AN ORDINANCE AMENDING CHAPTER 26 "SUBDIVISION" AND CHAPTER 30 "ZONING" OF THE *CHRISTIANSBURG TOWN CODE* IN REGARDS TO ADOPTION OF VIRGINIA DEPARTMENT OF TRANSPORTATION SECONDARY STREET ACCEPTANCE REQUIREMENTS AND PEDESTRIAN ACCOMODATION, STREET SECTIONS, AND PARKING REQUIREMENTS

WHEREAS, the Planning Commission of the Town of Christiansburg, Virginia has recommended to the Council of the Town of Christiansburg amendments to the Subdivisions Ordinance and Zoning Ordinance of the Town of Christiansburg; and,

WHEREAS, notice of the intention of the Town Council to pass said ordinance was published two consecutive weeks (November 24, 2010 and December 1, 2010) in The Roanoke Times – New River Current, a newspaper published in and having general circulation in the Town of Christiansburg; and,

WHEREAS, a joint public hearing of Council and the Planning Commission of the Town was held December 7, 2010 and resulted in a recommendation by the Planning Commission that the following proposed ordinance revisions be adopted; and,

WHEREAS, Council deems proper so to do,

Be it ordained by the Council of the Town of Christiansburg, Virginia that Section 26-7 of Chapter 26 "Subdivisions" of the *Christiansburg Town Code* be amended as follows:

ARTICLE III. REQUIRED IMPROVEMENTS

Sec. 26-7. Generally.

(a) *Plans and specifications.* Three blue or black line prints of the plans and specifications for all required physical improvements to be installed shall be prepared by an engineer or surveyor and shall be submitted to the agent for approval or disapproval within 45 days. If approved, the original copy, minimum 18' x 24', bearing certification of such approval shall be returned to the subdivider and/or his representative. The subdivider shall provide the Town with sufficient copies as deemed necessary by the agent. If disapproved, all papers shall be returned to the subdivider with the reason for disapproval in writing. In the event no action is taken in 45 days, such plans shall be deemed approved.

(b) *Streets.* The recordation of a plat of a proposed subdivision shall operate to transfer to the proper jurisdiction agent such portion of the premises platted as is on such plat set apart for streets, alleys, easements and other public uses, and to create a public right of use and passage over the same. All such streets so set apart on any such plat shall be not less than 50 feet in width and shall be paved to a minimum width of 30 feet **except streets functionally classified as local streets meeting the current edition of the subdivision street requirements manual for secondary roads of the Virginia Department of Transportation (24 VAC 30-90-10 et seq.) or unless otherwise approved by Town Council**. All streets shall be hard-surfaced and storm drainage systems and curb and gutter systems shall be installed in accordance with Town specifications when required by the Town Council.

(1) *Alignment and layout.* The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangements must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the Town Council, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision are not to be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas, streets running with contours shall be required to intersect at angles of not less than 60 degrees, unless approved by the agent.

(2) *Approach angle.* Streets shall approach other streets at an angle approved by the Town Engineer.

(3) *Minimum widths.* All streets within a subdivision must have a minimum right-of-way width of 50 feet and a minimum pavement width of 30 feet **except streets functionally classified as local streets meeting the current edition of the subdivision street requirements manual for secondary roads of the Virginia Department of Transportation (24 VAC 30-90-10 et seq.) or unless otherwise approved by Town Council**. Where curb and gutter is provided, the minimum pavement width, curb to curb, shall be 40 feet **in Business and Mixed Use Districts and 30 feet in Residential Districts except streets functionally classified as local streets meeting the current edition of the subdivision street requirements manual for secondary roads of the Virginia Department of Transportation (24 VAC 30-90-10 et seq.) or unless otherwise approved by Town Council**.

(4) *Culs-de-sac.* Generally, terminal streets (culs-de-sac), designed to have one end permanently closed, must be terminated by a turnaround of not less than 100 feet in diameter. The radius or diagonal on all intersections or culs-de-sac shall be as approved by the Town Engineer.

(5) *Minimum construction requirements.* Every owner or proprietor of any tract of land situated within the subdivision jurisdiction of the Town who subdivides the same into lots and streets shall, at his own expense, insure that the following minimum requirements are complied with:

All streets within such tract, as indicated on the subdivision plat, shall be of uniform grade (grading down elevations and filling in depressions), as approved by the Town Engineer, the full 50 feet width, with slopes of all banks and fills outside the 50-foot street right-of-way to be sloped no steeper than a 1.5 h:1v slope, with adequate ditches and drainage on both sides of all streets and intersections of streets, with drainage culverts where needed. All ditches and drainage shall be located according to the specifications of the Town Engineer. All fills shall be built in layers not exceeding eight inches in thickness of loose material, spread evenly, and each layer well compacted in accordance with Section 303, Earthwork, of the Virginia Department of Transportation Road and Bridge Specifications.

The subgrade shall be of good, clean material, free of trash, roots, stumps, sod, large stones or other objectionable matter.

After the subgrade has been brought to the required elevation, it shall be shaped, smoothed, rolled and compacted. It shall be crowned in the center with a slope of three-eighths of an inch to the foot from the center to each side. Over the prepared subgrade there shall be placed a base of approved material as specified by the Town Engineer. Base material shall be a minimum of six inches total thickness after rolling and compacting. The stone shall have suitable gradation and sufficient fines and crusher dust to bond properly. Should an excess of coarse stone or pockets appear in the surface, additional crusher dust shall be used and bonded. The stone shall be rolled and well compacted and bonded.

During the rolling and compacting of the stone base, sufficient water shall be sprinkled on the surface to insure proper bonding. Surface course shall be applied over the prepared stone base at a time specified and approved by the Town Engineer. The stone base shall be clean and dry before surface asphalt is applied. Asphalt prime coat material and method of construction shall conform to Section 311 of the Virginia Department of Transportation Road and Bridge Specifications. Asphalt concrete mixture type shall be SM-2B, applied at a rate of 230 pounds per square yard (2").

All rough grading, except subgrading, shall be accomplished prior to the installation and putting down of water mains and sewer mains. After the water mains, sewer mains and manholes have been installed, the ditches backfilled and compacted, and sufficient settling of the ditches has taken place, the subgrading, placing of base stone and the bituminous surfacing shall follow, in that order. All drainage culverts shall be placed before the base stone or surfacing is accomplished. All surplus materials of every description shall be removed after the work has been completed and all streets left in a clean and neat condition.

(6) *Names.* Proposed streets which are obviously a continuation of other already existing and named streets shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane or court. Street names shall be indicated on the preliminary and final plats, and shall be approved by the agent. Names of existing streets shall not be changed except by approval of the governing body.

(7) *Signs.* Street identification signs of a design approved by the agent shall be installed at all intersections by the Town at the owner's expense.

(8) *Private streets and reserve strips.* There shall be no private streets platted in any subdivision. Every subdivision shall be served from a publicly dedicated street. There shall be no reserve strip controlling access to streets except where the control of such strips is definitely placed with the Town under conditions approved by the Town Council.

(9) *Installation of street lights; costs borne by subdivision developer.* Street lights whether serviced underground or above ground of a size, type and at locations designated by the agent shall be paid for by the developer. Said street light plans shall be submitted as a part of the street plans and profiles required under Section 26-7(a).

(c) *Water and sewer.* Every owner, proprietor or developer of any tract of land situated within the corporate limits of the Town, or the subdivision jurisdiction of the Town, who subdivides the same into lots and streets as provided for in this chapter shall, at his own expense, construct and install water mains and sewer mains within such tract to accommodate all lots laid out in the subdivision, which water mains and sewer mains are to be connected with and become a part of the Town's water system and sewer system, respectively.

(1) *Size, location and material for water and sewer lines.* The size, type and location of all pipes, valves, fire hydrants, manholes and other appurtenances required in connection with such water mains and sewer mains shall be determined by the Town.

(2) *Construction requirements.* All water and sewer construction shall be installed in a workmanlike manner, to conform to practices followed for the construction and installation of similar water mains and sewer mains in other parts of the Town; provided, that all such construction, both materials and work, shall be approved and inspected by a representative of the Town. The following requirements shall be the minimum requirements for such water mains and sewer mains:

a. *Water mains.* Minimum sizes for distances up to 2,000 feet shall be six inches. Minimum sizes for distances over 2,000 feet shall be eight inches. All water mains, fittings, valves, fire hydrants and other appurtenances shall conform to A.W.W.A. specifications, class 350, ductile iron mechanical joint or slip joint pipe and Town's local standards and review program for water line extensions.

b. *Sewer mains.* The minimum size of sewer mains shall be eight inches. SDR 35, SDR 21, or ductile iron pipe may be used. However, the Town will specify in each particular case the type of pipe to be used depending upon the type of soil, drainage and sewage. Manholes and covers shall conform to Town's local standards and review program for water line extensions.

(d) *Dedication or reservation of land for public purposes.* The Town Council may require subdividers of residential subdivisions to set aside land for parks, playgrounds, schools, libraries, municipal buildings and similar public and semipublic uses, subject to the following regulations:

(1) *Dedications.* Subdividers shall not be required to dedicate land for parks or playgrounds exceeding ten percent of the area of the subdivision, exclusive of street and drainage reservations, without reimbursement by the governing body. Where land is required in excess of this amount, the reimbursement by the governing body shall be based on a proportionate share of the (a) cost of raw land, (b) cost of improvements, including interest on investments, (c) development costs, (d) plus not more than ten percent profit on the total of such costs.

(2) *Reservations.* Subdividers shall not be required to reserve land for public purposes other than streets, drainage, parks and playgrounds, except on a reimbursement basis. They shall be reimbursed by the jurisdiction or agency requiring the land. They shall not be required to hold the land longer than 18 months following the recording of the plat for such purposes. If the land is not purchased within such 18 months, it may be sold as lots for the same purposes for which the subdivision was platted. To facilitate such possible eventual sale of reserved land as separate lots, the subdivider shall show in his final plat by dotted lines and dotted numbers, the area and dimensions of lots to be created within the boundaries of any such reserved land, and may sell such lots, after the expiration date of the reservation, by lot number without filing an amended plat. The Council or agent shall make certain that lands so reserved are divisible in the same manner as the remainder of the subdivision so that the subdivider will not be required to reserve an unusable portion of his subdivision. Nothing herein shall be construed to mean that land may be set aside for commercial purposes in a residential district, without the land so required for commercial use being zoned appropriately in accordance with the Zoning Ordinance.

(Code 1972, § 26-7; Ord. of 5-3-88, § 26-7(b)(9); Ord. of 11-3-98)

Be it further ordained by the Council of the Town of Christiansburg, Virginia that Sections 30-9, 30-27, 30-35, 30-43, 30-52, 30-63, 30-71, and 30-82 of Chapter 30 "Zoning" of the *Christiansburg Town Code* be amended as follows:

ARTICLE I. IN GENERAL

Sec. 30-9. Lighting and minimum off-street parking.

(a) *Specific requirements by use.* Except as otherwise provided in this chapter, when any building or structure is hereafter erected or structurally altered, or any building or structure hereafter erected is converted, accessory off-street parking spaces shall be provided as follows:

Use or Use Category	*Off-street Parking Spaces Required*
Single-family or two-family dwelling	2 per dwelling unit
Townhouse	2 per dwelling unit
Multi-family dwelling, three or more dwelling units: One or more bedroom apartments, roomers	 2 per dwelling unit 1 for each roomer
Church, temple, synagogue, or similar place of assembly	1 per 5 seats or bench seating spaces (seats in main auditorium only)
College or high school	1 per 5 seats or bench seating spaces (seats in main auditorium, gymnasium or field house only, whichever is larger) or one for each five students, whichever is

Use or Use Category	*Off-street Parking Spaces Required*
	greater
Elementary, junior high, or nursery school	1 per 10 seats in main assembly room or 2 per classroom, whichever is greater
Private club without sleeping rooms	1 per 5 members or 1 for each 400 square feet of floor area, whichever is greater
Public library, museum, art gallery, or community center	10 per use plus 1 additional space for each 300 square feet of floor area in excess of 1,000 square feet
Private clubs, fraternities, sororities, and lodges, with sleeping rooms	2 per 3 sleeping rooms or suites or 1 per 5 active members, whichever is greater
Sanitarium, convalescent home, home for aged, or similar institution	1 per 3 patient beds
Motel, motor hotel, motor lodge hotel, or tourist court	1 per sleeping room or suite plus 5 spaces for general use
Rooming, boarding, or lodging house, bed and breakfast establishment	1 per sleeping room
Hospital	2 per patient bed
Hospital, veterinary	1 per 400 square feet of floor area; 4 spaces minimum
Office or office building (other than medical), post office, studio	1 per 400 square feet of floor area; 3 spaces minimum
Medical offices or clinic	1 per 200 square feet of floor area; 10 spaces minimum for a clinic
Funeral home	1 per 50 square feet of floor area excluding storage and work area; 30 spaces minimum
Restaurant or other establishment for consumption of food or beverages inside a building on the premises	1 per 100 square feet of floor area, 3 spaces minimum
Restaurant, drive-in	1 per 100 square feet of floor area, 10 spaces minimum
Retail store or personal service establishment and banks	1 per 200 square feet of floor area

Use or Use Category	*Off-street Parking Spaces Required*
Shopping center	5 per 1,000 square feet gross leasable area
Automobile service station	3 for each service bay or pump island, whichever is greater. Parking for refueling may be credited toward required parking spaces if the Administrator determines parked vehicles do not interfere with traffic
Furniture or appliance store, machinery, equipment, mobile home, and automobile and boat sales and service	1 per 300 square feet of floor area; 2 spaces minimum. Automobile sales and service, 10 minimum
Auditorium, theater, gymnasium stadium, arena, or convention hall	1 per 4 seats or seating spaces
Bowling alley	5 per lane
Food storage locker	1 per 200 square feet customer service area
Outdoor sales area, open air market or flea market	4 for each rented stall, table, or sales space
Self service storage, miniwarehouse	1 for each 25 storage areas plus 3 spaces for the office, if provided (driving aisle between units must be paved or concrete)
Amusement place, dancehall, skating rink, swimming pool or exhibition hall, without fixed seats	1 per 100 square feet of floor area. Does not apply to accessory uses
General service or repair establishment, printing, publishing, plumbing, heating, broadcasting station	1 per 2 employees on premises; auditorium for broadcasting station requires seating as above
Manufacturing or industrial establishment, research or testing laboratory, creamery, bottling plant, wholesale, warehouse, or similar establishment	1 per 2 employees on maximum working shift plus space for storage of trucks or other vehicles used in connection with the business or industry

(b) *Interpretation of specific requirements.*

1. The parking requirements above are in addition to waiting spaces or stacking spaces necessary for the operation of drive-in or drive-through facilities. Waiting spaces on the premises must be adequate to avoid obstruction of traffic on the public way.

2. The parking requirements above are in addition to space for storage of automobiles, trucks, mobile homes, campers, recreation vehicles, or other similar vehicles used or offered for sale in connection with a particular use.

3. The parking requirements in this section do not limit the parking requirements contained in the district regulations.

4. The parking requirements in this section do not limit special requirements which may be imposed by approval of a conditional use or special exception.

5. Where fractional spaces result, the parking spaces required shall be construed to be the next highest whole number.

6. Except as otherwise provided, the number of employees shall be compiled on the basis of the maximum number of persons employed on the premises at one time on an average day or average night, whichever is greater. Seasonal variations in employment may be recognized in determining an average day.

7. The parking space requirements for a use not specifically listed in the chart shall be the same as for a listed use of similar characteristics of parking demand generation.

8. In the case of mixed uses, uses with different parking requirements occupying the same building or premises, or in the case of joint use of a building or premises by more than one use having the same parking requirements, the parking spaces required shall equal the sum of the requirements of the various uses computed separately.

9. Whenever a building or use is changed or enlarged in floor area, number of employees, number of dwelling units, seating capacity or otherwise, to create a need under the requirements of this section for an increase in parking spaces of ten percent or more, such additional spaces shall be provided on the basis of the change or enlargement. No additional spaces shall be required for the first change or enlargement which would result in an increase of spaces of less than ten percent of those required before the change or enlargement, but this exception shall not apply to a series of changes or enlargements which together result in a need for an increase in parking space of ten percent or more.

10. **Garages, carports, and other covered and/or enclosed parking areas shall not count toward off-street parking requirements of this Section with the exception that parking spaces in parking garages are allowed to be counted toward off-street parking requirements.**

(c) *Joint use and off-site facilities.* Except as otherwise provided in this chapter, all parking spaces required herein shall be located on the same lot with the building or use served. Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained not to exceed 600 feet from an institutional building or other nonresidential building served. For the purpose of this requirement, land used for employee parking but located immediately across a street or alley from the building or use served shall be considered as located on the same lot.

(d) *Design standards.*

1. *Minimum space area and paving.* For the purpose of these regulations, an off-street parking space is a paved area not in a street or alley and having an area of not less than 162 square feet (nine feet in width and 18 feet in length minimum) or 144 square feet (eight feet in width and 18 feet in length minimum) for parallel parking, exclusive of driveways, permanently reserved for the temporary storage of one vehicle and connected with a street or alley by a paved driveway which affords ingress and egress for an automobile, and, except for a detached single-family dwelling or mobile home, without requiring another automobile to be moved. Acceptable paving methods/surfaces include asphalt, concrete, brick paving, and other methods as approved by the Zoning Administrator or Town Engineer (but does not include surface treatment or prime and double seal). An all-weather surface paving is permitted for a single-family or two-family dwelling. Parking spaces shall be delineated by four-inch striping, and such striping shall be maintained to the satisfaction of the Zoning Administrator.

2. *Entrances and exits.* Location and design of entrances and exits shall be in accord with the requirements of applicable regulations and standards, including those of the Virginia Department of Transportation. In general, there shall not be more than one entrance and one exit, or one combined entrance and exit, along any one street and exits and entrances shall not be located within 25 feet of a street intersection or be greater than 40 feet in width. Landscaping, curbing, or approved barriers shall be provided along lot boundaries to control entrance and exit of vehicles or pedestrians.

3. *Drainage and maintenance.* Off-street parking facilities shall be drained to eliminate standing water and prevent damage to abutting property and/or public streets and alleys and shall be paved in accordance with an approved plan or in accordance with applicable Town specifications. Off-street parking areas shall be maintained in a clean, orderly, and dust-free condition at the expense of the owner or lessee.

4. *Lighting.* Lighting shall be provided if off-street parking spaces are to be used at night in conjunction with a business or activity on the premises. Lighting facilities shall be arranged and installed, and the light source shielded, to minimize glare on adjacent property or streets and no lighting fixture shall exceed a height of 15 feet in a Residential District or 30 feet in a Business District. For Mixed Use Districts, lighting fixtures shall not exceed 15 feet for a residential use or 30 feet for a business use or mixed use. Lighting fixtures shall be allowed to exceed specified maximum heights with Conditional Use Permit approval. Property owned or controlled by the Town shall be exempt from these lighting requirements.

5. *Design in general.* All parking lots shall be arranged for functional efficiency and convenience and in general shall be designed to present a pleasing appearance so as to reduce adverse impact on surrounding public or private property.

6. *Parking lot aisles.* Aisle widths shall be based upon the following:

90 degree parking - 23' aisle minimum

60 degree parking - 18' aisle minimum

45 degree parking - 14' aisle minimum

One-way traffic - 14' aisle minimum

7. *Greenspace and landscaping.* Forty (40) square feet of greenspace per (1) one parking space provided shall be required within parking areas with twenty (20) or greater parking spaces. One (1) tree of a minimum height of six-feet tall shall be required per ten (10) parking spaces interior to the parking perimeters for all parking areas with twenty (20) or greater parking spaces. The greenspace and landscaping required shall be uniformly distributed in islands and bump-outs interior to the parking area to the satisfaction of the Zoning Administrator. Islands and bump-outs shall be of sufficient size to accommodate landscaping growth to maturity. The greenspace and landscaping requirements of this section shall be deemed to count toward the greenspace and landscaping requirements of the Zoning District provided the parking is provided on-site. Parking garages shall be exempted from the parking greenspace and landscaping requirement.

(e) *Grandfathered status in the B-2 Central Business District.* Sites in the B-2 Central Business District having existing structures, which are adequate for commercial, professional, or residential uses as provided in the B-2 Central Business District at the time of enactment of this amendment, shall be considered as grandfathered in regards to off-street parking requirements. Significant structural alterations or demolition as well as new construction, after enactment of this amendment, shall be grounds for grandfathered status to be lost.
(Code 1972, § 30-9; Ord. of 5-2-89; Ord. 2002-2 of 3-5-02; Ord. 2002-8 of 11-5-02; Ord. 2004-4 of 9-7-04; Ord. 2007-1 of 4-3-07; Ord. 2008-6 of 12-2-08)

ARTICLE III. RURAL RESIDENTIAL DISTRICT R-1A

Sec. 30-27. Yards.

The minimum side yard for each main structure shall be ten percent of the width of the lot frontage, or a minimum of 15 feet or side lot line easement width whichever is greatest.

Each main structure shall have a rear yard of 40 feet or more.

Accesory structures shall have a side and rear yard of 3 feet or more.

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 (10) feet in width connecting to the street right-of-way and to each lot within the development by a hard surface connection with approval of the Planning Commission.
(Code 1972, § 30-27; Ord. of 6-20-89; Ord. 2007-1 of 4-3-07)

ARTICLE IV. SINGLE-FAMILY RESIDENTIAL DISTRICT R-1

Sec. 30-35. Yards.

The minimum side yard for each main structure shall be ten percent of the width of the lot frontage, or a minimum of ten feet, or side lot line easement width whichever is greatest.

Each main structure shall have a rear yard of 35 feet or more.

Accessory structures shall have a side and rear yard of 3 feet or more.

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 (10) feet in width connecting to the street right-of-way and to each lot within the development by a hard surface connection with approval of the Planning Commission.
(Code 1972, § 30-35; Ord. of 6-20-89; Ord. 2007-1 of 4-3-07)

ARTICLE V. TWO-FAMILY RESIDENTIAL DISTRICT R-2

Sec. 30-43. Yards.

The minimum side yard for each main structure shall be ten percent of the width of the lot frontage, or a minimum of ten feet, or side lot line easement width, whichever is greatest.

Each main structure shall have a rear yard of 25 feet or more.

Accessory structures shall have a side and rear yard of 3 feet or more.

The front yard shall contain a minimum of twenty (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 twenty (20) percent for each dwelling unit on each lot. For this purpose, corner lots shall be deemed to contain a minimum of twenty (20) percent greenspace or landscaped area in each yard fronting a public street.

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 (10) feet in width connecting to the street right-of-way and to each lot within the development by a hard surface connection with approval of the Planning Commission.
(Code 1972, § 30-43; Ord. of 6-20-89; Ord. 2002-2 of 3-5-02; Ord. 2007-1 of 4-3-07)

ARTICLE VI. MULTIPLE-FAMILY RESIDENTIAL DISTRICT R-3

Sec. 30-52. Yards.

The minimum side yard for each main structure shall be ten percent of the width of the lot at the setback line or a minimum of ten feet or side lot line easement width, whichever is greatest.

Each main structure shall have a rear yard of 20 feet or more.

Accessory structures shall have a side and rear yard of 3 feet or more.

The front yard shall contain a minimum of twenty (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 twenty (20) percent for each dwelling unit on each lot. For this purpose, corner lots shall be deemed to contain a minimum of twenty (20) percent greenspace or landscaped area in each yard fronting a public street.

Sidewalks and curb and gutter shall be required on both sides of the public streets for all new streets and for all multi-family 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 (10) feet in width connecting to the street right-of-way 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 and to each apartment or condominium unit within the development by a hard surface connection with approval of the Planning Commission.
(Code 1972, § 30-52; Ord. of 6-20-89; Ord. 2002-2 of 3-5-02; Ord. 2007-1 of 4-3-07)

ARTICLE VII. RESIDENTIAL MANUFACTURED HOME SUBDIVISION DISTRICT R-MS

Sec. 30-63. Yards.

The minimum side yard for each main structure shall be ten percent of the width of the lot frontage or a minimum of ten feet or the side lot line easement width, whichever is greater.

Each main structure shall have a rear yard of 35 feet or more.

Accessory structures shall have a side and rear yard of 3 feet or more.

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 (10) feet in width connecting to the street right-of-way and to each lot within the development by a hard surface connection with approval of the Planning Commission.
(Code 1972, § 30-63; Ord. of 6-20-89; Ord. 2007-1 of 4-3-07)

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

Sec. 30-71. Frontage and yards.

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.

All residential structures in this district shall be located on the lot with the front of the structure facing the front of the lot, the front of the lot being the shortest side of the lot which abuts on a street. On a lot which extends through from street to street, structures shall be faced on the street on which the majority of existing structures face, or in case there are no existing

buildings, the building official shall determine on which street the structure shall face. Where permitted, multiple buildings on a single lot may be arranged in accord with approved site plans.

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.

The minimum side yard for each residential structure shall be ten percent of the width of the lot at the setback line or a minimum of ten feet or side lot line easement width, whichever is greatest.

Each structure shall have a rear yard of 20 feet or more.

The minimum side yard for each main structure shall be ten percent of the width of the lot frontage, or a minimum of 10 feet. The side yard of corner lots shall be 30 feet or more.

Single-family residences shall have a setback of a minimum of 10 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.

Accessory structures shall have a side and rear yard of 3 feet or more.

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.

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 of Christiansburg.

Whenever any development containing common area is proposed by a developer, and before any permit for the erection of structure(s) 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 Montgomery County within 60 days after notification of final approval by the agent; otherwise, the approval shall become invalid.

Provisions shall be made to assure that nonpublic areas for the common use of occupants shall be maintained without expense to the Town.

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.

The front yard shall contain a minimum of twenty (20) percent greenspace or landscaped area with no more than fifty (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 twenty (20) percent for each dwelling unit on each lot. For this purpose, corner lots shall be deemed to contain a minimum of twenty (20) percent greenspace or landscaped area in each yard fronting a public street.

A landscaping plan with all areas drawn to scale shall be submitted as part of the site plan.

Preservation of existing trees is encouraged and shall be credited toward the landscaping requirement.

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 of Christiansburg.

Whenever any development containing common area is proposed by a developer, and before any permit for the erection of structure(s) 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 Montgomery County within 60 days after notification of final approval by the agent; otherwise, the approval shall become invalid.

Provisions shall be made to assure that nonpublic areas for the common use of occupants shall be maintained without expense to the Town.

Sidewalks shall be required for all new ~~non-residential~~ development. The Zoning Administrator/Town Manager may waive this requirement in circumstances that sidewalks do not provide desired connectivity and/or are not physically practical due to site limitations provided the owner/developer makes a contribution in an amount approximate to the sidewalk installation

cost to the Town of Christiansburg 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.
(Ord. 2004-4 of 9-7-04; Ord. 2007-1 of 4-3-07)

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

Sec. 30-82. Frontage and yards.

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.

All residential structures in this district shall be located on the lot with the front of the structure facing the front of the lot, the front of the lot being the shortest side of the lot which abuts on a street. On a lot which extends through from street to street, structures shall be faced on the street on which the majority of existing structures face, or in case there are no existing buildings, the building official shall determine on which street the structure shall face. Where permitted, multiple buildings on a single lot may be arranged in accord with approved site plans.

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.

The minimum side yard for each residential structure shall be ten percent of the width of the lot at the setback line or a minimum of ten feet or side lot line easement width, whichever is greatest.

Each structure shall have a rear yard of 20 feet or more.

The minimum side yard for each main structure shall be ten percent of the width of the lot frontage, or a minimum of 10 feet. The side yard of corner lots shall be 30 feet or more.

Single-family residences shall have a setback of a minimum of 10 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.

Accessory structures shall have a side and rear yard of 3 feet or more.

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.

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 of Christiansburg.

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(Ord. 2004-4 of 9-7-04; Ord. 2007-1 of 4-3-07)

This ordinance shall become effective upon adoption. If any part of this ordinance is deemed unlawful by a court of competent jurisdiction all remaining parts shall be deemed valid. 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 _____, 2010, 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:

	Aye	Nay	Abstain	Absent
Mayor Richard G. Ballengee*				
D. Michael Barber				
Cord Hall				
Steve Huppert				
Henry Showalter				
Bradford J. Stipes				
James W. "Jim" Vanhoozier				

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