

**AN ORDINANCE TO AMEND CHAPTER 42 – ZONING, ARTICLE I. – IN
GENERAL, SECTION 42-1 DEFINITIONS; ARTICLE XI. – CENTRAL
BUSINESS DISTRICT B-2, SECTION 42-305 PERMITTED USES; ARTICLE XII.
– GENERAL BUSINESS DISTRICT B-3, SECTION 42-336 PERMITTED USES;
AND ADD SECTION 42-341 PLANNED COMMERCIAL DEVELOPMENTS**

WHEREAS, notice of a public hearing before the Christiansburg Planning Commission concerning this ordinance was published two consecutive weeks (May 4, 2019 and May 11, 2019) 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 was held May 20, 2019 and resulted in a recommendation by the Planning Commission that the following proposed zoning ordinance amendment be adopted; and,

WHEREAS, notice of the public hearing before the Town Council concerning this ordinance was published two consecutive weeks (May 29, 2019 and June 5, 2019) in The News Messenger, a newspaper published in and having general circulation in the Town of Christiansburg; and,

WHEREAS, the Town Council's public hearing was held June 11, 2019; and,

WHEREAS, Town Council has considered the following amendment to the Town's Zoning Ordinance and found that the public necessity, convenience, and good zoning practices deem it proper to do so;

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Christiansburg, Virginia, that Chapter 42 – “Zoning,” Article I – “In General,” Section 42-1 – “Definitions”; Article XI – “Central Business District B-2” Section 42-305 – “Permitted Uses”; Article XII – “General Business District B-3” Section 42-336 – “Permitted Uses” and Section 42-341 – “Planned Commercial Developments” of the *Christiansburg Town Code* be amended or added as follows:

Chapter 42 – ZONING

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ARTICLE I. – IN GENERAL

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Sec. 42-1. – Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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Art gallery means an establishment engaged in the sale, loan, or display of art books, paintings, sculpture, or other works of art.

Art studio means an establishment for the production, display, and sale of individually crafted artwork, jewelry, furniture, sculpture, pottery, art photography, leather craft, hand-woven articles, and related items. Such space is primarily a working studio where such artist, artisan, or craftsperson may display and sell work, but such establishment may also include the teaching of classes in the applicable fine art or craft, including those associated with vocal or instrumental music, acting, and writing.

* * *

Leisure and enrichment service means an establishment providing structured or semi-structured programming, instruction, or activities for artistic, cultural, social, educational, or similar enrichment purposes. Uses may include but are not limited to puzzle rooms, science museums, and children's museums. The use shall be separate and distinguished from public billiard parlors and poolrooms, game rooms (including coin-operated and similar arcade gaming devices), bowling alleys, skating rinks, indoor and outdoor shooting ranges, paintball courses and similar forms of public amusement provided elsewhere in this chapter.

* * *

Microbrewery means an establishment engaged in the production, bottling, packaging, and sale of beer, and/or other malt beverages, and/or hard cider. The establishment shall contain an on-site production facility and a retail component (such as a tasting room). On or off-premise sales and distribution are permitted.

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ARTICLE XI. – CENTRAL BUSINESS DISTRICT B-2

Sec. 42-305. – Permitted uses.

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(14) Public buildings to consist of fire, police and rescue squad stations, schools, recreational facilities, and libraries, museums and art galleries. Private buildings to consist of schools, recreational facilities, and libraries, museums and art galleries, with a conditional use permit.

* * *

(44) Leisure and enrichment service.

(45) Microbrewery with capacity not to exceed 5,000 barrels per year.

(46) Museums, art galleries and art studios.

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ARTICLE XII. – GENERAL BUSINESS DISTRICT B-3

Sec. 42-336. – Permitted uses.

(1) Any principal use permitted in the R-3 Multiple-Family Residential District, with a conditional use permit, except that uses permitted as conditional uses in the R-3 District, but permitted as of right in the B-3 District, shall not require a conditional use permit. Dwellings are subject to the same requirements as in the R-3 District, except that a single-family dwelling in association with a permitted office, business or commercial use, in the same building or on the same premises for use by the proprietor or an employee of said business shall be permitted, but not subject to said requirements, including a family and one unrelated individual per unit; and for multifamily dwellings, the density of development shall not exceed the ratio of 20 dwelling units per gross acre. Residential development as part of a planned commercial development shall be subject to the requirements of section 42-341.

* * *

(14) Public buildings to consist of fire, police and rescue squad stations, schools, recreational facilities, and libraries, ~~museums and art galleries~~. Private buildings to consist of schools, recreational facilities, and libraries, ~~museums and art galleries~~, with a conditional use permit.

* * *

(61) Leisure and enrichment service.

(62) Microbrewery with capacity not to exceed 10,000 barrels per year.

(63) Microbrewery with capacity between 10,001 and 15,000 barrels per year, with a conditional use permit.

(64) Museums, art galleries and art studios.

(65) Planned commercial developments, subject to the requirements of section 42-341, with a conditional use permit.

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Sec. 42-341. – Planned commercial developments.

A. Purpose

Planned Commercial Developments (PCDs) are intended to provide for flexibility in the planning of certain tracts of land through the modification of certain development standards. PCDs are generally characterized by a unified or planned clustering of commercial or mixed use development served by common parking areas with shared

means of ingress and egress. PCDs allow for a mixing of commercial and residential uses but are not intended to be a tool to enable primarily residential development. PCDs are not intended to be a means to lessen development standards as would otherwise be required without providing for increased amenities, safety, and other public and private benefits. These developments should be designed to mitigate potential increases in traffic congestion through enhanced pedestrian access between uses within the PCD and to encourage best management practices for site development regarding but not limited to stormwater management and other impacts to adjacent property, including light and noise nuisances.

B. In order to encourage improved design, variety in uses and site layout, a master plan and proposed development standards shall be submitted for consideration of a planned commercial development, together with a subdivision plan, if required by this chapter or chapter 40, and such other descriptive material or conditions of development as may be necessary to fully determine the development, even though such development does not comply in all respects to the development standards of the B-3 General Business District, provided:

1. No development shall be commenced until a master plan and conditional use permit have been approved by the Town Council.
2. Before any permit shall be issued for the erection of a permanent building in a proposed planned commercial development, final site plan approval shall be required in accordance with Article XXI.
3. The maximum ratio of residential development square footage to the square footage of the overall development shall be provided as a condition of development. The applicant shall demonstrate on the master plan that an adequate balance between residential and non-residential uses shall be maintained during the period of construction/development.
4. For residential uses within a planned commercial development, the dwelling unit density shall not exceed 30 dwelling units per gross acre.
5. Required off-street parking may be decreased by no more than 20 percent. Any credit towards reduction of off-street parking requirements allowed elsewhere within this chapter shall be counted towards any reduction allowance set forth herein.
6. 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 B-3 General Business District.
7. The total development area, whether existing as a single parcel or multiple adjacent parcels is at least 10 acres and 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 B-3 General Business District, will not adversely affect existing and future development in the surrounding area.

8. Materials submitted, drawings, descriptions, development standards, and the like are sufficiently detailed to ensure compliance with the purpose of this section.
9. 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, heights, 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.
10. Provisions shall be made to ensure that private common areas of the development shall be maintained in a satisfactory manner without incurring public expense.

C. Procedures and general standards for approval of an application under this section shall be the same as those for a conditional use permit as provided for in Article I of this chapter.

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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 June 25, 2019, 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:

<u>MEMBER</u>	<u>AYE</u>	<u>NAY</u>	<u>ABSTAIN</u>	<u>ABSENT</u>
Samuel M. Bishop	X			
Harry Collins	X			
Steve Huppert	X			
Merissa Sachs	X			
Henry Showalter	X			
Bradford J. Stipes	X			
Mayor D. Michael Barber*				

*Votes only in the event of a tie.

D. Michael Barber

D. Michael Barber, Mayor

Michele M. Stipes

Michele M. Stipes, Town Clerk