AN ORDINANCE AMENDING CHAPTER 42 "ZONING," SPECIFICALLY SECTIONS 42-625, 42-626, 42-630, AND 42-633 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, October 26, 2013, November 20, 2013 and November 27, 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, 2013 and December 3, 2013; and,

WHEREAS, Council deems proper so to do,

Be it ordained by the Council of the Town of Christiansburg, Virginia that Sections 42-625, 42-626, 42-630, and 42-633 of Chapter 42 "Zoning" of the *Christiansburg Town Code* be amended as follows:

ARTICLE XXI. SITE PLAN REVIEW

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Sec. 42-625. Requirements for site plans, content and form.

(a) *Preliminary site plans.* Site plans shall include proposals for developments or subdivisions including all covenants, grants or easements and other conditions relating to use, location and bulk of buildings, density of development, common open space, public facilities and such other information as required by the subdivision ordinance to which the proposed development or subdivision is subject. The preliminary site plans shall be clearly drawn to scale as specified below and shall show the following:

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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.

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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.

17. Overlot grading plan.

18. General Notes per the Town of Christiansburg Site Plan and Development Plan Check List.

19. Location and size of parking and loading spaces (including ADA compliant spaces with accessible route).

20. Location, height, and orientation of proposed outside lighting for parking areas.

21. Sidewalk location, including appropriate detail for sidewalk.

22. Inclusion of location for dumpster pad with screening, accompanied by appropriate detail.

23. A tabulation of the total area, impervious surfaces, greenspace, landscaping and tree required and provided per district regulations.

24. A tabulation of interior parking lot greenspace and trees required and provided for parking lots with 20 or more parking spaces.

25. Owner/Developer Certification Statement.

26. Responsible Land Disturber Certification Statement for Erosion and Sediment Control Plan, an agreement in lieu of an Erosion Sediment

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Control Plan, or a Land-Disturbing Permit. This individual shall be in charge of and responsible for the land disturbing activities for the project.

27. Town Manager Approval Block.

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 be based on good engineering judgment, signed and sealed ~~in accordance with Code of Virginia § 54.1-400 et seq,~~ by a Licensed Professional Engineer, Licensed Architect, Licensed Professional Land Surveyor or a Licensed Professional Landscape Architect and comply with all laws, regulations, and ordinances including, but not limited to, those 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 or preliminary development plan with sufficiently accurate dimensions, finished floor elevations, 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 shall be clearly shown on the plans and shall provide positive drainage away from all buildings and structures, and such drainage shall not be directed toward buildings or structures on adjacent properties. In addition, well organized calculations and documentation that support the design and ensure an adequate review shall be included with the final site plan or development plan. ~~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. All drainage system components and stormwater management systems, including the location, sizes, types and grades of ditches, inlets,

catchbasins, pipes and connections to existing and proposed drainage systems. Drainage system components shall be designed in accordance with the latest edition of the Virginia Department of Transportation Drainage Manual and in accordance with all instructional and informational memorandums. Stormwater management facilities and components shall be designed in accordance with the latest edition of the Department of Environmental Quality Stormwater Management Handbook.

5. Provisions to manage stormwater normally directed into inlets and pipes, when such inlets and pipes may be exceeded in capacity or restricted due to sediment buildup or some other blockage. As a result of inlets and pipes being unable to convey the design flow, the provisions shall include, but not be limited to; grading that minimizes flooding of buildings and structures in accordance with good engineering design practices as deemed acceptable by the Town Engineer.

6. Provision for the adequate control of erosion and sedimentation, indicating the proposed temporary and permanent control practices and measures that will be implemented during all phases of clearing, grading and construction.

~~4.~~ 7. 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.~~ 8. Proposed finished grading by contours supplemented where necessary by spot elevations.

Sec. 42-626. Procedures, administrative site plan review.

(a) When these regulations require site plan review for certain uses for which Town Council action is not required, 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, or Zoning Administrator prior to approval. ~~Unless otherwise specified approval shall be valid for a period of one year prior to the issuance of building permits~~. ~~Final site plan approval shall be valid for the minimum time provided for Code of Virginia §15.2-2261.~~ The Town's comments or commitments on a preliminary site plan that has not achieved final approval shall be valid for a period of 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 a period of 15 days due to extenuating circumstances by the Administrator, not to exceed 30 days. 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 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.

(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 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.

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(g) The Town ~~may~~ shall require as-built ~~site~~ plans ~~if deemed necessary by the Town Engineer~~ of public improvements, including geotechnical investigations. As-built plans may be required for other site improvements as deemed necessary by the Town.

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Sec. 42-630. Amendments and additions to site plans approved by the Town Council.

(a) 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:

1. Does not alter a recorded plat,
2. Does not conflict with the specific requirements of this chapter,
3. Does not change the general character or content of an approved development plan or use,
4. Has no appreciable effect on adjoining or surrounding property,
5. Does not result in any substantial change of major external access points,
6. Does not increase the approved number of dwelling units or height of buildings, and
7. Does not decrease the minimum specified yards and open spaces or minimum or maximum specified parking and loading spaces.

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

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Sec. 42-633. Approval and extension.

Final approval of a site plan submitted under the provisions of this article shall expire in accordance with the minimum time provided for in Code of Virginia, § 15.2-2261. 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.

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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