# AN ORDINANCE AMENDING CHAPTER 30 "ZONING," SPECIFICALLY, SECTION 30- 9 OF THE *CHRISTIANSBURG TOWN CODE* TO ADDRESS PARKING REQUIREMENTS FOR MIXED USE STRUCTURES WITH APARTMENTS IN THE B-2 CENTRAL BUSINESS DISTRICT; ON-SITE PARKING REQUIREMENTS AND OFF-SITE COOPERATIVE PARKING PROVISIONS; AND GRANDFATHERED STATUS IN THE B-2 CENTRAL BUSINESS DISTRICT SECTIONS 30-185, 30-186, 30-190, AND 30-193 OF THE *CHRISTIANSBURG TOWN CODE* TO CLARIFY THE REQUIREMENTS FOR FINAL SITE PLANS, WHEN PRELIMINARY AND FINAL SITE PLANS EXPIRE, AND FEES ASSOCIATED WITH THE SUBMITTAL OF SAME.

WHEREAS, the Town of Christiansburg, Virginia desires to amend its Zoning Ordinance to address certain issues with the Site Plan Review process; and,

WHEREAS, notice of the Planning Commission public hearing regarding the intention of the Town Council to pass said ordinance was published two consecutive weeks (September 21, 2013 and September 28, 2013) in The News Messenger, a newspaper published in and having general circulation in the Town of Christiansburg; and,

WHEREAS, notice of the intention of the Town Council to pass said ordinance was published two consecutive weeks (October 19, 2013 and October 26, 2013) 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 September 23, 2013 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 November 6, 2012; and,

WHEREAS, Council deems proper so to do,

Be it ordained by the Council of the Town of Christiansburg, Virginia that Sections 30-9, 30-185, 30-186, 30-190, and 30-193 of Chapter 30 "Zoning" of the *Christiansburg Town Code* be amended as follows:

## ARTICLE I. IN GENERAL

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

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

| *Use or Use Category* | *Off-street Parking Spaces Required* |
|---|---|
| Single-family, private driveway | 16' wide x 18' long parking area |
| Two-family dwelling | 2 per dwelling unit |
| Townhouse | 2 per dwelling unit |
| Multi-family dwelling, three or more dwelling units:<br><br>One or more bedroom apartments, roomers | <br><br>2 per dwelling unit<br>1 for each roomer |
| <u>Mixed use structures located in the B-2 Central Business District: One or more bedroom apartments located above street level</u> | <u>1 per apartment unit</u> |
| 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 |
| 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 |

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

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| *Use or Use Category* | *Off-street Parking Spaces Required* |
|---|---|
| | the third 5,000 square feet and 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 |
| Antique store or antique mall | 1 per 500 square feet of floor area; 3 spaces minimum |
| Furniture or appliance store, machinery, equipment, mobile home, and automobile and boat sales and service | 1 per 500 square feet of floor area; 3 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 |
| Farmers' market | 2 for each rented stall, table,orsales space |
| Outdoor sales area, open air market or flea market (other than farmers' market) | 4 for each rented stall, table, or sales space |
| Self service storage, miniwarehouse | 1 for each 25 storage areas plus 3 spaces for the office, if provided (driving aisle between units must be paved or concrete) |
| Amusement place, dancehall, skating rink, swimming pool or exhibition hall, without fixed seats | 1 per 100 square feet of floor area. Does not apply to accessory uses |
| General service or repair establishment, printing, publishing, plumbing, heating, broadcasting station | 1 per 2 employees on premises; auditorium for broadcasting station requires seating as above |
| Manufacturing or industrial establishment, | 1 per 2 employees on maximum |

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| *Use or Use Category* | *Off-street Parking Spaces Required* |
|---|---|
| research or testing laboratory, creamery, bottling plant, wholesale, warehouse, or similar establishment | working shift plus space for storage of trucks or other vehicles used in connection with the business or industry |

(b) *Interpretation of specific requirements.*

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

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

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

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

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

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

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

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

9. Whenever a building or use is changed or enlarged in floor area, number

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

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

11. Stacked parking spaces that are not directly accessible to means of ingress and egress are not allowed to count toward off-street parking requirements.

(c) ~~*Joint use and off-site facilities.*~~ *On-site parking requirement and off-site cooperative parking provisions.* Except as otherwise provided in this chapter, all parking spaces required herein shall be located on the same lot with the building or use served. Where an increase in the number of spaces is required by a change or enlargement of use or where such spaces are provided collectively or used jointly by two or more buildings or establishments, the required spaces may be located and maintained not to exceed ~~600 feet~~ 900 feet as measured along a traversable pedestrian route, with location approval from the Zoning Administrator ~~from an institutional building or other nonresidential building served~~. For the purpose of this requirement, land used for employee parking but located immediately across a street or alley from the building or use served shall be considered as located on the same lot.

With the approval of the Zoning Administrator, required off-street parking may be provided cooperatively for two (2) or more uses of the same or different types, provided that arrangements are made that will ensure the availability of such space for the duration of the use to be served, and provided further that, unless reduced by the Zoning Administrator as set forth below, the number of spaces provided shall not be less than the sum of the individual requirements.

The combined parking requirements for two (2) or more uses participating in a cooperative parking arrangement may be partially reduced by the Zoning Administrator, provided that the uses will not conflict in time of operation the parking needs of each use at a given time of day may be adequately met through the parking arrangements.

Cooperative parking arrangements shall provide off-street parking spaces within nine hundred (900) feet of each use served as measured along a traversable pedestrian route.

For the purpose of this section, all spaces located within a cooperative parking

arrangement shall be deemed to be on-site parking for each use served by such arrangement.

Once approved by the Zoning Administrator, any subsequent change to a cooperative parking arrangement affecting the availability and convenience of the shared space shall be considered a zoning violation subject to enforcement and penalties as set forth in Section 30-13.

(e) *Grandfathered status in the B-2 Central Business District*. Sites in the B-2 Central Business District having existing structures, which are adequate for commercial, professional, or residential uses as provided in the B-2 Central Business District at the time of enactment of this amendment, shall be considered as grandfathered in regards to off-street parking requirements. For enlargements or significant structural alterations of existing structures, the required parking shall equal the number of spaces required by this section for the new use area, unless a Conditional Use Permit is granted by Town Council after recommendation from the Planning Commission for an exception ~~*or demolition as well as new construction, after enactment of this amendment, shall be grounds for grandfathered status to be lost.*~~

## ARTICLE XXI. SITE PLAN REVIEW

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**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.



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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.

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17. Overlot grading plan.

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.

(b) *Final site plans.* The final site plan or final plat shall comply with all laws, regulations, and ordinances governing the approval of subdivisions and in addition to all the requirements for preliminary site plans, shall ~~show~~ include the following:

1. All of the features required on the preliminary site plan with sufficiently accurate dimensions, construction specifications and computations to support the issuance of construction permits.

2. All existing and proposed water and sanitary sewer facilities indicating all pipe sizes, types and grades and where connection is to be made to the utility system.

3. Provisions for the adequate disposition of natural and storm water in accordance with the duly adopted design criteria and standards of the Town indicating the location, sizes, types and grades of ditches, catchbasins and pipes and connections to existing drainage system, and provision for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures which will be implemented during all phases of clearing, grading, and construction.

4. Existing topography with two-foot contour intervals or such intervals as approved by the Administrator. Where existing ground is on a slope of less than two percent, either one-foot contours or spot elevations where necessary, but not more than 50 feet apart in both directions.

5. Proposed finished grading by contours supplemented where necessary by spot elevations.

**Sec. 30-186. Procedures, administrative site plan review.**

(a) When these regulations require site plan review for certain uses for which Town Council action is not required, five copies of a preliminary site plan for any of the specified uses shall be submitted to the Administrator for review of the plans for compliance with these regulations and the requirements for preliminary site plans. The Administrator shall transmit said plans to such other staff and agencies as he may

consider necessary for the review. The applicant is advised to review his plans in general or sketch form with the Administrator prior to drafting for submittal.

(b) The Administrator shall examine the ~~proposed~~ preliminary site plan with respect to: the requirements of this chapter in effect upon the date of submittal~~,~~; ~~with respect to~~ the traffic and circulation patterns, internal and external~~,~~ and relation to major thoroughfares~~,~~; utilities, drainage and community facilities, existing or proposed~~,~~; surrounding development, existing or future~~,~~; considerations of topography, floodplains, ~~and~~ the natural environment, the preservation of trees or historic sites, provision for open space~~,~~; and in general with the objective of insuring a durable, harmonious, and appropriate use of the land in accord with the objectives of the Comprehensive Plan. The plans shall be returned to the applicant with relevant comments in accordance with Code of Virginia § 15.2-2259. The applicant is responsible for revising the site plan in a timely manner addressing all relevant comments to the satisfaction of the Town Manager, Town Engineer, and Zoning Administrator prior to approval. ~~Unless otherwise specified, approval~~ The Town's comments or commitments on a preliminary site plan that has not achieved final approval shall be valid for a period of ~~one year prior to issuance of building permits.~~ six months from the date that the comments are rendered for the Town's first review comments, four months from the date comments are rendered for the Town's second review comments, and two months from the date comments are rendered for the third and any subsequent review comments, unless extended for extenuating circumstances by the Administrator. Additionally, if the comments have not been addressed to the satisfaction of the Town Manager, Town Engineer, and Zoning Administrator and a final site plan approval rendered within two years from the date of preliminary site plan submission, the preliminary site plan shall be deemed to have been voluntarily withdrawn by the applicant. Any subsequent submission shall begin the review process anew and shall require compliance with the provisions of this chapter (and any other applicable laws and regulations) in effect at the time of subsequent submission.

(c) If specified conditions or comments are met in revised plans within the time periods specified and the plans meet the requirements of a final site plan, the ~~Administrator may~~ Town Manager shall approve the final site plan. The Town Manager may approve additional minor changes, if, in ~~the~~ his opinion ~~of the Administrator~~ such changes do not substantially affect the original ~~approval~~ submittal and comments or conditions attached thereto.

(d) In any case where the Town Manager or Administrator is of the opinion that a proposed project subject to administrative site plan review is of such scale and impact that a decision on the site plan should be reached only after a review by the Town Council or the Planning Commission, he may refer the plan to the Council or the Commission or both of them for an advisory recommendation.

(e) Nothing in this section shall be interpreted to permit a grant of a variance or exception to the regulations of this chapter or to abridge the procedures or requirements of the laws and ordinances governing the subdivision of land.

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(f) There shall be a charge for the examination and approval or disapproval of every site plan by the ~~Administrator~~ Town. At the time of filing the preliminary site plan, the developer or his agent shall deposit with the ~~Administrator~~ Town cash or checks payable to the Treasurer in the amount ~~of $250.00 plus an additional $50.00 per acre rounded up to the nearest whole acre.~~as set forth herein or as established in the latest edition of the town development fee schedule, which may be amended from time to time by town council.

(g) The Town may require as-built site plans if deemed necessary by the Town Engineer.

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**Sec. 30-190. Amendments and additions to site plans approved by the Town Council.**

The procedure for amendment of the boundaries of or the extent of land use for an approved Conditional Use Permit shall be the same as for a new application, except that minor amendments of an approved site plan and conditions attached to an approved Conditional Use Permit, or other site plan approved by the Town Council, may be approved by the Administrator, provided such change or amendment:

(a) Does not alter a recorded plat,

(b) Does not conflict with the specific requirements of this chapter,

(c) Does not change the general character or content of an approved development plan or use,

(d) Has no appreciable effect on adjoining or surrounding property,

(e) Does not result in any substantial change of major external access points,

(f) Does not increase the approved number of dwelling units or height of buildings, and

(g) Does not decrease the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces.

Amendments to conditions approved with conditional zoning are covered in Article I of this chapter.

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**Sec. 30-193. Approval and extension.**

Approval of a final site plan submitted under the provisions of this article shall expire after the date of such approval as set forth in the applicable provisions of the Code

of Virginia (1950), as amended from time to time, unless building permits have been obtained for construction in accordance therewith. A single one-year extension may be given upon written request by the applicant to the Administrator made within 90 days before the expiration of the approved site plan. The Administrator shall acknowledge the request and shall make a decision regarding the requested extension within 30 days after receipt of the request.

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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 _____, 2013 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

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