AN ORDINANCE AMENDING CHAPTER 26 "SUBDIVISIONS" AND CHAPTER 30 "ZONING" OF THE *CHRISTIANSBURG TOWN CODE* IN REGARDS TO TRAFFIC IMPACT ANALYSIS REQUIREMENTS, CHAPTER 30 "ZONING" OF THE *CHRISTIANSBURG TOWN CODE* IN REGARDS TO AMATEUR RADIO ANTENNAS AND COMMUNICATIONS STRUCTURES, PLANNED HOUSING DEVELOLOPMENTS, PARKING, AND PROVISIONS FOR URBAN AGRICULTURE WITH THE KEEPING OF HORSES

WHEREAS, the Planning Commission of the Town of Christiansburg, Virginia has recommended to the Council of the Town of Christiansburg amendments to the 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 (_____, 2012 and _____, 2012) in The News Messenger, a newspaper published in and having general circulation in the Town of Christiansburg; and,

WHEREAS, a public hearing of the Planning Commission of the Town was held _____, 2012 and resulted in a recommendation by the Planning Commission that the following proposed ordinance revisions be adopted; and,

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

WHEREAS, Council deems proper so to do,

Be it ordained by the Council of the Town of Christiansburg, Virginia that Section 26-2 of Chapter 26 "Subdivisions" of the *Christiansburg Town Code* be amended by the addition of the definition of "traffic impact statement"as follows:

ARTICLE I. IN GENERAL

Sec. 26-2. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Agent. The representative of the governing body who has been appointed to serve as the agent of the Council in approving the subdivision plats.

Alley. A permanent public service way not designed for general travel but to the contrary, a way designed as a secondary means of access for special accommodation to the rear of abutting residences and building establishments.

Building setback line. The distance which a building is from any lot line.

Commission. The Planning Commission of the Town.

Cul-de-sac. A street with only one outlet and having an appropriate turnaround for a safe and convenient reverse traffic movement.

Developer. An owner or lessee of property being subdivided, whether or not represented by an agent.

Easement. A grant by a property owner of the use of land for a specific purpose or purposes.

Governing body. The Town Council.

Health official. The Health Director or Sanitarian of the County.

Jurisdiction. The area or territory subject to the subdivision control of the governing body.

Lot. A numbered and recorded portion of a subdivision.

Lot, corner. A lot abutting upon two or more streets at their intersection; the shortest side fronting upon a street shall be considered the front of the lot and the longest side fronting upon a street shall be considered the side of the lot.

Lot, depth of. The mean horizontal distance between the front and rear lot lines.

Lot, double frontage. An interior lot having frontage on two streets.

Lot, interior. A lot other than a corner lot.

Lot of record. A lot which has been recorded in the office of the clerk of the appropriate court.

Lot, width of. The mean horizontal distance between side lot lines.

Plat. Includes the terms: "Map," "plan," "plot," "replat" or "replot"; a map or plan of a tract or parcel of land which is to be or which has been subdivided. When used as a verb "plat" is synonymous with "subdivide."

Street. The principal means of public access to abutting properties.

Street or alley, public use of. The unrestricted use of a specified area or right-of-way for ingress and egress to two or more abutting properties.

Street width. The total width of the strip of land dedicated or reserved for public use and travel.

Subdivide. The division of any tract, parcel or lot of land into two or more parts, in fact or by plat or replat, for the purpose, whether immediate or future, of sale or of building development; except, however:

(1) The division of any tract, parcel or lot of land into lots or other divisions of land, each of which shall contain an area of five acres or more, shall not be considered a subdivision unless streets, easements or access are required, in which case it shall be considered a subdivision.

(2) The division of any tract, lot or parcel of land ordered by a court of proper jurisdiction shall not be considered a subdivision.

(3) The division by gift or will of any tract, lot or parcel of land shall not be considered a subdivision, nor shall a division of land made solely for agricultural purposes be so considered a subdivision.

(4) The conveyance of a parcel or lot of land, whether or not in a duly approved and recorded plat of subdivision, for the purpose of enlarging an adjacent lot or parcel of land shall not be considered a subdivision. It is provided, however, that no such conveyance shall be permitted if such would result as increasing a specific cause of an existing nonconformity or nonconformities of any parcel.

(5) Conveyances between or among adjacent land owners by deeds of exchange for the sole purpose of improving utilization or configuration of one or more lots or parcels of land shall not be considered a subdivision.

(6) The conveyance of a lot or parcel of land and any part thereof, not having public access for the purposes of ingress and egress, to the owner or owners of adjoining lands having such access shall not be considered a subdivision.

(7) The conveyance of all of a nonconforming lot to the owner or owners of an adjoining lot or simultaneously to the owner or owners of adjoining lots be the adjoining lot or lots nonconforming and still nonconforming after the resulting enlargement shall not be considered a subdivision.

(8) The division for acquisition of a parcel or lot of land and any part thereof by the Town of Christiansburg, Virginia for the purposes of insuring adequate provisions or safeguards for drainage and flood control and other public purposes, and for light and air, shall not be considered a subdivision.

The word "subdivide" and any derivative thereof shall have reference to the term "subdivider" as defined herein.

Subdivider. An individual, corporation or registered partnership owning any tract, lot or parcel of land to be subdivided, or a group of two or more persons owning any tract, lot or parcel of land to be subdivided, who have given their power of attorney to one of their group or to another individual to act on their behalf in planning, negotiating for, representing or executing the legal requirements of the subdivision.

Traffic impact statement: **A statement that assesses the impact of a proposed development on the transportation system and recommends improvements to lessen or negate those impacts. The traffic impact statement shall (1) identify any traffic issues associated with access from the site to the existing transportation network; (2) outline solutions to potential problems; (3) address the sufficiency of the future transportation networks and (4) present improvements to be incorporated into the proposed development. The data and analysis contained in the traffic impact statement shall comply with the Virginia Department of Transportation Traffic Impact Analysis Regulations 24 VAC 30-155-60. If a traffic impact statement is required, data collection shall be by the developer or owner and the developer or owner shall prepare the traffic impact statement.**

(Code 1972, § 26-2; Ord. of 11-3-98; Ord. of 2-2-99; Ord. of 5-4-99; Ord. of 11-2-99(2); Ord. 2002-5 of 6-18-02)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Be it ordained by the Council of the Town of Christiansburg, Virginia that Section 26-6(c) of Chapter 26 "Subdivisions" of the *Christiansburg Town Code* be amended as follows:

ARTICLE II. PLATS

Sec. 26-6. Review and approval process.

(a) *Plat approval required before sale of lots.* Whenever any subdivision of land is proposed, and before any permit for the erection of a structure shall be granted, the subdivider or his agent shall apply in writing to the agent for the approval of the subdivision plat and submit three copies of the preliminary plat including the lot, street and utilities layout. No lot shall be sold until a final plat for the subdivision shall have been approved and recorded in accordance with this section.

(b) *Preliminary sketch.* The subdivider may, if he so chooses, submit to the agent a preliminary sketch of the proposed subdivision prior to his preparing engineered preliminary and final plats. The purpose of such preliminary sketch is to permit the agent to advise the subdivider whether his plans in general are in accordance with the requirements of this chapter. The agent, upon submission of any preliminary sketch, shall study it and advise the subdivider wherein it appears that changes would be necessary. The agent may mark the preliminary sketch indicating necessary changes. The preliminary sketch shall include the following: the location of all proposed and existing streets, lots, parks, playgrounds and other proposed uses of the land to be subdivided and shall include the approximate dimensions.

(c) *Preliminary plat--Contents.* The preliminary plat shall include the following information:

(1) Name of subdivision, owner, subdivider, surveyor or engineer, date of drawing, number of sheets, north point and scale. If true north is used, method of determination must be shown.

(2) Location of proposed subdivision by an inset map showing adjoining roads, their names and numbers, towns, subdivisions and other landmarks.

(3) The boundary survey or existing survey of record shall be acceptable; total acreage, acreage of subdivided area, number and approximate area and frontage of all building sites, existing buildings within the boundaries of the tract, names of owners and their property lines within the boundaries of the tract and adjoining such boundaries shall be shown.

(4) All existing, platted and proposed streets, their names, numbers and widths; existing utility or other easements, public areas; culverts, drains and watercourses, their names and other pertinent data shall be shown.

(5) The complete drainage layout, including all pipe sizes, types, drainage easements and means of transporting the drainage to a well defined open stream which is considered natural drainage shall be shown.

(6) A cross section showing the proposed street construction, depth and type of base, type of surface, etc.

(7) A profile or contour map showing the proposed grades for the streets and drainage facilities including elevations of existing and proposed ground surface at all street intersections and at points of major grade change along the centerline of streets together with proposed grade lines connecting therewith.

(8) Proposed connections with existing sanitary sewers and existing water supply or alternate means of sewage disposal and water supply where public service is not available.

(9) All parcels of land to be dedicated for public use and the conditions of such dedication.

(10) A traffic impact statement whenever a proposed subdivision substantially affects transportation on Town streets through traffic generation of either:
(i) 100 vehicles trips per peak hour by residential development, or
(ii) 250 vehicles trips per peak hour by non-residential development, or
(iii) 2,500 vehicle trips per day by non-residential development.

The data and analysis contained in the traffic impact statement shall comply with VDOT Traffic Impact Analysis Regulations 24 VAC 30-155-60 and all applicable Town ordinances.

(d) *Same--Review.* The agent or his appointed representative shall discuss the preliminary plat with the subdivider in order to determine whether or not his preliminary plat generally conforms to the requirements of this chapter and of the Zoning Ordinance. The subdivider shall then be advised within 45 days, which may be by formal letter, by legible markings on his copy of the preliminary plat, by telephone, or by personal meeting concerning any additional data that may be required and the character and extent of public improvements that will have to be made.

(e) *Same--Approval no guarantee of final approval.* Approval by the agent of the preliminary plat does not constitute a guarantee of approval of the final plat.

(f) *Same--Six-month limit.* The subdivider shall have not more than six months after receiving official notification concerning the preliminary plat to file with the agent a final subdivision plat in accordance with this chapter. Failure to do so shall make preliminary approval null and void. The agent may, on written request by the subdivider, grant an extension of this time limit.

(g) *Final plat--Contents.* The subdivision plats submitted for final approval by the developer and subsequent recording shall be clearly and legibly drawn to scale on a minimum 18' x 24' sheet. In addition to the requirements of the preliminary plat, the final plat shall include the following:

(1) A blank oblong space three inches by five inches shall be reserved for the use of

the approving authority.

(2) Certificates signed by the surveyor or engineer setting forth the source of title of the owners of the land subdivided and the place of record of the last instrument in the chain of title.

(3) A statement to the effect that the subdivision as it appears on this plat is with the free consent and in accordance with the desires of the owners, proprietors and trustees, if any, which shall be signed by the owners, proprietors and trustees, if any, and shall be duly acknowledged before some officer authorized to take acknowledgments of deeds.

(4) When the subdivision consists of land acquired from more than one source of title, the outlines of the various tracts shall be indicated by dashlines and identification of the respective tracts shall be placed on the plat.

(5) The accurate location and dimensions by bearings and distances with all curve data on all lots and street lines, boundaries of all proposed or existing easements, parks, school sites, all existing public streets, their names and widths, utility and drainage easements, watercourses and their names, names of owners and their property lines, both within the boundary of the subdivision and adjoining such boundaries.

(6) Distances and bearings must balance and close with an accuracy of not less than one in 10,000.

(7) The data of all curves along the street frontage shall be shown in detail at the curve or in a curve data table containing the following: Delta, radius, arc, tangent, chord and chord bearings.

(h) *Same--Conditions for approval.* The plat shall not be approved until the subdivider has complied with the general requirements and minimum standards of design in accordance with this chapter and has made satisfactory arrangements for surety bond, cash or cash bond to cover the cost of necessary improvements, in lieu of construction, to the satisfaction of the agent. Approval of final plat by the Town Council shall be written on the face of the plat by the agent. The subdivider shall record the plat within 60 days after notification of final approval by the agent; otherwise, the approval shall become invalid.

(i) *Vacation of plat before sale of lot therein; ordinance of vacation.* Where no lot has been sold, the recorded plat, or part thereof, may be vacated according to either of the following methods:

1. With the consent of the governing body, or its authorized agent, of the locality where the land lies, by owners, proprietors and trustees, if any, who signed the statement required by Code of Virginia, § 15.2-2264 at any time before the sale of any lot therein, by a written instrument, declaring the plat to be vacated, duly executed, acknowledged or proved and recorded in the same clerk's office wherein the plat to be vacated is recorded and the execution and recordation of such writing shall operate to destroy the force and effect of the recording of the plat so vacated and to divest all public rights in, and to reinvest the owners, proprietors and trustees, if any, with the title to the streets, alleys, easements for public passage and other public areas laid out

or described in the plat; or

2. By ordinance of the governing body of the locality in which the property shown on the plat or part thereof to be vacated lies, provided that no facilities for which bonding is required pursuant to Code of Virginia, §§ 15.2-2241--15.2-2245 have been constructed on property and no facilities have been constructed on any related section of the property located in the subdivision within five years of the date on which the plat was first recorded.

   The ordinance shall not be adopted until after notice has been given as required by Code of Virginia, § 15.2-2204. The notice shall clearly describe the plat or portion thereof to be vacated and state the time and place of the meeting of the governing body at which the adoption of the ordinance will be voted upon. Any person may appear at the meeting for the purpose of objecting to the ordinance. An appeal from the adoption of the ordinance may be filed within thirty days of the adoption of the ordinance with the circuit court having jurisdiction of the land shown on the plat or part thereof to be vacated. Upon appeal the court may nullify the ordinance if it finds that the owner of the property shown on the plat will be irreparably damaged. If no appeal from the adoption of the ordinance is filed within the time above provided or if the ordinance is upheld on appeal, a certified copy of the ordinance of vacation may be recorded in the clerk's office of any court in which the plat is recorded.

   The execution and recordation of the ordinance of vacation shall operate to destroy the force and effect of the recording of the plat, or any portion thereof, so vacated, and to divest all public rights in and to the property and reinvest the owners, propriertors and trustees, if any, with the title to the streets, alleys, and easements for public passage and other public areas laid out or described on the plat.

(j) *Same—Vacation, relocation of boundary lines.* The boundary lines of any lot or parcel of land may be vacated, relocated or otherwise altered as a part of an otherwise valid and properly recorded plat of subdivision or resubdivision approved as provided in such Subdivision Ordinance, or properly recorded prior to the applicability of a Subdivision Ordinance, and executed by the owner or owners of such land as provided in Code of Virginia, § 15.2-2275, as amended, provided such action does not involve the relocation or alteration of streets, alleys, easements for public passage, or other public areas; and provided further, that no easements or utility rights-of-way shall be relocated or altered without the express consent of all persons holding any interest therein.

(Code 1972, § 26-6; Ord. of 3-5-85, § 26-6(j); Ord. of 8-5-97; Ord. of 11-3-98)

Cross reference(s)--Public utilities, Ch. 21; water and sewers, Ch. 29; zoning, Ch. 30.

Be it ordained by the Council of the Town of Christiansburg, Virginia that Section 30-1 of Chapter 30 "Zoning" of the *Christiansburg Town Code* be amended by the addition of the definition of "amateur radio tower" and "traffic impact statement" as follows:

ARTICLE I. IN GENERAL

Sec. 30-1. Definitions.

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

Amateur radio tower. **A lattice-framed, girded, guyed, or monolithic freestanding or building-mounted structure, including any base, tower, pole, antenna, and appurtenances, intended for noncommercial airway communications purposes by a person holding a valid radio license issued by the Federal Communications Commission (FCC) not exceeding a height of seventy-five (75) feet above ground level.**

Communications antenna. A communications receiving and/or broadcasting device (often attached to a building or an independent communications structure for support purposes) extending no more than 10 feet above a roof support or 12 feet in total height, including but not limited to panels, whips, dishes, or masts.

Communications monopole. A single, self-supporting pole for the erection of communication antenna(s) and not exceeding one-third of the height of the main structure above a roof support or 125 feet in total height including any communications antennas.

Communications structure. Any structure intended or utilized for supporting communications receiving and/or broadcasting devices. This term shall include monopoles and towers.

Communications tower. A ground-supported or roof-supported lattice-framed, girded, or guyed communications structure or any monolithic structure for the erection of communication antenna(s) and not exceeding 250 feet in total height including any communications antennas.

Stealth technology. A man-made tree, clock tower, bell steeple, light pole, and similar alternative-design mounting structure that camouflages or conceals the presence of communications antennas, monopoles, or towers.

Traffic impact statement: **A statement that assesses the impact of a proposed development on the transportation system and recommends improvements to lessen or negate those impacts. The traffic impact statement shall (1) identify any traffic issues associated with access from the site to the existing transportation network; (2) outline solutions to potential problems; (3) address the sufficiency of the future transportation networks and (4) present improvements to be incorporated into the proposed development. The data and analysis contained in the traffic impact statement shall comply with the Virginia Department of Transportation Traffic Impact Analysis Regulations 24 VAC 30-155-60. If a traffic impact statement is required, data collection shall be by the developer or owner and the developer or owner shall prepare the traffic impact statement.**

Be it ordained by the Council of the Town of Christiansburg, Virginia that Sections 30-8, 30-10, 30-15(n), 30-23(i), 30-31(h), 30-39(i), 30-48, 30-57, 30-59(f), 30-67(o). 30-76, 30-78(o), 30-87, 30-89(t), 30-95(y), 30-100(aa), 30-106(f), 30-114(g), 30-185(a) and 30-200 of Chapter 30 "Zoning" of the *Christiansburg Town Code* be amended as follows:

Sec. 30-8. Conditional Use Permits.

Where so stated by this chapter, the location of permitted uses shall require, in addition to the zoning permit and certificate of occupancy, a Conditional Use Permit approved by the Town Council when authorized as herein after provided. A Conditional Use Permit should be approved only if it is permitted as a conditional use in the district regulations and only if it is found that the location is appropriate and not in conflict with the Comprehensive Plan, that the public health, safety, and general welfare will not be adversely affected, that adequate utilities and off-street parking facilities will be provided, and that necessary safeguards will be provided for the protection of surrounding property, persons, and neighborhood values, and further provided that the additional standards of this chapter are complied with. In approving a Conditional Use Permit the Town Council may impose such reasonable conditions as it believes necessary to accomplish the intent of this chapter. Unless otherwise specified in this chapter or specified as a condition of approval, the height limits, yard spaces, lot area, and sign requirements shall be the same as for other uses in the district in which the proposed conditional use is located.

In determining the conditions to be imposed, the Town Council shall take into consideration the intent of this chapter and may impose reasonable conditions that: abate or restrict noise, smoke, dust, or other elements that may affect surrounding property; establish setback requirements necessary for orderly expansion; prevent or alleviate traffic congestion; provide for adequate parking and ingress and egress to public streets or roads; provide adjoining property with a buffer or shield from view of the proposed use if such use is considered to be detrimental to adjoining property; tend to prevent such use from changing the character and established pattern of development of the community.

Any use listed as requiring approval of a Conditional Use Permit and which use legally exists at the effective date of the regulations of this chapter shall be considered a nonconforming use unless it has been approved as a conditional use by the Town Council. Conditional Use Permits may be revoked by the Town Council, Town Manager, or Zoning Administrator if the conditions of such permit are not fulfilled. Nothing contained in this chapter shall be construed to compel the Town Council to issue a Conditional Use Permit.

Conditional Use Permits approved shall be subject to administrative review on an annual basis and to the following time limitations:

(a) Any Conditional Use Permit granted shall be null and void twenty-four (24) months after approval by Town Council if the use or development authorized by the permit is not commenced to a degree that, in the opinion of the Zoning Administrator, clearly establishes the intent to utilize the granted Conditional Use Permit in a time period deemed reasonable for the type and scope of improvements involved. The property owner or applicant may request that Town Council allow a twelve (12) month extension beyond the twenty-four (24) month period for an approved Conditional Use Permit provided that the request is received in writing within at least twenty-three (23) months of the Conditional Use Permit approval.

(b) Activities or uses approved by a Conditional Use Permit which are discontinued for a period of more than twenty-four (24) consecutive months shall not be reestablished on the same property unless a new Conditional Use Permit is issued in accord with this Chapter.

The Town Council, Town Manager, and Zoning Administrator are authorized to require supplemental Conditional Use Permit(s) if questions of compliance should arise regarding any provision of this Chapter.

Conditional Use Permit application submissions shall include a traffic impact statement whenever a proposed Conditional Use Permit substantially affects transportation on Town streets through traffic generation of either:

(i) 100 vehicles trips per peak hour by residential development, or
(ii) 250 vehicles trips per peak hour by non-residential development, or
(iii) 2,500 vehicle trips per day by non-residential development.

The data and analysis contained in the traffic impact statement shall comply with VDOT Traffic Impact Analysis Regulations 24 VAC 30-155-60 and all applicable Town ordinances. (Code 1972, § 30-8; Ord. of 6-2-98; Ord. of 4-20-99; Ord. 2012-6 of 6-19-12)

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, private driveway	**16' x 18' parking area**
~~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 greater

Use or Use Category	*Off-street Parking Spaces Required*
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 250 square feet of floor area for the first 5,000 square feet 1 per 300 square feet of floor area of the second 5,000 square feet

Use or Use Category	*Off-street Parking Spaces Required*
	1 per 350 square feet of floor area for the third 5,000 square feet of all subsequent square footage
Shopping center	1 per 250 square feet of floor area for the first 5,000 square feet 1 per 300 square feet of floor area of the second 5,000 square feet 1 per 350 square feet of floor area for the third 5,000 square feet of all subsequent square footage
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

Use or Use Category	*Off-street Parking Spaces Required*
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

Sec. 30-10. Amendments to chapter.

(a) *Initiation of change.* The Town Council may, from time to time, amend, supplement, or change, by ordinance, the boundaries of the districts or the regulations herein established. Any such amendment may be initiated by resolution of the Town Council, or by motion of the Planning Commission, or by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed Zoning Map amendment addressed to the Town Council. Petitions for change or amendment shall be on forms and filed in a manner prescribed by the Planning Commission. Petitions by private property owners shall be for contiguous properties only; separate application shall be made by private property owners for non-contiguous properties.

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:

(i) 100 vehicles trips per peak hour by residential development, or
(ii) 250 vehicles trips per peak hour by non-residential development, or
(iii) 2,500 vehicle trips per day by non-residential development.

The data and analysis contained in the traffic impact statement shall comply with VDOT Traffic Impact Analysis Regulations 24 VAC 30-155-60 and all applicable Town ordinances.

ARTICLE II. AGRICULTURAL DISTRICT A

Sec. 30-15. Permitted uses.

In the Agricultural District, structures to be erected or land to be used shall be for one or more of the following uses:

(n) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, transmission lines, telephone booths and the like for normal electrical power distribution or communication service; communications antennas; **amateur radio towers;** meters and pipelines or conduits for electrical, gas, sewer, or water service; pumping and regulatory stations; substations. Public utility generating, booster or relay stations; major transmission lines and towers; communications monopoles; railroad yards and terminals; and treatment facilities are permitted with a Conditional Use Permit.

ARTICLE III. RURAL RESIDENTIAL DISTRICT R-1A

Sec. 30-23. Permitted uses.

In the R-1A Rural Residential District, structures to be erected or land to be used shall be for one or more of the following uses:

(i) Public utilities such as poles, lines, distribution transformers, pipes, meters and other facilities necessary for provision and maintenance, including water and sewerage facilities; pumping and regulatory stations; substations; communications antennas; **amateur radio towers**. Communications monopoles with a Conditional Use Permit.

ARTICLE IV. SINGLE-FAMILY RESIDENTIAL DISTRICT R-1

Sec. 30-31. Permitted uses.

In the R-1 Single-Family Residential District, structures to be erected or land to be used shall be for one or more of the following uses:

(h) Public utilities such as poles, lines, distribution transformers, pipes, meters and other facilities necessary for provision and maintenance, including water and sewerage facilities; pumping and regulatory stations; substations; communications antennas; **amateur radio towers**. Communications monopoles with a Conditional Use Permit.

ARTICLE V. TWO-FAMILY RESIDENTIAL DISTRICT R-2

Sec. 30-39. Permitted uses.

In the R-2 Two-Family Residential District, structures to be erected or land to be used shall be for one or more of the following uses:

(i) Public utilities such as poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities; pumping and regulatory stations; substations; communications antennas; **amateur radio towers**. Communications monopoles with a Conditional Use Permit.

ARTICLE VI. MULTIPLE-FAMILY RESIDENTIAL DISTRICT R-3

Sec. 30-48. Permitted uses.

In the R-3 Multiple-Family Residential District, structures to be erected or land to be used shall be for one or more of the following uses:

(t) Public utilities such as poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities; pumping and regulatory stations;

substations; communications antennas; **amateur radio towers**. Communications monopoles with a Conditional Use Permit.

Sec. 30-57. Planned housing developments.

Within an R-3 Residential District as a conditional use or in conjunction with an application for conditional zoning for R-3 Residential, and in order to encourage improved housing design, variety in housing types and best use of topography, a site plan ~~**may**~~ **shall** be submitted for a planned housing development, together with a subdivision plan if required by this chapter or the subdivision chapter and such other descriptive material or proffers as may be necessary to fully determine the development, even though such development does not comply in all respects to the dimensional requirements of the R-3 District, provided:

(a) One or more major features of the development, such as unusual natural features, yard spaces, open spaces, and building types and arrangements, are such as to justify application of this section rather than a conventional application of the other regulations of the R-3 District.

(b) Materials submitted, drawings, descriptions, proffers and the like are sufficiently detailed to assure compliance with the intent of this section.

(c) The project itself, or a larger project of which it is a part, is of sufficient size in the location proposed as to permit development of an internal environment, which, if different from designs otherwise permitted in the R-3 District, will not adversely affect existing and future development in the surrounding area.

(d) The overall dwelling unit density does not exceed that permitted in the R-3 District for development of comparable housing types.

(e) The development is designed to promote harmonious relationships with surrounding adjacent and nearby developed properties and to this end may employ such design techniques as may be appropriate to a particular case, including use of building types, orientation, and spacing and setback of buildings, careful use of topography, maintenance of natural vegetation, location of recreation areas, open spaces, and parking areas, grading, landscaping, and screening.

(f) Provision satisfactory to the Planning Commission and approved by the Town Attorney shall be made to assure that nonpublic areas for the common use and employment of occupants, but not in individual ownership by such occupants, shall be maintained in a satisfactory manner without expense to the general taxpayer.

Procedures and general standards for approval of an application under this section shall be the same as those for a Conditional Use Permit or for Conditional Zoning as described in Article I as the case may require.
(Code 1972, § 30-57)

ARTICLE VII. RESIDENTIAL MANUFACTURED HOME SUBDIVISION DISTRICT R-MS

Sec. 30-59. Permitted uses.

In the R-MS Residential Manufactured Home Subdivision District, structures to be erected or land to be used may be for one or more of the following uses:

(f) Public utilities such as poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities; pumping and regulatory stations; substations; communications antennas; **amateur radio towers**. Communications monopoles with a Conditional Use Permit.

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

Sec. 30-67. Permitted uses.

In the MU-1 Mixed Use: Residential - Limited Business District, structures to be erected or land to be used shall be for one or more of the following uses [**Note:** Activities or uses which instruct the reader to "see" a permitted use serve only as a cross reference to the list of permitted uses and associated conditions, if any. The listing of a cross reference in no way implies that the cross reference is a permitted use or activity. Listed permitted uses which instruct the reader to "see also" another permitted use or section of the Zoning Ordinance or Town Code are intended to refer the reader to additional information that is relevant to that permitted use. ed.:

(o) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, transmission lines, telephone booths and the like for normal electrical power distribution or communication service; communications antennas; **amateur radio towers;** meters and pipelines or conduits for electrical, gas, sewer, or water service; pumping and regulator stations; substations. Communications monopoles and major transmission lines are permitted with a Conditional Use Permit.

Sec. 30-76. Planned housing developments.

Within a MU-1 Mixed Use: Residential - Limited Business District as a conditional use or in conjunction with an application for conditional zoning for MU-1 Mixed Use: Residential - Limited Business District, and in order to encourage improved housing design, variety in housing types and best use of topography, a site plan ~~**may**~~ **shall** be submitted for a planned housing development, together with a subdivision plan if required by this chapter or the subdivision chapter and such other descriptive material or proffers as may be necessary to fully determine the development, even though such development does not comply in all respects to the dimensional requirements of the MU-1 District, provided:

(a) One or more major features of the development, such as unusual natural features, yard spaces, open spaces, and building types and arrangements, are such as to justify application of this section rather than a conventional application of the other regulations of the MU-1 District.

(b) Materials submitted, drawings, descriptions, proffers and the like are sufficiently detailed to assure compliance with the intent of this section.

(c) The project itself, or a larger project of which it is a part, is of sufficient size in the location proposed as to permit development of an internal environment, which, if different from designs otherwise permitted in the MU-1 District, will not adversely affect existing and future development in the surrounding area.

(d) The overall dwelling unit density does not exceed that permitted in the MU-1 District for development of comparable housing types.

(e) The development is designed to promote harmonious relationships with surrounding adjacent and nearby developed properties and to this end may employ such design techniques as may be appropriate to a particular case, including use of building types, orientation, and spacing and setback of buildings, careful use of topography, maintenance of natural vegetation, location of recreation areas, open spaces, and parking areas, grading, landscaping, and screening.

(f) Provision satisfactory to the Planning Commission and approved by the Town Attorney shall be made to assure that nonpublic areas for the common use and employment of occupants, but not in individual ownership by such occupants, shall be maintained in a satisfactory manner without expense to the general taxpayer.

Procedures and general standards for approval of an application under this section shall be the same as those for a Conditional Use Permit or for Conditional Zoning as described in Article I as the case may require.
(Ord. 2004-4 of 9-7-04)

Cross reference(s)--Subdivisions, Ch. 26.

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

Sec. 30-78. Permitted uses.

In the MU-2: Mixed Use Residential - Limited Business - Limited Industrial District, structures to be erected or land to be used may be for one or more of the following uses [**Note:** Activities or uses which instruct the reader to "see" a permitted use serve only as a cross reference to the list of permitted uses and associated conditions, if any. The listing of a cross reference in no way implies that the cross reference is a permitted use or activity. Listed permitted uses which instruct the reader to "see also" another permitted use or section of the Zoning Ordinance or Town Code are intended to refer the reader to additional information that is relevant to that permitted use. ed.]:

(o) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, transmission lines, telephone booths and the like for normal electrical power distribution or communication service; communications antennas; **amateur radio towers;** meters and pipelines or conduits for electrical, gas, sewer, or water service;

pumping or regulator stations; substations. Communications monopoles and major transmission lines are permitted with a Conditional Use Permit.

Sec. 30-87. Planned housing developments.

Within a MU-2 Mixed Use: Residential - Limited Business - Limited Industrial District as a conditional use or in conjunction with an application for conditional zoning for MU-2 Mixed Use: Residential - Limited Business - Limited Industrial, and in order to encourage improved housing design, variety in housing types and best use of topography, a site plan ~~**may**~~ **shall** be submitted for a planned housing development, together with a subdivision plan if required by this chapter or the subdivision chapter and such other descriptive material or proffers as may be necessary to fully determine the development, even though such development does not comply in all respects to the dimensional requirements of the MU-2 District, provided:

(a) One or more major features of the development, such as unusual natural features, yard spaces, open spaces, and building types and arrangements, are such as to justify application of this section rather than a conventional application of the other regulations of the MU-2 District.

(b) Materials submitted, drawings, descriptions, proffers and the like are sufficiently detailed to assure compliance with the intent of this section.

(c) The project itself, or a larger project of which it is a part, is of sufficient size in the location proposed as to permit development of an internal environment, which, if different from designs otherwise permitted in the MU-2 District, will not adversely affect existing and future development in the surrounding area.

(d) The overall dwelling unit density does not exceed that permitted in the MU-2 District for development of comparable housing types.

(e) The development is designed to promote harmonious relationships with surrounding adjacent and nearby developed properties and to this end may employ such design techniques as may be appropriate to a particular case, including use of building types, orientation, and spacing and setback of buildings, careful use of topography, maintenance of natural vegetation, location of recreation areas, open spaces, and parking areas, grading, landscaping, and screening.

(f) Provision satisfactory to the Planning Commission and approved by the Town Attorney shall be made to assure that nonpublic areas for the common use and employment of occupants, but not in individual ownership by such occupants, shall be maintained in a satisfactory manner without expense to the general taxpayer.

Procedures and general standards for approval of an application under this section shall be the same as those for a Conditional Use Permit or for Conditional Zoning as described in Article I as the case may require.
(Ord. 2004-4 of 9-7-04)

ARTICLE X. LIMITED BUSINESS DISTRICT B-1

Sec. 30-89. Permitted uses.

In the B-1 Limited Business District, structures to be erected or land to be used may be for one or more of the following uses:

(t) Public utilities such as poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities; pumping and regulatory stations; substations; communications antennas; **amateur radio towers**. Communications monopoles with a Conditional Use Permit.

ARTICLE XI. CENTRAL BUSINESS DISTRICT B-2

Sec. 30-95. Permitted uses.

In the B-2 Central Business District, structures to be erected or land to be used may be for one or more of the following uses [**Note:** Activities or uses which instruct the reader to "see" a permitted use serve only as a cross reference to the list of permitted uses and associated conditions, if any. The listing of a cross reference in no way implies that the cross reference is a permitted use or activity. Listed permitted uses which instruct the reader to "see also" another permitted use or section of the Zoning Ordinance or Town Code are intended to refer the reader to additional information that is relevant to that permitted use. ed.]:

(y) Public utilities such as poles, lines, distribution transformers, pipes, meters and other facilities necessary for the provision and maintenance of public utilities, including water and sewerage facilities; pumping and regulatory stations; substations; communications antennas**; amateur radio towers**. Communications monopoles with a Conditional Use Permit.

ARTICLE XII. GENERAL BUSINESS DISTRICT B-3

Sec. 30-100. Permitted uses.

In the B-3 General Business District, structures to be erected or land to be used may be for one or more of the following uses [**Note:** Activities or uses which instruct the reader to "see" a permitted use serve only as a cross reference to the list of permitted uses and associated conditions, if any. The listing of a cross reference in no way implies that the cross reference is a permitted use or activity. Listed permitted uses which instruct the reader to "see also" another permitted use or section of the Zoning Ordinance or Town Code are intended to refer the reader to additional information that is relevant to that permitted use. ed.]:

(aa) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, transmission lines, telephone booths and the like for normal electrical power distribution or communication service; communications antennas; **amateur radio towers;** meters and pipelines or conduits for electrical, gas, sewer, or water service; pumping and regulatory stations; substations.

Communications monopoles and major transmission lines are permitted with a Conditional Use Permit.

ARTICLE XIII. LIMITED INDUSTRIAL DISTRICT I-1

Sec. 30-106. Permitted uses--Generally.

In the I-1 Limited Industrial District, structures to be erected or land to be used shall be for one or more of the following uses:

(f) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, transmission lines, telephone booths and the like for normal electrical power distribution or communication service; communications antennas; **amateur radio towers;** meters and pipelines or conduits for electrical, gas, sewer, or water service; treatment facilities; pumping and regulatory stations. Communications monopoles and towers and major transmission are permitted with a Conditional Use Permit.

ARTICLE XIV. GENERAL INDUSTRIAL DISTRICT I-2

Sec. 30-114. Permitted uses--Generally.

In the I-2 general industrial district, structures to be erected or land to be used shall be for one or more of the following uses:

(g) Facilities and structures necessary for rendering utility service, including poles, wires, transformers, transmission lines, telephone booths and the like for normal electrical power distribution or communication service; communications antennas; **amateur radio towers;** meters and pipelines or conduits for electrical, gas, sewer, or water service; treatment facilities; pumping and regulatory stations; substations. Public utility generating, booster or relay stations; major transmission lines and towers; communications monopoles or towers; railroad yards and terminals are permitted with a Conditional Use Permit.

ARTICLE XXI. SITE PLAN REVIEW

Sec. 30-185. Requirements for site plans, content and form.

(a) *Preliminary site plans.* The preliminary site plans shall be clearly drawn to scale as specified below and shall show the following:

1. The proposed title of the project, owner or owners of the land, and name of the engineer, architect, designer, or landscape architect, and the developer.

2. The north point, scale, and date.

3. Location of the project by an insert map indicating the north arrow and such information as the names and numbers of adjoining roads, streams and bodies of water, railroads, subdivisions, towns, and magisterial districts or other landmarks

sufficient to clearly identify the location of the property.

4. Existing zoning and zoning district boundaries and proposed changes in zoning, if any, and including floodplain districts.

5. The boundaries of the property involved, municipal boundaries, the general location of all existing easements and property lines, existing streets, buildings, or waterways, major tree masses and other existing physical features in or adjoining the project.

6. Uses of adjoining properties and names of owners.

7. Topography of the project area with contour intervals of two feet or less, unless waived by the Administrator as clearly unnecessary to review the project or proposal.

8. The approximate location and sizes of sanitary and storm sewers, water mains, culverts, and other underground structures, existing and planned, in or near the project.

9. The general location and character of construction of proposed streets, alleys, driveways, curb cuts, entrances and exits, loading areas (including number of parking and loading spaces), outdoor lighting systems, storm drainage and sanitary facilities.

10. The general location of proposed lots, setback lines, and easements and proposed reservations for parks, parkways, playgrounds, school sites, and open spaces.

11. Location with respect to each other and to lot lines, number of floors, number of dwelling units and approximate height of all proposed buildings and structures, accessory and main, or major excavations.

12. Preliminary plans and elevations of the several dwelling types and other buildings, as may be necessary.

13. General location, height, and material of all fences, walls, screen planting, and landscaping.

14. General location, character, size, height, and orientation of proposed signs.

15. A tabulation of the total number of dwelling units of various types in the project and the overall project density in dwelling units per acre, gross or net as required by district regulations.

16. A traffic impact statement whenever a proposed site plan **substantially affects transportation on Town streets through traffic generation of either:**

    (i) 100 vehicles trips per peak hour by residential development, or
    (ii) 250 vehicles trips per peak hour by non-residential development, or
    (iii) 2,500 vehicle trips per day by non-residential development.

The data and analysis contained in the traffic impact statement shall comply with VDOT Traffic Impact Analysis Regulations 24 VAC 30-155-60 and all applicable Town ordinances.

The Administrator may establish additional requirements for preliminary site plans, and in special cases, may waive a particular requirement if, in his opinion, the inclusion of that requirement is not essential to a proper decision on the project. Site plans may be prepared on one or more sheets to show clearly the information required by this article and to facilitate the review and approval of the plan. If prepared in more than one sheet, match lines shall indicate where the several sheets join. Site plans shall be prepared to a scale of one inch equals 50 feet, or such other scale as may be approved by the Administrator as appropriate to a particular case.

ARTICLE XXIII. TELECOMMUNICATIONS STRUCTURES

Sec. 30-200. Telecommunications structures.

A. Telecommunications facilities. The guidelines set forth in this section shall govern the location of all communications monopoles and/or towers and the installation of antennas and accessory equipment structures for such; provided, however, that Town Council may waive any of the requirements or prescribe such reasonable conditions in connection therewith as to assure that the installation will conform to sound planning.

1. Location. Communications monopoles and towers, with a related unmanned equipment building shall be permitted in Zoning Districts as indicated in the permitted uses section of each District, subject to obtaining a zoning and use permit as provided herein and subject to public hearing requirements of Section 30-10(c), and to the requirements and limitations set forth in this section, and in any Zoning District on property owned or controlled by the Town.

2. Aesthetics; lighting.

(a) The height of monopoles and towers shall not exceed the allowable heights as specified in the definitions of this Chapter. Monopoles shall not exceed ~~**70**~~ **75** feet in total height including antennas in Residential Districts.

(b) Monopoles or towers shall either maintain a galvanized steel finish or, subject to any applicable standards of the FCC or FAA, be painted a neutral color.

(c) At a facility site, the design of the buildings and related structures shall use materials, colors, textures, screening, and landscaping that will blend the facilities to the natural setting and the built environment. The related unmanned equipment structure shall not contain more than 750 square feet of gross floor area or be more than 12 feet in height, and shall be located in accordance with the requirements of the zoning district in which located.

(d) Monopoles or towers shall not be artificially lighted, unless required by the FCC or FAA. If lighting is required, Town Council may review the available lighting alternatives and approve the design that would cause the least disturbance to surrounding views.

(e) No advertising of any type shall be allowed on any monopole or tower.

(f) Satellite and microwave dishes attached to monopoles shall not exceed two feet in diameter and six feet in diameter when attached to towers.

(g) Stealth technology may be required as appropriate.

3. Federal requirements. All monopoles or towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate monopoles or towers. If such standards and regulations are changed, then the owners of the monopoles or towers governed by this ordinance shall bring such structures into compliance with such revised standards as required. Failure to bring monopoles or towers into compliance with such revised standards and regulations shall constitute grounds for the removal of the monopole or tower at the owner's expense.

4. Building codes. To ensure the structural integrity of monopoles or towers, the owner of such shall ensure that it is constructed and maintained in compliance with standards contained in applicable federal, state, and local building codes and regulations.

5. Information required. Each applicant requesting a zoning and use permit for a new monopole or tower shall submit 5 copies of a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by appropriate licensed professionals, showing the location and dimensions of all improvements, including information concerning topography, radio frequency coverage, height requirements, setbacks, drives, parking, fencing, landscaping, easements, adjacent uses, and other information deemed necessary to assess compliance with the regulations of this ordinance. Additionally, the applicant shall provide actual photographs of the site from designated relevant views that include a simulated photographic image of the proposed monopole or tower. The photograph with the simulated image shall include the foreground, the midground, and the background of the site. An engineering report, certifying that the proposed monopole or tower is compatible for collocation with a minimum of three similar users including the primary user, must accompany the application. The applicant shall provide copies of their collocation policy.

Each applicant shall also submit a copy of their master plan for provisional location(s) of future monopoles or towers anticipated for future service. ~~**The master plan requirement shall be waived for citizens band radio operators or federally licensed amateur radio operators with a single monopole or tower location.**~~

6. Availability of suitable existing monopoles, towers, or other structures. No new monopole or tower shall be permitted unless the applicant demonstrates to the reasonable satisfaction of Town Council that no existing monopole, tower, or structure can accommodate the proposed antenna. Evidence submitted to demonstrate that no existing monopole, tower, or structure can accommodate the applicant's proposed antenna may consist of any of the following:

a. No existing monopoles, towers, or structures are located within the geographic area required to meet the applicant's engineering requirements.

b. Existing monopoles, towers, or structures are not of sufficient height to meet applicant's engineering requirements.

c. Existing monopoles, towers, or structures do not have sufficient structural strength to support applicant's proposed antenna or related equipment.

d. The applicant's proposed antenna would cause electromagnetic interference with the existing antenna, or the antenna on the existing monopole, tower, or structure would cause interference with the applicant's proposed antenna.

e. The applicant demonstrates that there are other limiting factors that render existing monopoles, towers, or structures unsuitable.

7. Setbacks. Monopoles, towers, guys, and accessory facilities must satisfy the minimum zoning district setback requirements for primary structures as well as setback requirements of Chapter 6 "Antennas". Additionally, monopoles and towers shall have a setback no less than the total height of the structure. Increased setbacks may be required as a condition of the Conditional Use Permit.

8. Security fencing. Monopoles or towers shall be enclosed by security fencing not less than six feet in height and shall be equipped with appropriate anti-climbing device.

9. Landscaping. Monopole or tower facilities shall be landscaped with a buffer of plant materials that effectively screens the view of the support buildings from adjacent property. The standard buffer shall consist of a landscaping strip of at least four feet wide outside the perimeter of the compound. Existing mature tree growth and natural land form on the site shall be preserved to the maximum extent possible. In locations where the visual impact of the monopole or tower would be minimal, the landscaping requirement may be reduced or waived by Town Council.

10. Removal of abandoned monopoles or towers. Any monopole or tower, that is not operational for a continuous period of 90 days shall be considered abandoned, and the owner of such monopole or tower shall remove same within 90 days of receipt of notice from the Building Official or Town Manager notifying the owner of such removal requirement. Removal includes the removal of the monopole or tower, all subterranean tower and fence footers, underground cables and support buildings. The buildings may remain with the approval of the landowner. If there are two or more users of a single monopole or tower, then this provision shall not become effective until all users cease using the monopole or tower. If the monopole or tower is not removed per this section, the Town may require the landowner to have it removed. In all cases, the site shall be returned as closely as possible to its original condition.

11. Bonding. Every applicant for a zoning and use permit for a monopole or tower shall, as a condition for the issuance of the zoning and use permit, file with the Building Official a continuing bond in the penal sum of not less than $10,000.00, and conditioned for the faithful observance of the provisions of this chapter and all amendments thereto, and of all the laws and ordinances relating to monopoles and towers.

12. Applicant responsibility. Any applicant for communications structures to be located on property owned by the Town of Christiansburg assumes responsibility for such structures and indemnifies and saves harmless the Town of Christiansburg from any and all damages, judgments, costs, or expenses which the Town may incur by reason of the removal or the causing to be removed any monopole or tower as provided for in Section 30-199 (c)(10). Any applicant for communications structures on property belonging to the Town of Christiansburg shall enter into contract with the Town for such location of structures.

B. Amateur radio towers. The guidelines set forth in this section shall govern the location of all amateur radio towers and the installation of antennas and accessory equipment structures for such; amateur radio towers are. Any amateur radio towers not meeting the requirements and limitations set forth shall apply for a Conditional Use Permit.

1. Location. Amateur radio towers shall be permitted in Zoning Districts as indicated in the permitted uses section of each District, subject to obtaining a zoning and use permit as provided herein, and to the requirements and limitations set forth in this section. Amateur radio towers shall be located in the rear yard.

2. Aesthetics; lighting.

(a) The height of amateur radio towers shall not exceed the allowable heights as specified in the definitions of this Chapter.

(b) Amateur radio towers shall either maintain a natural metal color or stealth appearance.

(c) No advertising of any type shall be allowed on any amateur radio tower.

(d) Satellite and microwave dishes attached to amateur radio towers shall not exceed two feet in diameter.

3. Federal requirements. All amateur radio towers must meet or exceed current standards and regulations of the FAA, the FCC, and any other agency of the federal government with the authority to regulate amateur radio towers. If such standards and regulations are changed, then the owners of the amateur radio towers governed by this ordinance shall bring such structures into compliance with such revised standards as required. Failure to bring amateur radio towers into compliance with such revised standards and regulations shall constitute grounds for the removal of the amateur radio tower at the owner's expense.

4. Building codes. To ensure the structural integrity of amateur radio towers, the owner of such shall ensure that it is constructed and maintained in compliance with standards contained in applicable federal, state, and local building codes and regulations.

5. Information required. Each applicant requesting a zoning and use permit for a new amateur radio tower shall submit one copy of a scaled site plan and a scaled elevation view and other supporting drawings, calculations, and other documentation, signed and sealed by a licensed surveyor, engineer or other appropriate licensed professional, showing the location and dimensions of all improvements, setbacks, and other information deemed necessary to assess compliance with the regulations of this ordinance.

6. Setbacks. Amateur tower guys and accessory facilities must satisfy the minimum Zoning District setback requirements for primary structures. Amateur radio towers shall have a setback of one foot for every one foot in height from all property lines as well as setback requirements of Chapter 6 "Antennas".

(Ord. 2000-2 of 4-18-00; Ord. 2004-4 of 9-7-04, § 30-177; Ord. 2007-1 of 4-3-07; Ord. 2007-1 of 4-3-07, § 30-199; Ord. 2010-9 of 12-21-10)

Be it further ordained by the Council of the Town of Christiansburg, Virginia that Chapter 30 "Zoning" of the *Christiansburg Town Code* be amended by the addition of Sections 30-31 (o), 30-39(r), 30-48(aa), and Sec. 30-200 Urban agriculture; permit required. to Article XXII. Miscellaneous Provisions and the renumeration of Articles

XXIII. and XXIV., Sections 30-200, 30-201, 30-202, 30-203, and 30-204 as Articles XXIV. and XXV., Sections 30-201, 30-202, 30-203, 30-204, and 30-205 as follows:

ARTICLE IV. SINGLE-FAMILY RESIDENTIAL DISTRICT R-1

Sec. 30-31. Permitted uses.

(o) Urban agriculture in accordance with Section 30-200.

ARTICLE V. TWO-FAMILY RESIDENTIAL DISTRICT R-2

Sec. 30-39. Permitted uses.

(r) Urban agriculture in accordance with Section 30-200.

ARTICLE VI. MULTIPLE-FAMILY RESIDENTIAL DISTRICT R-3

Sec. 30-48. Permitted uses.

(aa) Urban agriculture in accordance with Section 30-200.

ARTICLE XXII. MISCELLANEOUS PROVISIONS

Sec. 30-200. Urban agriculture; zoning permit required.

The Town of Christiansburg may allow the keeping of no more than one horse per 4,000 square feet of enclosed pasture or range in Town as an allowed by right urban agriculture use with an approved urban agriculture zoning permit. The urban agriculture zoning permit shall be valid only for the keeping of no more than one horse per 4,000 square feet of enclosed pasture or range with setbacks of 10 feet from all property lines and no closer to the street right-of-way than the primary dwelling. Such permits shall be valid for horses only and shall not be valid for the keeping of swine, cows, goats, or any other nondomesticated pet.

All approved urban agriculture uses are required to contain the horses and not allow them to roam at large. All approved urban agriculture uses shall maintain the premises in a clean and sanitary manner and are required to present measures for food storage and containment and disposal of waste prior to approval and shall maintain compliance with all presented measures. All approved urban agriculture uses are subject to inspection by the Zoning Administrator and Health Department for compliance. All applicants for urban agriculture are responsible for obtaining permission of the property owner and approval of urban agriculture zoning permits does not constitute waiver of any restrictive covenants.

Applicants for an urban agriculture zoning permit shall submit the following for review and approval of the Zoning Administrator:

1) Site drawing showing the size and location of all proposed structures and use areas, the setback distances from street rights-of-way, property lines and nearby dwellings, and any provisions for screening;

2) Management plan addressing use of feeding and bedding materials, management and disposal of wastes, and other factors deemed relevant for the protection of the public health.

The Town Manager or Zoning Administrator shall have authority to approve urban agriculture zoning permits and may revoke such permits for noncompliance. Should the Town Manager or Zoning Administrator have questions regarding compliance with an urban agriculture zoning permit, the Town Manager or Zoning Administrator may seek an advisory opinion or recommendation from the Planning Commission regarding compliance with the permit. The keeping of a garden for the production of fruit or vegetables shall not require an urban agriculture zoning permit and shall be allowed by right in all Zoning Districts.

Be it further ordained by the Council of the Town of Christiansburg, Virginia that Section 30-1 be amended by the amendment of the definition of "domestic pet" and Section 30-23(b) of Chapter 30 "Zoning" of the *Christiansburg Town Code* be amended as follows:

ARTICLE I. IN GENERAL

Sec. 30-1. Definitions.

Domestic pet. An animal housed at a residence for family purposes as a household pet, including domesticated cats, dogs, fish, birds, and other similar animals as determined by the Zoning Administrator. Such use shall be deemed to be allowed by right on residential properties in accord with the provisions of Chapter 5 "Animals" and this chapter, but however shall not be deemed to include agricultural operations or the raising of non-domesticated animals **with the exception of approved zoning permits for urban agriculture and approved Conditional Use Permits for pygmy goats as domestic pets**. ~~Pygmy goats as domestic pets are allowed with a Conditional Use Permit.~~

ARTICLE III. RURAL RESIDENTIAL DISTRICT R-1A

Sec. 30-23. Permitted uses.

(b) ~~Agriculture and forestry, but not including pens as herein defined or the raising or keeping of swine or goats.~~ **Enclosures for horses of at least 4,000 square feet for each horse.**

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 _____, 2012, 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.

SEAL:

_____	_____
Michele M. Stipes, Town Clerk	Richard G. Ballengee, Mayor