSTRIAL DISTRICT I-1**

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#### **Sec. 42-373. – Setback.**



Structures, temporary or permanent, shall be located 30 feet or more from any street right-of-way, or, in the event that buildings are already constructed on the same side of the street in the block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. Parking lots shall have a minimum setback of 15 feet from any street right-of-way. Restaurant outdoor dining areas shall have a minimum setback of 15 feet from any street right-of-way.

(Code 1972, § 30-87; Code 1992, § 30-109; Ord. of 4-3-1990; Ord. of 6-2-1998; Ord. No. 2002-2, 3-5-2002; Ord. No. 2004-4, § 30-87, 9-7-2004; Ord. No. 2007-1, 4-3-2007)

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#### **Sec. 42-374. – Frontage and yards.**

- a) The minimum lot width at the setback line shall be 100 feet.
- b) The minimum side yard for each main structure shall be a minimum of 40 feet. The side yard of corner lots shall be 30 feet or more, except as otherwise provided in this chapter.
- c) Each main structure shall have a rear yard of not less than 40 feet.
- d) No building or structure shall be located closer than 40 feet to the boundary of a residential district.
- e) Residential development shall comply with all frontage, lot, yard and development standards for similar development in the R-3 Multiple-Family Residential District, unless such dwelling is part of the industrial building or structure.
- f) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

(Code 1972, § 30-88; Code 1992, § 30-110; Ord. of 6-20-1989; Ord. of 6-2-1998; Ord. No. 2004-4, § 30-88, 9-7-2004; Ord. No. 2007-1, 4-3-2007; Ord. No. 2012-6, § 30-110, 6-19-2012)

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#### **ARTICLE XIV. – GENERAL INDUSTRIAL DISTRICT I-2**

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#### **Sec. 42-400. – Setback.**

Structures, temporary or permanent, shall be located 30 feet or more from any street right-of-way which is 50 feet or greater in width or 55 feet or more from the centerline of any street right-of-way less than 50 feet in width. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. The minimum building

setback from any common area shall be ten feet. Parking lots shall have a minimum setback of 15 feet from any street right-of-way. Restaurant outdoor dining areas shall have a minimum setback of 15 feet from any street right-of-way.

(Code 1972, § 30-95; Code 1992, § 30-117; Ord. of 4-3-1990; Ord. No. 2001-5, 11-6-2001; Ord. No. 2002-2, 3-5-2002; Ord. No. 2004-4, § 30-95, 9-7-2004; Ord. No. 2007-1, 4-3-2007)

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#### **Sec. 42-401. – Frontage and Yards.**

- a) For permitted uses, the minimum side or rear yard adjoining or adjacent to a residential district shall be 40 feet. The side yard of corner lots shall be 30 feet or more except as otherwise provided in this chapter.
- b) Residential development shall comply with all frontage, lot, yard and development standards for similar development in the R-3 Multiple-Family Residential District, unless such dwelling is part of the industrial building or structure.
- c) 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) 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.
- e) 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.
- f) Provisions shall be made to ensure that nonpublic areas for the common use of occupants shall be maintained without expense to the town.
- g) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

(Code 1972, § 30-96; Code 1992, § 30-118; Ord. of 6-20-1989; Ord. No. 2001-5, 11-6-2001; Ord. No. 2004-4, § 30-96, 9-7-2004; Ord. No. 2007-1, 4-3-2007)

\* \* \*

## ARTICLE XX. – TOWNHOUSES

\* \* \*

### Sec. 42-595. – Front yard.

- a) The minimum setback from any public street right-of-way shall be 30 feet and the minimum building setback from any common area shall be ten feet. The full facades of individual townhouse units within a townhouse group structure shall be varied by changed front yard setbacks and variations in materials or designs so that no more than two abutting townhouses will have the same front yard setback. Variation in setback shall be at least three feet.
- b) The front yard shall contain a minimum of 20 percent greenspace or landscaped area for all common areas and each individual townhouse lot. For individual townhouse lots, 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.
- c) Structural projections into the minimum required front yard shall be permitted in accordance with section 42-15, except that structural projections other than overhanging eaves and gutters shall not be permitted into yards adjoining common area as required by this section.

(Code 1972, § 30-153; Code 1992, § 30-175; Ord. of 9-5-1995; Ord. No. 2002-2, 3-5-2002; Ord. No. 2004-4, § 30-153, 9-7-2004; Ord. No. 2012-6, § 30-175, 6-19-2012)

\* \* \*

### Sec. 42-597. – Side yard.

The minimum side yard setback for each townhouse end lot interior to the townhouse development shall be ten feet for the end residence within each townhouse group structure and the minimum side yard for townhouse corner lots not adjoining a side street shall be 20 feet. See section 42-15 for special regulations pertaining to structural projections into the minimum required side yard. An accessory building not exceeding 100 square feet, not exceeding 12 feet in height and not located within any easement or right-of-way may be constructed in any side yard, provided it is located at least three feet from all property lines and no closer to the front than the townhouse structure.

(Code 1972, § 30-155; Code 1992, § 30-177; Ord. of 9-5-1995; Ord. No. 2004-4, § 30-155, 9-7-2004; Ord. No. 2007-1, 4-3-2007)

\* \* \*

**Sec. 42-598. – Rear yard.**

There shall be a minimum rear yard of 20 feet or more on all lots. Rear yards shall be screened with a privacy type fence or wall of seven feet minimum height and extending not less than 12 feet from the rear building wall. See section 42-15 for special regulations pertaining to structural projections into the minimum required rear yard. An accessory building not exceeding 100 square feet, not exceeding 12 feet in height and not located within any easement or right-of-way may be constructed in any rear yard, provided it is at least three feet from all property lines.

(Code 1972, § 30-156; Code 1992, § 30-178; Ord. of 6-20-1989; Ord. of 9-5-1995; Ord. No. 2004-4, § 30-156, 9-7-2004; Ord. No. 2007-1, 4-3-2007)

\* \* \*

This ordinance shall take effect on January 12, 2021. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid. Ordinances or parts of any ordinances of the Town whose provisions are in conflict herewith are hereby repealed.

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 January 12, 2021, 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>
Mayor D. Michael Barber*				
Samuel M. Bishop				
Johana Hicks				
Steve Huppert				
Merissa Sachs				
Henry D. Showalter				
Bradford J. Stipes				

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

SEAL:

\_\_\_\_\_  
Michele M. Stipes, Town Clerk

\_\_\_\_\_  
D. Michael Barber, Mayor

## Development Subcommittee Meeting Notes – July 20, 2020

### Attendees:

Ashley Briggs  
Felix Clarke Jr.  
Johana Hicks  
Hil Johnson  
Jeananne Knies  
Jennifer Sowers  
Jude Cochran (Staff)  
Jared Crews (staff)  
Will Drake (staff)  
Amy Southall (staff)

### Items for discussion:

1. Discussion on potential amendments to Chapter 42, "Zoning" of the Christiansburg Town Code for the purpose of clarifying the allowance of architectural projections such as roof eaves, chimneys, windows, stoops, patios and decks into minimum required yards.

### Projections

- Mr. Drake gave an overview of the current ordinances regarding setbacks, projections and an explanation of the suggestions provided by citizens and developers working in the Town.
- Mr. Drake provided example code language from adjacent municipalities that address typical projections.
- Mr. Drake illustrated several scenarios depicting different types of setback projections.
- The Committee expressed concern with the ambiguity regarding the current code.
- Mr. Drake and the Committee discussed the intent to address allowances for existing and new development.
- The Committee discussed the different types of projections (porches, stoops, chimneys, sunshades, bay windows, eaves, etc.) and how they might be impacted by current and future code interpretations.
- Commissioner Briggs questioned grandfathered legal non-conforming structures. Mr. Drake stated alterations to existing legally non-conforming structures can be replaced, but cannot increase an existing nonconformity.
- Mr. Drake suggested staff draft the proposed allowances and the Committee can review and provide more specific input.
- Commissioner Briggs questioned the interpretation of stairs and ramps in regard to setbacks. Mr. Drake stated current code allows stairs to encroach into setbacks and that accessible ramps are permitted to encroach into all setbacks.

## **Development Subcommittee Meeting Notes – August 3, 2020**

### Attendees:

Ashley Briggs  
Felix Clarke Jr.  
Hil Johnson  
Jeananne Knies  
Jennifer Sowers  
Christine Waltz  
Jude Cochran (Staff)  
Jared Crews (staff)  
Will Drake (staff)

### Items for discussion:

1. Discussion on potential amendments to Chapter 42, "Zoning" of the Christiansburg Town Code for the purpose of clarifying the allowance of architectural projections such as roof eaves, chimneys, windows, stoops, patios and decks into minimum required yards.

### Projections

- Mr. Drake gave a brief recap of the prior Development Subcommittee meeting and presented the Chapter 42 amendments drafted by staff.
- The Committee expressed its comfort with the majority of the language proposed, but noted additional clarification may be necessary.
- The Committee discussed and altered the proposed allowable projection distances of some items defined including:
  - Amending the allowed projection of overhanging eaves and gutters from four feet to three feet
  - Amending the allowance for a protective hood over an entryway from two feet to three feet
- The Committee discussed the proposed language regarding deck and porch projections. The Committee requested that the code language clarify that there would be no limit on the projection of a deck or porch from an existing structure if the projection did not enter any required setbacks.
- The Committee discussed the difference between patios and decks and the possibility of adding a definition for patio. The Committee discussed potentially differentiating between decks and patios based on features such as height or materials and whether these definitions would conflict with State Building Code.
- The Committee discussed appropriate front porch setback encroachments and required front yards and determined a ten-foot projection from a building face would be appropriate so long as a front yard is not reduced to less than ten feet in width.
- Mr. Drake stated staff would amend the draft code language as suggested and reach out to the Building Department regarding possibly defining patio.

# **Town of Christiansburg Planning Commission By-Laws**

## **Definitions**

“Commission” refers to the Town of Christiansburg Planning Commission.

“Town” refers to the Town of Christiansburg.

“Town Council” refers to the Town of Christiansburg Town Council, which is the governing body of the locality.

## **Authority for Planning Commission**

### *State Authority*

The Town of Christiansburg Planning Commission operates under authority of Code of Virginia § 15.2-2210.

### *Town Authority*

The authority for the Town of Christiansburg Planning Commission is found in Article VI. Planning Commission of Chapter 2 “Administration” of the Christiansburg Town Code.

## **Authority for Creation of By-laws:**

According to Code of Virginia § 15.2-2217, the Commission shall adopt rules for the transaction of business and shall keep a record of its transactions which shall be a public record.

## **Composition/Membership**

The Commission shall consist of not fewer than five (5) members nor more than fifteen (15) members, appointed by the Town Council, all of whom shall be residents of the Town, qualified by knowledge and experience to make decisions on questions of community growth and development; provided that at least one-half (1/2) of the members so appointed shall be owners of real property.

One member of the Commission may be a member of the Town Council. The term of this member shall be coextensive with the term of office to which he has been elected, unless the Town Council, at the first regular meeting each year, appoints another to serve as its representative. Members of the Commission shall be appointed for terms of four (4) years each.

Any vacancy in the membership of the Commission shall be filled by appointment by the Town Council and such appointment in the case of an appointed member shall be for the unexpired term.

With the consent of Town Council or the Commission, the Planning Director, the Zoning Administrator, or similar official (staff member) may serve as Secretary of the Commission as a non-voting member; otherwise, the Secretary shall be selected from the voting membership.

All members of the Commission may be compensated for their services at the discretion of the Town Council.

Any appointed member of the Commission may be removed by the Town Council for neglect of duty or malfeasance in office; provided, that such removal may be made only after a public hearing at which such member shall be given an opportunity to appear and be heard on the charges against him.

According to Code of Virginia § 15.2-2212, a member of the Commission may be removed from office by Town Council without limitation in the event that the member is absent from any three consecutive meetings of the Commission, or is absent from any four meetings of the Commission within any 12-month period. Meetings missed while on leave of absence or with permission granted by Town Council will not be counted as absence from a meeting for purposes of this section.

### Powers and Duties

The Commission shall act in accordance with Article VI. Planning Commission of Chapter 2 “Administration” of the Christiansburg Town Code.

In the case of any conflict between these by-laws and Article VI. Planning Commission of Chapter 2 “Administration” of the Christiansburg Town Code, Article VI shall supersede these by-laws.

In the case of any conflict between these by-laws and Code of Virginia, Code of Virginia shall supersede these by-laws.

According to Code Virginia § 15.2-2221 and § 15.2-2223, local planning commission duties shall include:

1. Exercise general supervision of, and make regulations for, the administration of its affairs;
2. Prescribe rules pertaining to its investigations and hearings;
3. Supervise its fiscal affairs and responsibilities, under rules and regulations as prescribed by the Town Council;
4. Keep a complete record of its proceedings; and be responsible for the custody and preservation of its papers and documents;
5. Make recommendations and an annual report to the Council concerning the operation of the Commission and the status of planning within its jurisdiction;



6. Prepare, publish and distribute reports, ordinances and other material relating to its activities;
7. Prepare and submit an annual budget in the manner prescribed by the Town Council;
8. If deemed advisable, establish an advisory committee or committees; and
9. Prepare and recommend a comprehensive plan for the physical development of the territory within its jurisdiction and the Town Council shall adopt a comprehensive plan for the territory under its jurisdiction.

According to Code of Virginia § 15.2-2239, the Commission may, and at the direction of the Town Council shall, prepare and revise annually a capital improvement program based on the comprehensive plan of the Town for a period not to exceed the ensuing five years. The Commission shall submit the program annually to the Town Council, or to the chief administrative officer or other official charged with preparation of the budget for the Town, at such time as it or he/she shall direct. The capital improvement program shall include the Commission's recommendations, and estimates of cost of the facilities, including any road improvement and any transportation improvement the Town chooses to include in its capital improvement plan and as provided for in the comprehensive plan, and the means of financing them, to be undertaken in the ensuing fiscal year and in a period not to exceed the next four years, as the basis of the capital budget for the Town. In the preparation of its capital budget recommendations, the Commission shall consult with the chief administrative officer or other executive head of the Town, the heads of departments and interested citizens and organizations and shall hold such public hearings as it deems necessary.

According to Code of Virginia § 15.2-2253, the Commission on its own initiative may or at the request of the Town Council shall prepare and recommend amendments to the subdivision ordinance. The procedure for amendments shall be the same as for the preparation and recommendation and approval and adoption of the original ordinance; provided that no amendment shall be adopted by the Town Council without a reference of the proposed amendment to the Commission for recommendation, nor until sixty days after such reference, if no recommendation is made by the Commission.

According to Code of Virginia § 15.2-2285, the Commission may, and at the direction of Town Council shall, prepare a proposed zoning ordinance including a map or maps showing the division of the territory into districts and a text setting forth the regulations applying in each district. The Commission shall hold at least one public hearing on a proposed ordinance or any amendment of an ordinance, after notice as required by § 15.2-2204, and may make appropriate changes in the proposed ordinance or amendment as a result of the hearing. Upon the completion of its work, the Commission shall present the proposed ordinance or amendment including the district maps to the governing body together with its recommendations and appropriate explanatory materials.

According to Code of Virginia § 15.2-2286, a zoning ordinance may include, among other things, reasonable regulations and provisions as to the following matters: For the amendment of the regulations or district maps from time to time, or for their repeal. Whenever the public necessity, convenience, general welfare, or good zoning practice requires, Town Council may by

ordinance amend, supplement, or change the regulations, district boundaries, or classifications of property. Any such amendment may be initiated (i) by resolution of Town Council; (ii) by motion of the Commission; or (iii) by 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, addressed to Town Council or the Commission, who shall forward such petition to Town Council; however, the ordinance may provide for the consideration of proposed amendments only at specified intervals of time, and may further provide that substantially the same petition will not be reconsidered within a specific period, not exceeding one year. Any such resolution or motion by Town Council or the Commission proposing the rezoning shall state the above public purposes.

The Commission retains all other duties and powers as set out in the Code of Virginia.

## Officers

According to Code of Virginia § 15.2-2217, the Commission shall elect from the appointed members a chairperson and a vice-chairperson, whose terms shall be for one year. If authorized by the Town Council, the Commission may (i) create and fill such other offices as it deems necessary; (ii) appoint such employees and staff as it deems necessary for its work; and (iii) contract with consultants for such services as it requires. The expenditures of the Commission, exclusive of gifts or grants, shall be within the amounts appropriated for such purpose by the Town Council.

Elections for officers shall be held at the first regular Commission meeting in December. Nomination of officers from the floor shall be permitted. A candidate receiving a majority vote of the membership present and voting shall be declared elected. The elected Commission member shall take office January 1<sup>st</sup> and serve for one (1) year.

With the consent of Town Council or the Commission, the Planning Director, the Zoning Administrator, or similar official (staff member) may serve as Secretary of the Commission as a non-voting member; otherwise, the Secretary shall be selected from the voting membership.

## *Duties of Officers*

The Chairperson shall:

1. Preside at all meetings.
2. Appoint committees, special and/or standing, and liaisons.
3. Rule on all procedural questions or shall defer procedural questions to the Secretary. Rulings on all procedural questions may be subject to a reversal by a majority vote of the members present and voting.
4. Be informed immediately of any official communication and report same at the next regular meeting.

5. Represent the Commission before the Town Council and other public bodies except when this responsibility has been delegated to an appropriate official or other Commission member.
6. Carry out other duties as assigned by the Commission.

The Vice-Chairperson shall:

1. Act in the absence or inability of the Chairperson to act.
2. Perform such duties and possess such powers as are conferred upon the Chairperson.
3. Perform such other duties as may from time to time be assigned to him/her by the Chairperson or by the Commission.

The Secretary shall:

1. Maintain a written record of all Commission business.
2. Record attendance at all Commission meetings.
3. Give notice to Commission members and the public of all hearings and meetings.
4. Attend to the correspondence of the Commission.
5. Perform such other duties as may from time to time be assigned to him/her by the Chairperson or by the Commission.
6. Delegate certain duties and responsibilities to available Town staff as appropriate.

## Meetings

### *Regular Meetings*

Regular Commission meetings shall be held six (6) days following regularly scheduled Town Council meetings. If the regular meeting date falls on a Town holiday, the meeting will be held the following business day. The Chairperson may reschedule or cancel regular meetings, if deemed necessary. The Commission agenda shall be set by the Chairperson and/or Secretary and shall be published by the Commission Secretary.

All meetings of the Commission shall be open to the public and records of the Commission shall be a public record as required by the Virginia Freedom of Information Act. The Commission may meet in closed sessions only for the purposes stated in that Act.

Regular meetings of the Commission may be continued to a following date if the Chairperson, or Vice-Chairperson (if the Chairperson is unable to act), finds and declares that weather or other

conditions are such that it is hazardous for members to attend the meeting. Such finding shall be communicated to the members and by Town agenda notification as promptly as possible. All hearings and other matters previously advertised for such meeting shall be conducted at the continued meeting and no further advertisement is required.

Each regular meeting shall begin with a period of public comment, allowing for five (5) minutes per each citizen. If the Chairperson deems it necessary, the time limit may be extended. Public comment may also be heard throughout the agenda at the discretion of the Chairperson.

### *Electronic Meetings Policy*

#### **Approval Process:**

A member of Planning Commission shall be entitled to participate in a meeting through electronic communication means from a remote location that is not open to the public, if the requirements of this Policy and Virginia Code § 2.2-3708.2 are met. For purposes of this Policy, "electronic communication" shall mean as that term is defined in Virginia Code § 2.2-3701 (e.g., participation by telephone or video).

If a Planning Commission member's participation in a meeting through electronic communication means from a remote location is objected to by another Planning Commission member as being contrary to Virginia Code § 2.2-3708.2 or this Policy, then the Planning Commission member who made the objection shall state the reasons for their objection. Upon receiving the objection, Planning Commission shall vote on whether to approve or disapprove the Planning Commission member's participation in the meeting through electronic communication means from a remote location. Approval or disapproval of a Planning Commission member's participation shall be by majority vote of Planning Commission with a quorum present. If Planning Commission disapproves the Planning Commission member's participation, then the disapproval and the reasons why the Planning Commission member's participation would violate the requirements of Virginia Code § 2.2-3708.2 or this Policy shall be recorded in the minutes with specificity.

This Policy shall be applied strictly and uniformly, without exception, to the entire membership of Planning Commission and without regard to the identity of the Planning Commission member requesting remote participation or the matters that will be considered or voted on at the meeting.

#### **Requirements for Participation Due to Personal Matter:**

If, on or before the day of a meeting, a Planning Commission member notifies the Chairperson or Secretary that such Planning Commission member is unable to attend the meeting due to a personal matter and identifies with specificity the nature of the personal matter and the remote location from which the Planning Commission member will participate, then the Planning Commission member may participate in the meeting through electronic communication means from a remote location. Planning Commission shall record in its minutes the specific nature of the personal matter and the remote location from which the Planning Commission member participated.

Participation in a meeting through electronic communication means from a remote location by the Planning Commission member for personal matters shall be limited each calendar year to two meetings for each Planning Commission member.

**Requirements for Participation Due to Disability or Medical Condition:**

If, on or before the day of a meeting, a Planning Commission member notifies the Chairperson or Secretary that such Planning Commission member is unable to attend the meeting due to a temporary or permanent disability or other medical condition, then the Planning Commission member may participate in the meeting through electronic communication means from a remote location. Planning Commission shall record in its minutes that the Planning Commission member was unable to attend the meeting due to a disability or other medical condition and the remote location from which the Planning Commission member participated. It shall not be necessary to identify the specific disability or other medical condition of Planning Commission member.

**General Requirements:**

Participation by the Planning Commission member in a meeting through electronic communication means from a remote location, whether due to a personal matter, disability, or medical condition, shall only occur if a quorum of Planning Commission is physically assembled at the primary or central meeting location and Planning Commission makes arrangements for the voice of the remote participant to be heard by all persons at the primary or central meeting location, unless such requirement is excused by applicable emergency measures.

*Public Hearings*

The Commission shall hold such public hearings as are required by law. The purpose, time, and place of such public hearings shall be published according to Code of Virginia §15.2-2204. In addition to those required by law, the Commission may hold public hearings on any matter which it deems to be in the public interest.

*Quorum & Voting*

A majority of the voting-eligible membership of the Commission shall constitute a quorum. Voting shall not occur without the presence of a quorum. Recommendations and decisions of the Commission shall be deemed as affirmative by the majority vote of those present and voting. Abstentions are not considered voting.

*Procedure*

The Commission shall conduct business according to Article VI. Planning Commission of Chapter 2 “Administration” of the Christiansburg Town Code and shall utilize Robert’s Rules of Order as guidance in questions of procedure.

**Leave of absence**

Town Council may authorize leave of absence for Planning Commission members for reasons such as health of the member or of a family member, members being called to military service, and other extraordinary reasons.

**Committees**

The Commission may establish special and standing committees for advisory, technical, or other purposes as it shall deem necessary for the transaction of its affairs. The Chairperson may

appoint special committees for the purposes and under the terms determined by the Commission. Each committee shall include at least one member of the Commission.

### Amendments or Suspension of By-laws

These by-laws may be changed by a two-thirds (2/3) vote of the total voting-eligible Commission membership. The Commission may temporarily suspend any of these rules by a two-thirds (2/3) vote of the membership present.

\* Adopted 2-14-2011; amended 11-28-2011; amended 12-12-2011; amended 10-19-2020.