RECOMMENDED CONDITIONS

FOR

CAMBRIA CROSSING

SUPPLEMENTING A

CONDTIONAL USE PERMIT (CUP) APPLICATION

FOR

TAX PARCELS

465-A-3, 465-A-3a

CHRISTIANSBURG, VIRGINIA

PREPARED BY:

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July 13, 2005

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CAMBRIA CROSSING
RECOMMENDED CONDITIONS

JULY 13, 2005

~~Proffer Statement~~ Recommended Conditions for the *Conditional Use Permit Application for Tax Parcels 465-A-3 and 465-A-3a to allow for a Planned Housing Development.*

Pursuant to Section 30-11(b) of the Town of Christiansburg Zoning Ordinance, the Owner hereby voluntarily ~~proffers~~ pledges that the property which is the subject of this Conditional Use Permit Application will be developed in accordance with the following conditions, if and only if, approval of Ordinance # _____ is granted, and the property is granted a conditional use permit as requested. The Applicant, the Owners, their Successors and Assigns, ~~voluntarily proffer~~ places the following conditions for the property as follows:

1. The Applicant will develop the property substantially in accordance with the Preliminary Master Plan (hereinafter "Plan") drawn by Gay and Keesee, Incorporated, dated July 5, 2005, or latest revision as approved by the Town. The Plan sets forth the uses, dwelling types, and general use locations.
2. The "Recommended Conditions for Cambria Crossing".
3. Additional ~~proffers~~ conditions for the whole of Tax Parcels 465-A-3 & 465-A-3a.

I (we) hereby ~~proffer~~ pledge that the development of the subject property of this application shall be in strict accordance with the conditions set forth in this submission.

Applicant/Contracted Purchaser

_____

David L. Hagan, Member DATE
SHAH Development, LLC

_____

Larry J. Shelor, Member DATE
SHAH Development, LLC

Commonwealth of Virginia
County of Montgomery

The foregoing instrument was acknowledged before me this _____ day of _____, 2005 by _____ of Montgomery County.

_____
NOTARY PUBLIC

My commission expires _____.

ZONING REGULATIONS FOR CAMBRIA CROSSING

I. AREAS

For the purposes of this Development, Tax Parcels 465-A-3 and 465-A-3a is divided into the following areas:

- **Area 1**: B-1 Limited Business District
- **Area 2**: Single-Family, Two-Family, and Townhouse Dwellings (Planned Housing Development)

Reference is hereby made to the Preliminary Master Plan for Cambria Crossing, dated July 5, 2005, latest revision, for the location of each area.

II. AREA 1: Future B-1 Limited Business Uses

1. Area 1 will be developed with a Conditional Use Permit at a later date.

III. AREA 2: Single Family, Two Family, and Townhouse Dwellings (Planned Housing Development)

1. Permitted Uses

In Area 2, structures to be erected or land to be used shall be one or more of the following:

(A) Single-Family Dwellings

(B) Two Family Dwellings

(C) Townhouses

(D) Open Space, including park, playgrounds, trails, and similar recreational uses.

(E) Home Occupation as defined by the Town of Christiansburg Zoning Ordinance.

(F) Off-street Parking and Loading as required by The Town of Christiansburg Zoning Ordinance.

(G) Public Utilities such as poles, lines, transformers, pipes, meters, and other facilities necessary for the provision and maintenance of Public utilities including water and sewage facilities.

(H) Accessory buildings such as separate garages or carports, workshops, toolsheds and greenhouses; provided, that garages or other accessory buildings such as carports, attached to the main building shall be

considered part of the main building; provided further, that no accessory building shall be closer than three feet to any property line.

(I) Construction trailers on active construction sites.

(J) Signs in accordance with the Sign Ordinance (Chapter 3, Advertising, of the Town of Christiansburg Code).

(K) Planned housing development subject to special regulations of Section 30-57 of the Town Zoning Ordinance.

SINGLE FAMILY DWELLING STANDARDS

1. Area And Density

(A) The minimum lot area for a Single-Family Dwelling shall be 4,500 square feet, except that:

a. lots adjacent to Windmill Hills, Phase 1 on the Preliminary Master Plan shall be a minimum of 10,000 square feet.

2. Setbacks And Yards

(A) Front Setback

a. Minimum front setback shall be ~~18~~ 10 feet (including steps and porches i.e., point of construction.)

(B) Side Yards

a. The minimum side yard shall be ten-feet for lots adjacent to Windmill Hills, Phase I and five-feet for all others.

b. No main building, or part of a main building, shall be constructed within an easement.

(C) Rear Yard

Each dwelling unit shall have a minimum rear yard of 15 feet, except:

a. Detached garages shall have a minimum rear yard of five-feet and detached garages adjacent to Windmill Hills shall have a minimum rear yard of Forty-Five (45) feet.

b. Dwellings adjacent to Windmill Hills Phase I shall have a rear yard of forty five-feet, as adopted on June 7, 2005 in a rezoning request on Tax Parcels 465-A-3 and 465-A-3a.

~~(D) Front Porches and Stoops~~

~~Front porches and stoops (excluding steps) may extend into the front yard eight feet.~~

a. ~~"Front Porch" shall be defined as a constructed exterior surface, covered or uncovered, attached to a front street side of a dwelling, at the front door, that is not enclosed by walls on at least two sides.~~

3. Frontage and Lot Depth

(A) The minimum lot width measured at the right-of-way shall be 50 feet and be maintained, at a minimum, for the entire depth of the lot. Lots that front a cul-de-sac shall be a minimum of 50 feet wide at the 10 foot minimum setback line, and may be less than 50 feet wide at the street line. Lots adjacent to Windmill Hills, Phase I shall have a minimum width of 80 feet at the front setback line and street line.

(B) Minimum lot depth shall be 125 feet for lots adjacent to Windmill Hills and 90 feet for all others.

4. Height

Buildings may be erected up to 35 feet in height from street grade or lot grade at the front facade whichever is greater, except that:

(A) Accessory buildings shall not exceed the main structure in height except that when the accessory building is located at a lower ground elevation. Then the elevation of the roofline of the accessory building shall not be higher than the elevation of the roofline of the main structure, but not to exceed two stories in height.

5. Corner Lots

The following provisions shall apply to corner lots:

(A) Of the two sides of a corner lot the front shall be deemed the shorter of the two sides fronting on the streets.

(B) The side yard on the side facing the side street shall be a minimum 15 feet or more for both main and accessory buildings.

6. Accessory Buildings

(A) The minimum setback for accessory buildings, regardless of height, is three feet from any interior or back lot line and a minimum of 15 feet from any side street right-of-way line, except:

a. Accessory buildings on a permanent foundation shall not be constructed inside of, or on any portion of, any easement.

(B) The front façade of any accessory structure shall be set back a minimum of eight feet from the primary front façade of the principle structure.

7. Miscellaneous Provisions

(A) Driveways

a. Driveways terminating at a two-car garage shall have a maximum width of 24 feet.
b. Driveways terminating at a one-car garage shall have a maximum width of 18 feet.
c. Lots with no garage shall provide a driveway a maximum of 18 feet wide.
d. All lots with a rear alley, shall have the driveway located off the alley.
e. Driveways shall have a minimum width of 9 feet.

(B) Walkways

All principal structures shall be provided with a minimum ~~five~~ three feet wide hard surface walkway connected to the sidewalk adjacent to the street right-of-way, or alternatively, to the driveway.

(C) Lamps

Prior to the issuance of an occupancy permit, each lot shall have installed a six foot tall post type lamp adjacent to (and inside of) the front lot line. This lamp shall be photocell controlled and, wired and metered through the dwelling's electrical system in accordance with applicable codes. Photocells shall be set to remain on during nighttime hours. Gas lamps are permitted in accordance with applicable codes.

TWO FAMILY DWELLING STANDARDS

1. Area And Density

   (A) The minimum lot area for a Two-Family Dwelling shall be 9,000 square feet with each single unit having a lot area of at least 4,500 sq. feet.

2. Setbacks And Yards

   (A) Front Setback

   Minimum front setback shall be ~~18~~ 10 feet (including steps and porches, i.e. point of construction).

   (B) Side Yards

   a. The minimum side yard shall be five-feet.

   b. There shall be no side yard setback required on the common property line.

   c. No main building, or part of a main building, shall be constructed within an easement.

   (C) Rear Yard

   Each dwelling unit shall have a minimum rear yard of 15 feet, except:

   a. Detached garages shall have a minimum rear yard of 5 feet.

   ~~(D) Front Porches and Stoops~~

   ~~Front porches and stoops (excluding steps) may extend into the front yard 8 feet.~~

   b. ~~"Front Porch" shall be defined as a constructed exterior surface, covered or uncovered, attached to a front street side of a dwelling, at the front door, that is not enclosed by walls on at least two sides.~~

3. Frontage and Lot Depth

   (A) The minimum lot width measured at the right-of-way shall be 100 feet and be maintained, at a minimum, for the entire depth of the lot. Lots that front a cul-de-sac shall be a minimum of 100 feet wide at the 10 foot minimum setback line, and may be less than 100 feet wide at the street line.

   (B) Minimum lot depth shall be 90 feet.

4. Height

Buildings may be erected up to 35 feet in height from street grade or lot grade at the front façade whichever is greater, except that:

(A) Accessory buildings shall not exceed the main structure in height except that when the accessory building is located at a lower ground elevation. Then the elevation of the roofline of the accessory building shall not be higher than the elevation of the roofline of the main structure, but not to exceed two stories in height.

5. Corner Lots

The following provisions shall apply to corner lots:

(A) Of the two sides of a corner lot the front shall be deemed the shorter of the two sides fronting on the streets.

(B) The side yard on the side facing the side street shall be 15 feet or more for both main and accessory buildings.

6. Accessory Buildings

(A) The minimum setback for accessory buildings, regardless of height, is three feet from any interior or back lot line and a minimum of 15 feet from any side street right-of-way line, except:

a. Accessory buildings on a permanent foundation shall not be constructed inside of, or on any portion of, any easement.

(B) The front facade of any accessory structure shall be set back a minimum of eight feet from the primary front façade of the principle structure.

7. Miscellaneous Provisions

(A) Driveways

a. Driveways terminating at a two-car garage shall have a maximum width of 24 feet.
b. Driveways terminating at a one-car garage shall have a maximum width of 18 feet.
c. Lots with no garage shall provide a driveway a maximum of 18 feet wide.
d. All lots with a rear alley, shall have the driveway located off the alley.
e. Driveways shall have a minimum width of 9 feet.

(B) Walkways

All principal structures shall be provided with a minimum ~~five~~ three feet wide hard surface walkway connected to the sidewalk adjacent to the street right-of-way, or alternatively, to the driveway.

(C) Lamps

Prior to the issuance of an occupancy permit, each lot shall have installed a six-foot tall post type lamp adjacent to (and inside of) the front lot line. This lamp shall be photocell controlled and, wired and metered through the dwelling's electrical system in accordance with applicable codes. Photocells shall be set to remain on during nighttime hours. Gas lamps are permitted in accordance with applicable codes.

TOWNHOUSES

1. Area And Density

(A) The minimum lot area for a Townhouse Dwelling shall be 1,800 square feet.

2. Setbacks And Yards

(A) Front Setback

a. Minimum front setback shall be ~~13~~ 10 feet (including porches and steps, i.e. point of construction).

~~b. There shall be no required variation in setback for individual townhouse facades within a townhouse group.~~

b. The 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 a minimum of three and a maximum of five abutting Townhouses will have the same front yard setback. Variations in setback shall be at least three feet.

(B) Side Yards

a. The minimum side yard for end units shall be five-feet.

b. No main building, or part of a main building, shall be constructed within an easement.

(C) Rear Yard

Each dwelling unit shall have a minimum rear yard of 15 feet, except:

a. Detached garage shall have a minimum rear yard of 5 feet.

~~(D) Front Porches and Stoops~~

~~Front porches and stoops including steps may extend into the front yard 8 feet.~~

a. ~~"Front Porch" shall be defined as a constructed exterior surface, covered or uncovered, attached to a front street side of a dwelling, at the front door, that is not enclosed by walls on at least two sides.~~

3. Frontage and Lot Depth

(A) The minimum lot width measured at the right-of-way shall be 20 feet and be maintained, at a minimum, for the entire depth of the lot. Lots that front a cul-de-sac shall be a minimum of 20 feet wide at the 10 foot minimum setback line, and may be less than 20 feet wide at the street line.

(B) Minimum lot depth shall be 90 feet.

4. Height

Buildings may be erected up to 35 feet in height from street grade or lot grade at the front façade whichever is greater, except that:

(A) Accessory buildings shall not exceed the main structure in height except that when the accessory building is located at a lower ground elevation. Then the elevation of the roofline of the accessory building shall not be higher than the elevation of the roofline of the main structure, but not to exceed two stories in height.

5. Corner Lots

The following provisions shall apply to corner lots:

(A) Of the two sides of a corner lot the front shall be deemed the shorter of the two sides fronting on the streets.

(B) The side yard on the side facing the side street shall be a minimum 10 feet or more for both main and accessory buildings.

6. Accessory Buildings

(A) The minimum setback for accessory buildings, regardless of height, is three feet from any interior or back lot line and a minimum of 15 feet from any side street right-of-way line, except:

a. Accessory buildings on a permanent foundation shall not be constructed inside of, or on any portion of, any easement.

(B) The front façade of any accessory structure shall be set back a minimum of eight feet from the primary front façade of the principle structure.

7. Miscellaneous Provisions

(A) Driveways

a. Driveways shall have a maximum width of 14 feet where it meets a private alley or right-of-way.
b. All lots with a rear alley, shall have the driveway located off the alley.
c. Driveways shall have a minimum width of 9 feet.

(B) Walkways

All principal structures shall be provided with a minimum ~~five~~ three feet wide hard surface walkway connected to the sidewalk adjacent to the alley right-of-way.

IV. GENERAL PROVISIONS

Unless otherwise indicated or modified by this document and/or related materials associated with this ordinance, reference shall be made to Chapter 26, *Subdivisions* and Chapter 30, *Zoning*: Article I (In General); Article IV (Single Family District); Article V (Two Family District), Article VI (Multiple Family District), Article VIII (Mixed Use I District), Article XIX (Provisions for Appeal), Article XX (Townhouses), and Article XXII (Miscellaneous Provisions) of the Town of Christiansburg Code where applicable.

ADDITIONAL CONDITIONS

Additional Conditions for the whole of Tax Parcel Numbers 465-A-3 and 465-A-3a.

1. A minimum of one shade tree from the "Approved List of Street Trees for Cambria Crossing" (Chart A) shall be installed at a minimum of 50 feet and a maximum of 100 feet apart along all public street rights-of-way. Minimum size at installation shall be 2 ½" – 3" caliper and shall be installed in the area between the back of curb and sidewalk and a minimum 3 feet from the back of curb.
2. A Homeowners' Association will be established (see the attached "Generalized Statement of Establishment of a Homeowners' Association).
3. Residential uses in Area 2A as shown on the Preliminary Master Plan, dated July 5, 2005 shall be limited to single family and/or two family dwellings only.
4. Residential uses in Area 2B as shown on the Preliminary Master Plan, dated July 5, 2005 shall consist of single family dwellings, two family dwellings, and/or townhouses, in accordance with the zoning regulations for Cambria Crossing.
5. The proposed Preliminary Master Plan intends to promote pedestrian friendly design and low impact development by utilizing reduced pavement widths and right-of-way widths with approval from Virginia Department of Transportation and Town of Christiansburg Staff.
6. Sidewalks will be at a minimum on one side of all public rights-of-way or as shown on the Master Plan.
7. A minimum of 10% open space shall be dedicated to the homeowners' association.
8. Single Family Lots shall have a minimum of 30% greenspace. Two-Family Lots shall have a minimum of 20% greenspace. Townhouse Lots shall have a minimum of 10% greenspace. All lots shall have a minimum of 20% greenspace in the front yard. Greenspace is defined as any grassed areas or landscaped areas.
9. Townhouse Lots shall have a minimum of 20% greenspace in the rear yard. In the event that an attached garage is constructed on the rear of the primary dwelling structure, no privacy type fencing or wall is required.

APPROVED LIST OF STREET TREES
FOR
CAMBRIA CROSSING

CHART A

Approved Deciduous Trees (Street Trees)

COMMON NAME	BOTANICAL NAME	MINIMUM SIZE
Chinese Elm	Ulmus parvifolia	2.5"-3" caliper
Japanese Zelkova	Zelkova serrata	2.5"-3" caliper
Littleleaf Linden	Tillia cordata	2.5"-3" caliper
Ginko (male)	Ginko biloba (male)	2.5"-3" caliper
Seedless Green Ash	Fraxinus pennsylvanica	2.5"-3" caliper
Thornless Honylocust	Gleditsia triacanthos var.inermis	2.5"-3" caliper
Willow Oak	Quercus phellos	2.5"-3" caliper
Norway Maple	Acer platanoides	2.5"-3" caliper
Red Maple	Acer rubrum	2.5"-3" caliper

GENERALIZED STATEMENT OF ESTABLISHMENT OF A HOMEOWNERS' ASSOCIATION

The following is a generalized statement of the methods and agreements necessary to govern the maintenance of common open space prepared in accordance with applicable provisions of the Code of the Town of Christiansburg, Virginia.

A property owner's association ("Association") will be established pursuant to the Virginia Property Owners' Association Act, § 55-508 et seq. of the Code of Virginia of 1950 as amended. The Association shall have responsibility and authority to operate and maintain the common areas of the Project, including all open spaces, sidewalks, and any other amenities contained within the common areas and open spaces, which are not publicly dedicated (collectively the "Common Area").

The Association will have the power to adopt a budget and to establish and collect dues from the property owners. The dues will be the individual obligation of the owners and will constitute a lien upon the property of the individual owners to assure payment. The Association will also have the authority to adopt rules and regulations with regard to the use of the Common Area.

The obligations and powers of the Association will be provided for in the Declaration of Covenants, Conditions and Restrictions (the "Declaration") to be recorded in the Clerk's Office of the Circuit Court of Montgomery County, Virginia. The Declaration shall be binding upon the Association and the owners within the Project. The Declaration will contain provisions to assure that the community is developed, maintained, and managed in a coordinated manner with compatible architecture and landscaping.

Among other things, the Declaration will also provide:

- For the conveyance of the Common Area to the Association to be maintained, preserved, and operated by the Association for the use and enjoyment of its members.
- That those portions of the Common Area designated as open space shall remain and be preserved as open space.

- That the Association will be empowered and obligated to meet applicable proffered conditions.
- That all residential lots must be occupied in accordance with rules and regulations established by the Association. In addition, occupants of Single-Family lots must be a Single-Family comprised of any of the following persons or groups of persons:

  a) One or more person related by blood, marriage and/or adoption, and/or under approved foster care, or

  b) One or more persons related by blood, marriage and/or adoption and/or under approved foster care plus one adult not related in any of the foregoing respects, or

  c) Two adult persons living together as a single housekeeping unit, and at the option of such adult person, any children, natural or by adoption or approved foster care, of such adult persons.
- For the inclusion of provisions for the maintenance of open space by the Homeowners' Association.

The complete Declaration, as well as the Articles of Incorporation and Bylaws of the Homeowners' Association, will be provided for review in accordance with the applicable provisions of the Christiansburg Code prior to approval of the Phase One Subdivision Plat of Cambria Crossing.