



Planning Department Memo

Topic: Description of potential code change regarding structural projections

Date: October 30, 2020

Background

Based upon discussions from the development community regarding the interpretation of encroachments into required setbacks, Town Council directed the Planning Commission to review potential amendments to Chapter 42, "Zoning" of the Christiansburg Town Code for the purpose of clarifying the allowance of structural projections such as awnings, canopies, roof eaves, windows, porches and decks into minimum required yards.

Staff drafted proposed code amendments this past spring and the Planning Commission's Development Subcommittee reviewed and modified the proposed changes this summer. The full Planning Commission reviewed the changes and are supportive of moving forward and seeking public comment from citizens and the development community. The Planning Commission public hearing is scheduled for Monday, November 16, 2020 at 7PM and the Town Council public hearing is scheduled for Tuesday, December 8, 2020 at 7PM.

Proposed Changes

The attached draft code language would set parameters for the projection of structural features into required yards. The language is applicable to both lots conforming to minimum yard requirements of the Zoning Ordinance as well as lots with nonconforming yards that were legally established (i.e. a home was constructed prior to the yard requirements of the Zoning Ordinance or the yard requirements have changed since construction).

The draft code language aims to accomplish the following:

- Establish the distance roof features (eaves, gutters) and architectural features (bay windows, chimneys, fireplaces) may project into any yard and requiring a minimum yard width to remain.
- Establish the distance awnings, canopies, porches, and decks may project from the existing building face and requiring a minimum yard width to remain.
- Allow for a three-foot overhang over an entryway.
- Provide clear and distinct definitions for awning, canopy, deck, eave, and porch.
- Maintain buffers between varying zoning districts and uses as required by the Zoning Ordinance.

- Ensure consistency within the Zoning Ordinance regarding the allowance of structural projections.

The changes proposed to the Zoning Ordinance include an addition of a new code section and definitions clarifying the allowance of certain structural projections into minimum required yards. Also, the draft code amendment includes updates to existing code sections in order to ensure consistency across the entirety of the Zoning Ordinance.

AN ORDINANCE AMENDING CHAPTER 42 “ZONING” OF THE CHRISTIANSBURG TOWN CODE FOR THE PURPOSE OF CLARIFYING THE ALLOWANCE OF STRUCTURAL PROJECTIONS SUCH AS AWNINGS, CANOPIES, ROOF EAVES, GUTTERS, ARCHITECTURAL FEATURES, PORCHES, AND DECKS INTO MINIMUM REQUIRED YARDS

WHEREAS, notice of a public hearing before the Christiansburg Planning Commission concerning this ordinance was published two consecutive weeks (October 31, 2020 and November 7, 2020) in The News Messenger, a newspaper published in and having general circulation in the Town of Christiansburg; and,

WHEREAS, the a public hearing of the Planning Commission was held November 16, 2020 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 (November 25, 2020 and December 2, 2020) in The News Messenger, a newspaper published in and having general circulation in the Town of Christiansburg; and,

WHEREAS, Town Council held a public hearing on December 8, 2020 to receive public comments and suggestions and considered the public’s comments and suggestions;

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 HEREBY ORDAINED by the Council of the Town of Christiansburg that Chapter 42, “Zoning” is hereby amended and reenacted 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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Awning means a permanent roof like structure that projects from the wall of a building, covered with any material designed and intended for protection from the weather or as a decorative embellishment including those types which can be retracted, folded, or collapsed against the face of the supporting building.

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Canopy means a structure made of permanent construction without pillars or posts, which is totally or partially attached to a building for the purpose of providing shelter to patrons or motor vehicles, or as a decorative feature on a building wall. A canopy is not a completely enclosed structure and cannot be raised or retracted.

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Deck means a structure with an elevated floor and no solid roof usually attached to or part of and with direct access to or from, a building.

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Eave means the underside of the projection of a roof beyond the outer wall of a building.

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Porch means a roofed open area usually attached to or part of and with direct access to or from a building.

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Structure, permanent, means a structure, the use of which requires permanent location on the ground or attachment to something having a permanent location on the ground, including dwellings, buildings, signs, etc.; except for fences (see the definition of "fence" in this section). For purposes of setback requirements, bus stop shelters may not be classified as a structure under this definition. For allowable projections from structures, see section 42.15

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Yard, front, means an open unoccupied space, excluding steps and as otherwise provided in this chapter, on the same lot as a building between the front line of the building, ~~excluding steps,~~ and the front lot or street line and extending across the full width of the lot.

Yard, rear, means an open, unoccupied space, excluding steps and as otherwise provided in this chapter, on the same lot as a building between the rear line of the building, ~~excluding steps,~~ and the rear line of the lot and extending the full width of the lot.

Yard, side, means an open, unoccupied space, excluding steps and as otherwise provided in this chapter, on the same lot as a building between the sideline of the building, ~~excluding steps~~, and the sideline of the lot and extending from the front yard line to the rear yard line.

(Code 1972, § 30-1; Code 1992, § 30-1; Ord. of 6-20-1989; Ord. of 4-3-1990; Ord. of 10-16-1990; Ord. of 7-2-1991; Ord. of 9-1-1992; Ord. of 6-15-1993; Ord. of 9-5-1995; Ord. of 12-17-1996, art. I; Ord. of 6-2-1998; Ord. of 4-20-1999; Ord. of 12-7-1999; Ord. No. 2000-2, 4-18-2000; Ord. No. 2001-2, 5-15-2001; Ord. No. 2002-2, 3-5-2002; Ord. No. 2003-6, 8-5-2003; Ord. No. 2004-4, 9-7-2004; Ord. No. 2007-1, 4-3-2007; Ord. No. 2008-6, 12-2-2008; Ord. No. 2010-8, 12-21-2010; Ord. No. 2012-6, § 30-1, 6-19-2012; Ord. No. 2012-10, § 30-1, 11-20-2012; Ord. No. 2014-04, 7-22-2014; Ord. No. 2015-1, 4-28-2015; Ord. No. 2016-5, 8-23-2016; Ord. No. 2017-7, 9-12-2017; Ord. No. 2017-9, 10-24-2017; Ord. No. 2018-2, 3-27-2018; Ord. No. 2018-5, 9-11-2018; Ord. No. 2019-3, 1-22-2019; Ord. No. 2019-4, 3-12-2019; Ord. No. 2019-5, 3-12-2019; Ord. No. 2019-6, 6-25-2019)

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Sec. 42-15. - Permitted structural projections into required yards.

(a) For any yard, including front yards, either as required by this chapter or as currently existing and legally established on a lot, the following structural projections shall be permitted, provided applicable sight distance and fire safety requirements are met and maintained and provided no part of the structure is located within any easement or right-of-way:

1. Awnings or canopies projecting no more than eight (8) feet from the building face, provided such projection does not reduce the side yard to less than five (5) feet or front or rear yard to less than ten (10) feet.
2. Overhanging eaves or gutters projecting no more than three (3) feet from the building face, provided such projection does not reduce the side yard to less than three (3) feet or front or rear yard to less than ten (10) feet.
3. Architectural features such as bay windows, chimneys, fireplaces, or the like projecting no more than three (3) feet from the building face, provided such projection does not reduce the side yard to less than five (5) feet or front or rear yard to less than ten (10) feet.
4. Decks projecting no more than ten (10) feet from the front building face, provided such projection does not reduce the front yard to less than ten (10) feet. Decks projecting into a side or rear yard provided such projection does not reduce the width of a rear or side yard to less than three (3) feet.
5. Porches projecting no more than ten (10) feet from the building face, provided such projection does not reduce the width of a side yard to less than five (5) feet or front or rear yard to less than ten (10) feet.
6. Protective coverings or overhangs over a doorway projecting no more than three (3) feet from the existing building face.

- (b) Limits set forth in this section for maximum structural projection from an existing building face shall not apply if minimum yard requirements are met by the entire structure, including the projection.
- (c) For lots with street frontage along more than one public street, any yard adjoining a public street right-of-way shall adhere to the front yard requirements set forth in section 42-15(a).
- (d) In business and industrial districts, structural projections other than overhanging eaves and gutters shall not be permitted into yards adjoining residential districts as required by this Chapter.

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ARTICLE II. – AGRICULTURAL DISTRICT A

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Sec. 42-35. – Setback.

Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width, or, in the event that buildings are already constructed on the same side of the street in the same block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. Parking lots shall have a minimum setback of 15 feet from any street right-of-way. The keeping of swine or goats shall require a minimum setback of 100 feet from all zoning district boundary lines other than the A Agricultural, I-1 Limited Industrial or I-2 General Industrial Districts.

(Code 1972, § 30-17; Code 1992, § 30-17; Ord. No. 2002-2, 3-5-2002)

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Sec. 42-37. – Yards.

- a) The minimum side yard for each main structure shall be a minimum of 25 feet or side lot line easement width, whichever is greater.
- b) Each main structure shall have a rear yard of 50 feet or more.
- c) Accessory structures shall have a side and rear yard of three feet or more.
- d) Handicap ramps shall be allowed to encroach in all yards if the following criteria are met:

1. The encroachment by the ramp must be the minimum necessary to accomplish safe access;
 2. The ramp must meet the current edition of the Virginia Uniform Statewide Building Code and the Town of Christiansburg Code; and
 3. The minimum size of a building entry landing associated with the ramp shall meet Virginia Uniform Statewide Building Code requirements. The maximum building entry landing size shall be six feet by six feet.
- e) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

(Code 1972, § 30-19; Code 1992, § 30-19; Ord. of 6-20-1989; Ord. No. 2007-1, 4-3-2007; Ord. No. 2012-6, § 30-19, 6-19-2012; Ord. No. 2015-1, 4-28-2015)

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Sec. 42-39. – Corner lots.

The following special provisions shall apply to corner lots:

1. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.
2. The side yard on the side facing the side street shall be 35 feet or more for both main and accessory buildings, except as otherwise provided in this chapter.

(Code 1972, § 30-21; Code 1992, § 30-21)

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ARTICLE III. – RURAL RESIDENTIAL DISTRICT R-1A

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Sec. 42-70. – Setback.

Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width, or, in the event that buildings are already constructed on the same side of the street in the same block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. Parking lots shall have a minimum setback of 15 feet from any street right-of-way.

(Code 1972, § 30-25; Code 1992, § 30-25; Ord. No. 2002-2, 3-5-2002)

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Sec. 42-72. – Yards

- a) The minimum side yard for each main structure shall be a minimum of 15 feet or side lot line easement width whichever is greater.
- b) Each main structure shall have a rear yard of 40 feet or more.
- c) Accessory structures shall have a side and rear yard of three feet or more.
- d) Sidewalks and curb and gutter shall be required on both sides of the public streets for all new streets. In lieu of sidewalks and curb and gutter, an owner or developer shall provide a paved multi-use trail a minimum of ten feet in width connecting to the street right-of-way adjoining other properties and to each lot within the development by a hard surface connection.
- e) Handicap ramps shall be allowed to encroach in all yards if the following criteria are met:
 - 1. The encroachment by the ramp must be the minimum necessary to accomplish safe access;
 - 2. The ramp must meet the current edition of the Virginia Uniform Statewide Building Code and the Town of Christiansburg Code; and
 - 3. The minimum size of a building entry landing associated with the ramp shall meet Virginia Uniform Statewide Building Code requirements. The maximum building entry landing size shall be six feet by six feet.
- f) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

(Code 1972, § 30-27; Code 1992, § 30-27; Ord. of 6-20-1989; Ord. No. 2007-1, 4-3-2007; Ord. No. 2010-9, 12-21-2010; Ord. No. 2012-6, § 30-27, 6-19-2012; Ord. No. 2015-1, 4-28-2015)

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Sec. 42-74. – Corner lots

- 1. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.
- 2. The side yard on the side facing the side street shall be 35 feet or more for both main and accessory buildings, except as otherwise provided in this chapter.
- 3. For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum width at the setback line and the street line measured to the Pi of a radius where a radius exists of 125 feet.

(Code 1972, § 30-29; Code 1992, § 30-29)

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ARTICLE IV. – SINGLE-FAMILY RESIDENTIAL DISTRICT R-1

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Sec. 42-95. – Setback.

Structures shall be located 35 feet or more from any street right-of-way which is 50 feet or greater in width, or, in the event that buildings are already constructed on the same side of the street in the same block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. Parking lots shall have a minimum setback of 15 feet from any street right-of-way.

(Code 1972, § 30-33; Code 1992, § 30-33; Ord. No. 2002-2, 3-5-2002)

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Sec. 42-97. – Yards.

- a) The minimum side yard for each main structure shall be a minimum of 10 feet or side lot line easement width whichever is greater.
- b) Each main structure shall have a rear yard of 35 feet or more.
- c) Accessory structures shall have a side and rear yard of three feet or more.
- d) Sidewalks and curb and gutter shall be required on both sides of the public streets for all new streets. In lieu of sidewalks and curb and gutter, an owner or developer shall provide a paved multi-use trail a minimum of ten feet in width connecting to the street right-of-way adjoining other properties and to each lot within the development by a hard surface connection.
- e) Handicap ramps shall be allowed to encroach in all yards if the following criteria are met:
 1. The encroachment by the ramp must be the minimum necessary to accomplish safe access;
 2. The ramp must meet the current edition of the Virginia Uniform Statewide Building Code and the Town of Christiansburg Code; and
 3. The minimum size of a building entry landing associated with the ramp shall meet Virginia Uniform Statewide Building Code requirements. The maximum building entry landing size shall be six feet by six feet.
- f) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

(Code 1972, § 30-35; Code 1992, § 30-35; Ord. of 6-20-1989; Ord. No. 2007-1, 4-3-2007; Ord. No. 2010-9, 12-21-2010; Ord. No. 2012-6, § 30-35, 6-19-2012; Ord. No. 2015-1, 4-28-2015)

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Sec. 42-99. – Corner lots.

1. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.
2. The side yard on the side facing the side street shall be 35 feet or more for both main and accessory buildings, except as otherwise provided in this chapter.
3. For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum width at the setback line and the street line measured to the Pi of a radius where a radius exists of 125 feet.

(Code 1972, § 30-36; Code 1992, § 30-36; Ord. of 12-17-1991(2))

ARTICLE V. – TWO-FAMILY RESIDENTIAL DISTRICT R-2

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Sec. 42-130. Setback.

Structures shall be located 30 feet or more from any street right-of-way, or, in the event that buildings are already constructed on the same side of the street in the same block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. Parking lots shall have a minimum setback of 15 feet from any street right-of-way.

(Code 1972, § 30-41; Code 1992, § 30-41; Ord. No. 2002-2, 3-5-2002)

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Sec. 42-132. – Yards.

- a) The minimum side yard for each main structure shall be a minimum of 10 feet or side lot line easement width whichever is greater.
- b) Each main structure shall have a rear yard of 25 feet or more.
- c) Accessory structures shall have a side and rear yard of three feet or more.
- d) The front yard shall contain a minimum of 20 percent greenspace or landscaped area. For duplexes for individual sale, the greenspace or landscaped area in the front yard shall be maintained at a ratio of 20 percent for each dwelling unit on each lot. For this purpose, corner lots shall be deemed to contain a minimum of 20 percent greenspace or landscaped area in each yard fronting a public street.
- e) Sidewalks and curb and gutter shall be required on both sides of the public streets for all new streets. In lieu of sidewalks and curb and gutter, an owner or developer shall provide a paved multi-use trail a minimum of ten feet in width connecting to the street right-of-way adjoining other properties and to each lot within the development by a hard surface connection.

- f) Handicap ramps shall be allowed to encroach in all yards if the following criteria are met:
 - 1. The encroachment by the ramp must be the minimum necessary to accomplish safe access;
 - 2. The ramp must meet the current edition of the Virginia Uniform Statewide Building Code and the Town of Christiansburg Code; and
 - 3. The minimum size of a building entry landing associated with the ramp shall meet Virginia Uniform Statewide Building Code requirements. The maximum building entry landing size shall be six feet by six feet.
- g) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

(Code 1972, § 30-43; Code 1992, § 30-43; Ord. of 6-20-1989; Ord. No. 2002-2, 3-5-2002; Ord. No. 2007-1, 4-3-2007; Ord. No. 2010-9, 12-21-2010; Ord. No. 2012-6, § 30-43, 6-19-2012; Ord. No. 2015-1, 4-28-2015)

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Sec. 42-134. – Corner lots.

- 1. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.
- 2. The side yard on the side facing the side street shall be 30 feet or more for both main and accessory buildings, except as otherwise provided in this chapter.
- 3. For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum width at the setback line and the street line measured to the Pi of a radius where a radius exists of 125 feet.

(Code 1972, § 30-45; Code 1992, § 30-45; Ord. of 11-20-1987, § (a))

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ARTICLE VI. – MULTIPLE-FAMILY RESIDENTIAL DISTRICT R-3

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Sec. 42-157. – Setback.

Structures shall be located 30 feet or more from any street right-of-way, or, in the event that buildings are already constructed on the same side of the street in the block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. Parking lots shall have a minimum setback of 15 feet from any street right-of-way.

(Code 1972, § 30-50; Code 1992, § 30-50; Ord. No. 2002-2, 3-5-2002)

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Sec. 42-159. – Yards

- a) The minimum side yard for each main structure shall be a minimum of 10 feet or side lot line easement width whichever is greater.
- b) Each main structure shall have a rear yard of 20 feet or more.
- c) Accessory structures shall have a side and rear yard of three feet or more.
- d) The front yard shall contain a minimum of 20 percent greenspace or landscaped area. For duplexes for individual sale, the greenspace or landscaped area in the front yard shall be maintained at a ratio of 20 percent for each dwelling unit on each lot. For this purpose, corner lots shall be deemed to contain a minimum of 20 percent greenspace or landscaped area in each yard fronting a public street.
- e) Sidewalks and curb and gutter shall be required on both sides of the public streets for all new streets and for all multifamily residential development. In lieu of sidewalks and curb and gutter, an owner or developer shall provide a paved multi-use trail a minimum of ten feet in width connecting to the street right-of-way adjoining other properties and to each lot within the development for single-family, duplex or townhouse development or at least the length of the total street frontage connecting to the right-of-way adjoining other properties and to each apartment or condominium unit within the development by a hard surface connection.
- f) Handicap ramps shall be allowed to encroach in all yards if the following criteria are met:
 1. The encroachment by the ramp must be the minimum necessary to accomplish safe access;
 2. The ramp must meet the current edition of the Virginia Uniform Statewide Building Code and the Town of Christiansburg Code; and
 3. The minimum size of a building entry landing associated with the ramp shall meet Virginia Uniform Statewide Building Code requirements. The maximum building entry landing size shall be six feet by six feet.
- g) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

(Code 1972, § 30-52; Code 1992, § 30-52; Ord. of 6-20-1989; Ord. No. 2002-2, 3-5-2002; Ord. No. 2007-1, 4-3-2007; Ord. No. 2010-9, 12-21-2010; Ord. No. 2012-6, § 30-52, 6-19-2012; Ord. No. 2015-1, 4-28-2015)

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Sec. 42-161. – Corner lots.

1. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.

2. The side yard on the side facing the side street shall be 30 feet or more for both main and accessory buildings, ~~except as otherwise provided in this chapter.~~
3. For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum width at the setback line and the street line measured to the Pi of a radius where a radius exists of 125 feet.

(Code 1972, § 30-54; Code 1992, § 30-54; Ord. of 11-20-1987, § (a))

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Sec. 42-163. – Development standards for apartments.

- a) The development, or project, shall be designed to promote harmonious relationships with surrounding adjacent and nearby developed properties, particularly in larger developments, or projects where more than one building is involved, and to this end may employ such design techniques as may be appropriate to a particular case, including use of building types, orientation, spacing and setback of buildings, careful use of topography, maintenance of natural vegetation, location of access points, recreation areas, open spaces and parking areas, grading, landscaping and screening.
- b) No apartment building shall contain more than 12 dwelling units and no more than three apartment buildings shall be contiguous.
- c) No apartment building shall be located closer than 15 feet from a private drive, access road or open common parking area, whether oriented to the front, sides or rear of the buildings, except that parking areas may be located within five feet and private drives may be located within ten feet of any blank or windowless wall.
- d) More than one apartment building may be located on the lot, provided a minimum distance of 25 feet shall separate any two buildings, or groups of apartment buildings, from any other abutting use or building type.
- e) At least 400 square feet of commonly usable open space shall be provided for each dwelling unit. Such space shall be of such location and dimensions as to provide for outdoor living, patios, pools, lawns, play areas, walks, wooded areas and the like, but not including driveways and parking areas.
- f) Where community refuse containers are provided as accessory uses to apartment developments, such containers shall be conveniently located for pickup vehicle access and completely screened from view by means of a fence or wall with outside landscaping and an appropriately designed gate which can be latched open and closed.
- g) Each apartment dwelling unit shall contain at least 600 square feet of livable floor area, exclusive of garages, carports, cellars, basements, attics, open porches, patios or breezeways, except that up to ten percent of the units may be constructed with less floor area than this minimum.
- h) Apartment development requiring ingress and egress to a public street shall meet all the requirements of the town subdivision ordinance.
- i) Parking lots shall have a minimum setback of 15 feet from any street right-of-way.

- j) Structural projections into minimum required yards shall be permitted in accordance with section 42-15, provided all other requirements of this section are met.

(Code 1972, § 30-56; Code 1992, § 30-56; Ord. of 6-20-1989; Ord. No. 2002-2, 3-5-2002)

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ARTICLE VII. – RESIDENTIAL MANUFACTURED HOME SUBDIVISION DISTRICT R-MS

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Sec. 42-185. - Setback

Structures shall be located 30 feet or more from any street right-of-way which is 50 feet or greater in width, or, in the event that buildings are already constructed on the same side of the street in the same block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. Parking lots shall have a minimum setback of 15 feet from any street right-of-way.

(Code 1972, § 30-61; Code 1992, § 30-61; Ord. No. 2002-2, 3-5-2002)

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Sec. 42-187. – Yards.

- a) The minimum side yard for each main structure shall be a minimum of 10 feet or side lot line easement width whichever is greater.
- b) Each main structure shall have a rear yard of 35 feet or more.
- c) Accessory structures shall have a side and rear yard of three feet or more.
- d) Sidewalks and curb and gutter shall be required on both sides of the public streets for all new streets and for all multifamily residential development. In lieu of sidewalks and curb and gutter, an owner or developer shall provide a paved multi-use trail a minimum of ten feet in width connecting to the street right-of-way adjoining other properties and to each lot within the development by a hard surface connection.
- e) Handicap ramps shall be allowed to encroach in all yards if the following criteria are met:
 - 1. The encroachment by the ramp must be the minimum necessary to accomplish safe access;
 - 2. The ramp must meet the current edition of the Virginia Uniform Statewide Building Code and the Town of Christiansburg Code; and

- 3. The minimum size of a building entry landing associated with the ramp shall meet Virginia Uniform Statewide Building Code requirements. The maximum building entry landing size shall be six feet by six feet.
- f) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

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Sec. 42-189. – Corner Lots.

- 1. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.
- 2. The side yard on the side facing the side street shall be 30 feet or more for both main and accessory buildings, except as otherwise provided in this chapter.
- 3. For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum width at the setback line and the street line measured to the Pi of a radius where a radius exists of 125 feet.

(Code 1972, § 30-65; Code 1992, § 30-65; Ord. of 11-20-1987, § (a))

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

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Sec. 42-221. – Setback.

Structures, temporary or permanent, shall be located 30 feet or more from any street right-of-way, or, in the event that buildings are already constructed on the same side of the street in the block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. The minimum building setback from any common area shall be ten feet. Parking lots shall have a minimum setback of 15 feet from any street right-of-way. Restaurant outdoor dining areas shall have a minimum setback of 15 feet from any street right-of-way.

(Code 1992, § 30-70; Ord. No. 2004-4, 9-7-2004; Ord. No. 2007-1, 4-3-2007)

* * *

Sec. 42-222. Frontage and yards.

- a) The minimum lot width at the setback line and street line shall be 80 feet for a single-family dwelling, 100 feet for a two-family dwelling, and 125 feet for a multiple-family dwelling. Commercial uses have no minimum width.
- b) All residential structures in this district shall be located on the lot with the front of the structure facing the front lot line. Where permitted, multiple buildings on a single lot may be arranged in accord with approved site plans.
- c) Commercial lots need not abut or adjoin a public street right-of-way, provided vehicular or pedestrian access is provided to a public street right-of-way through a perpetual unobstructed paved easement or parking area of at least 30 feet in width for vehicular access or ten feet in width for pedestrian access. Other access designs may be approved by the administrator with consideration being given to overall site conditions and traffic patterns in keeping with article XXI, Site Plan Review.
- d) The minimum side yard for each residential structure shall be a minimum of ten feet or side lot line easement width, whichever is greater.
- e) Each structure shall have a rear yard of 20 feet or more.
- f) The minimum side yard for each main structure shall be a minimum of ten feet. The side yard of corner lots shall be 30 feet or more.
- g) Single-family residences shall have a setback of a minimum of ten feet from any residential district. Main structures other than single-family residences shall have a setback of a minimum of 20 feet from any residential district.
- h) Accessory structures shall have a side and rear yard of three feet or more.
- i) Lots need not abut or adjoin a public street right-of-way, provided vehicular or pedestrian access is provided to a public street right-of-way through a perpetual unobstructed paved easement or parking area of at least 30 feet in width for vehicular access or ten feet in width for pedestrian access. Other access designs may be approved by the administrator with consideration being given to overall site conditions and traffic patterns in keeping with article XXI, Site Plan Review.
- j) If a development includes common areas in addition to the individual lots, the common areas shall be maintained by, and be the sole responsibility of, the developer-owner of the development until such time as the developer-owner conveys such common area to a nonprofit corporate owner whose members shall be all of the individual owners of the individual lots in the development. Said land shall be conveyed to, and be held by, said nonprofit corporate owner solely for the benefit of the owners of the individual lots in the development. In the event of such conveyance by the developer-owner to a nonprofit corporate owner, deed restrictions and covenants shall provide, among other things, that any assessments, charges for cost of maintenance of such common areas shall constitute a pro rata lien upon the individual lots. Maintenance to exteriors, lawns, special lighting and drainage shall be provided in a manner so as to discharge any responsibility for the town.
- k) Whenever any development containing common area is proposed by a developer, and before any permit for the erection of structures shall be granted, the developer, or his agent, shall apply, in writing, to the agent for the approval of the plat and submit three copies of the plat, including the lot, street and utilities layout to a scale of not less than

one inch equals 50 feet. No lots shall be sold until a final plat for the development shall have been approved by council and recorded in the office of the clerk of the county within 60 days after notification of final approval by the agent; otherwise, the approval shall become invalid.

- l) Provisions shall be made to ensure that nonpublic areas for the common use of occupants shall be maintained without expense to the town.
- m) No business or commercial building or structure, temporary or permanent, shall be located closer than 20 feet to the boundary of a residential district or located within any easement or right-of-way. Residential development shall comply with all frontage, lot, yards and development standards for similar development in the R-3 Multiple-Family Residential District, unless such residence is part of the business building or structure.
- n) The front yard shall contain a minimum of 20 percent greenspace or landscaped area with no more than 50 percent of the greenspace in grass alone. The greenspace shall contain trees with a minimum height, at time of planting, of six feet or more at the ratio of one tree per 400 square feet or less of greenspace area. Such greenspace is to be distributed uniformly around the perimeter of the site or distributed throughout the parking and pedestrian areas. For duplexes for individual sale, the greenspace or landscaped area in the front yard shall be maintained at a ratio of 20 percent for each dwelling unit on each lot. For this purpose, corner lots shall be deemed to contain a minimum of 20 percent greenspace or landscaped area in each yard fronting a public street.
- o) A landscaping plan with all areas drawn to scale shall be submitted as part of the site plan.
- p) Preservation of existing trees is encouraged and shall be credited toward the landscaping requirement.
- q) Sidewalks shall be required for all new development. Sidewalks shall be required whenever a new principal building is built or an existing principal building is renovated or expanded sufficiently to increase its value by 25 percent before a certificate of occupancy may be issued. The zoning administrator/town manager may waive this requirement in circumstances that sidewalks do not provide desired connectivity and/or are not physically practical due to site limitations, provided the owner/developer makes a contribution in an amount approximate to the sidewalk installation cost to the town to be utilized for sidewalk improvements and/or repairs in other locations. The zoning administrator/town manager may refer the decision regarding the connectivity and/or practicality to the planning commission should there be any doubts. The town manager/town engineer shall make the determination of the approximate sidewalk installation cost.
- r) Handicap ramps shall be allowed to encroach in all yards if the following criteria are met:
 1. The encroachment by the ramp must be the minimum necessary to accomplish safe access;
 2. The ramp must meet the current edition of the Virginia Uniform Statewide Building Code and the Town of Christiansburg Code; and

3. The minimum size of a building entry landing associated with the ramp shall meet Virginia Uniform Statewide Building Code requirements. The maximum building entry landing size shall be six feet by six feet.
- s) The full facades of individual units within a two-family dwelling shall be varied by changed front yard setbacks. Variation in setback shall be at least three feet.
- t) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

(Code 1992, § 30-71; Ord. No. 2004-4, 9-7-2004; Ord. No. 2007-1, 4-3-2007; Ord. No. 2010-9, 12-21-2010; Ord. No. 2012-6, § 30-71, 6-19-2012; Ord. No. 2015-1, 4-28-2015).

* * *

Sec. 42-224. – Corner Lots.

1. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.
2. The side yard on the side facing the side street shall be 30 feet or more for both main and accessory buildings, except as otherwise provided in this chapter.
3. For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum width at the setback line and the street line measured to the Pi of a radius where a radius exists of 125 feet.

(Code 1992, § 30-73; Ord. No. 2004-4, 9-7-2004)

* * *

Sec. 42-226. – Development standards for apartments.

- a) The development, or project, shall be designed to promote harmonious relationships with surrounding adjacent and nearby developed properties, particularly in larger developments, or projects where more than one building is involved, and to this end may employ such design techniques as may be appropriate to a particular case, including use of building types, orientation, spacing and setback of buildings, careful use of topography, maintenance of natural vegetation, location of access points, recreation areas, open spaces and parking areas, grading, landscaping and screening.
- b) No apartment building shall contain more than 12 dwelling units and no more than three apartment buildings shall be contiguous.
- c) No apartment building shall be located closer than 15 feet from a private drive, access road or open common parking area, whether oriented to the front, sides or rear of the buildings, except that parking areas may be located within five feet and private drives may be located within ten feet of any blank or windowless wall.
- d) More than one apartment building may be located on the lot, provided a minimum distance of 25 feet shall separate any two buildings, or groups of apartment buildings, from any other abutting use or building type.

- e) At least 400 square feet of commonly usable open space shall be provided for each dwelling unit. Such space shall be of such location and dimensions as to provide for outdoor living, patios, pools, lawns, play areas, walks, wooded areas and the like, but not including driveways and parking areas.
- f) Where community refuse containers are provided as accessory uses to apartment developments, such containers shall be conveniently located for pickup vehicle access and completely screened from view by means of a fence or wall with outside landscaping and an appropriately designed gate which can be latched open and closed.
- g) Each apartment dwelling unit shall contain at least 600 square feet of livable floor area, exclusive of garages, carports, cellars, basements, attics, open porches, patios or breezeways, except that up to ten percent of the units may be constructed with less floor area than this minimum.
- h) Apartment development requiring ingress and egress to a public street shall meet all the requirements of the town subdivision ordinance.
- i) Parking lots shall have a minimum setback of 15 feet from any street right-of-way.
- j) Structural projections into minimum required yards shall be permitted in accordance with section 42-15, provided all other requirements of this section are met.

(Code 1992, § 30-75; Ord. No. 2004-4, 9-7-2004)

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

* * *

Sec. 42.252. – Setback.

Structures, temporary or permanent, shall be located 30 feet or more from any street right-of-way, or, in the event that buildings are already constructed on the same side of the street in the block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. The minimum building setback from common area shall be ten feet. Parking lots shall have a minimum setback of 15 feet from any street right-of-way. Restaurant outdoor dining areas shall have a minimum setback of 15 feet from any street right-of-way.

(Code 1992, § 30-81; Ord. No. 2004-4, 9-7-2004; Ord. No. 2007-1, 4-3-2007)

* * *

Sec. 42-253. – Frontage and Yards.

- a) The minimum lot width at the setback line and street line shall be 80 feet for a single-family dwelling, 100 feet for a two-family dwelling, and 125 feet for a multiple-family dwelling. Commercial uses have no minimum width.
- b) All residential structures in this district shall be located on the lot with the front of the structure facing the front lot line. Where permitted, multiple buildings on a single lot may be arranged in accord with approved site plans.
- c) Commercial lots need not abut or adjoin a public street right-of-way, provided vehicular or pedestrian access is provided to a public street right-of-way through a perpetual unobstructed paved easement or parking area of at least 30 feet in width for vehicular access or ten feet in width for pedestrian access. Other access designs may be approved by the administrator with consideration being given to overall site conditions and traffic patterns in keeping with article XXI, Site Plan Review.
- d) The minimum side yard for each residential structure shall be a minimum of ten feet or side lot line easement width, whichever is greater.
- e) Each structure shall have a rear yard of 20 feet or more.
- f) The minimum side yard for each main structure shall be a minimum of ten feet. The side yard of corner lots shall be 30 feet or more.
- g) Single-family residences shall have a setback of a minimum of ten feet from any residential district. Main structures other than single-family residences shall have a setback of a minimum of 20 feet from any residential district.
- h) Accessory structures shall have a side and rear yard of three feet or more.
- i) Lots need not abut or adjoin a public street right-of-way, provided vehicular or pedestrian access is provided to a public street right-of-way through a perpetual unobstructed paved easement or parking area of at least 30 feet in width for vehicular access or ten feet in width for pedestrian access. Other access designs may be approved by the administrator with consideration being given to overall site conditions and traffic patterns in keeping with article XXI, Site Plan Review.
- j) If a development includes common areas in addition to the individual lots, the common areas shall be maintained by, and be the sole responsibility of, the developer-owner of the development until such time as the developer-owner conveys such common area to a nonprofit corporate owner whose members shall be all of the individual owners of the individual lots in the development. Said land shall be conveyed to, and be held by, said nonprofit corporate owner solely for the benefit of the owners of the individual lots in the development. In the event of such conveyance by the developer-owner to a nonprofit corporate owner, deed restrictions and covenants shall provide, among other things, that any assessments, charges for cost of maintenance of such common areas shall constitute a pro rata lien upon the individual lots. Maintenance to exteriors, lawns, special lighting and drainage shall be provided in a manner so as to discharge any responsibility for the town.
- k) Whenever any development containing common area is proposed by a developer, and before any permit for the erection of structures shall be granted, the developer, or his agent, shall apply, in writing, to the agent for the approval of the plat and submit three copies of the plat, including the lot, street and utilities layout to a scale of not less than

one inch equals 50 feet. No lots shall be sold until a final plat for the development shall have been approved by council and recorded in the office of the clerk of the county within 60 days after notification of final approval by the agent; otherwise, the approval shall become invalid.

- l) Provisions shall be made to ensure that nonpublic areas for the common use of occupants shall be maintained without expense to the town.
- m) No business or commercial building or structure, temporary or permanent, shall be located closer than 20 feet to the boundary of a residential district or located within any easement or right-of-way. Residential development shall comply with all frontage, lot, yards and development standards for similar development in the R-3 Multiple-Family Residential District, unless such residence is part of the business building or structure.
- n) The front yard shall contain a minimum of 20 percent greenspace or landscaped area with no more than 50 percent of the greenspace in grass alone. The greenspace shall contain trees with a minimum height, at time of planting, of six feet or more at the ratio of one tree per 400 square feet or less of greenspace area. Such greenspace is to be distributed uniformly around the perimeter of the site or distributed throughout the parking and pedestrian areas. For duplexes for individual sale, the greenspace or landscaped area in the front yard shall be maintained at a ratio of 20 percent for each dwelling unit on each lot. For this purpose, corner lots shall be deemed to contain a minimum of 20 percent greenspace or landscaped area in each yard fronting a public street.
- o) A landscaping plan with all areas drawn to scale shall be submitted as part of the site plan.
- p) Preservation of existing trees is encouraged and shall be credited toward the landscaping requirement.
- q) Sidewalks shall be required for all new development. Sidewalks shall be required whenever a new principal building is built or an existing principal building is renovated or expanded sufficiently to increase its value by 25 percent before a certificate of occupancy may be issued. The zoning administrator/town manager may waive this requirement in circumstances that sidewalks do not provide desired connectivity and/or are not physically practical due to site limitations, provided the owner/developer makes a contribution in an amount approximate to the sidewalk installation cost to the town to be utilized for sidewalk improvements and/or repairs in other locations. The zoning administrator/town manager may refer the decision regarding the connectivity and/or practicality to the planning commission should there be any doubts. The town manager/town engineer shall make the determination of the approximate sidewalk installation cost.
- r) Handicap ramps shall be allowed to encroach in all yards if the following criteria are met:
 1. The encroachment by the ramp must be the minimum necessary to accomplish safe access;
 2. The ramp must meet the current edition of the Virginia Uniform Statewide Building Code and the Town of Christiansburg Code; and

3. The minimum size of a building entry landing associated with the ramp shall meet Virginia Uniform Statewide Building Code requirements. The maximum building entry landing size shall be six feet by six feet.
 - s) The full facades of individual units within a two-family dwelling shall be varied by changed front yard setbacks. Variation in setback shall be at least three feet
 - t) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

(Code 1992, § 30-82; Ord. No. 2004-4, 9-7-2004; Ord. No. 2007-1, 4-3-2007; Ord. No. 2010-9, 12-21-2010; Ord. No. 2012-6, § 30-82, 6-19-2012; Ord. No. 2015-1, 4-28-2015)

* * *

Sec. 42-255 – Corner lots

1. Of the two sides of a corner lot, the front shall be deemed to be the shorter of the two sides fronting on streets.
2. The side yard on the side facing the side street shall be 30 feet or more for both main and accessory buildings, except as otherwise provided in this chapter.
3. For subdivisions platted after the enactment of this chapter, each corner lot shall have a minimum width at the setback line and the street line measured to the Pi of a radius where a radius exists of 125 feet.

(Code 1992, § 30-84; Ord. No. 2004-4, 9-7-2004)

* * *

Sec. 42-257. Development standards for apartments.

- a) The development, or project, shall be designed to promote harmonious relationships with surrounding adjacent and nearby developed properties, particularly in larger developments, or projects where more than one building is involved, and to this end may employ such design techniques as may be appropriate to a particular case, including use of building types, orientation, spacing and setback of buildings, careful use of topography, maintenance of natural vegetation, location of access points, recreation areas, open spaces and parking areas, grading, landscaping and screening.
- b) No apartment building shall contain more than 12 dwelling units and no more than three apartment buildings shall be contiguous.
- c) No apartment building shall be located closer than 15 feet from a private drive, access road or open common parking area, whether oriented to the front, sides or rear of the buildings, except that parking areas may be located within five feet and private drives may be located within ten feet of any blank or windowless wall.
- d) More than one apartment building may be located on the lot, provided a minimum distance of 25 feet shall separate any two buildings, or groups of apartment buildings, from any other abutting use or building type.

- e) At least 400 square feet of commonly usable open space shall be provided for each dwelling unit. Such space shall be of such location and dimensions as to provide for outdoor living, patios, pools, lawns, play areas, walks, wooded areas and the like, but not including driveways and parking areas.
- f) Where community refuse containers are provided as accessory uses to apartment developments, such containers shall be conveniently located for pickup vehicle access and completely screened from view by means of a fence or wall with outside landscaping and an appropriately designed gate which can be latched open and closed.
- g) Each apartment dwelling unit shall contain at least 600 square feet of livable floor area, exclusive of garages, carports, cellars, basements, attics, open porches, patios or breezeways, except that up to ten percent of the units may be constructed with less floor area than this minimum.
- h) Apartment development requiring ingress and egress to a public street shall meet all the requirements of the town subdivision ordinance.
- i) Parking lots shall have a minimum setback of 15 feet from any street right-of-way.
- j) Structural projections into minimum required yards shall be permitted in accordance with section 42-15, provided all other requirements of this section are met.

(Code 1992, § 30-86; Ord. No. 2004-4, 9-7-2004)

* * *

ARTICLE X. – LIMITED BUSINESS DISTRICT B-1

* * *

Sec. 42-283. – Setback.

Structures, temporary or permanent, shall be located 30 feet or more from any street right-of-way, or, in the event that buildings are already constructed on the same side of the street in the block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. Parking lots shall have a minimum setback of 15 feet from any street right-of-way. Restaurant outdoor dining areas shall have a minimum setback of 15 feet from any street right-of-way

(Code 1972, § 30-69; Code 1992, § 30-91; Ord. of 4-3-1990; Ord. No. 2002-2, 3-5-2002; Ord. No. 2004-4, 9-7-2004; Ord. No. 2007-1, 4-3-2007)

* * *

Sec. 42-284. – Yards.

- a) No building or structure shall be located closer than 20 feet to the boundary of a residential district or located within any easement or right-of-way.
- b) A minimum of 20 percent of the site shall be reserved for greenspace landscaping with no more than 50 percent of the greenspace in grass alone. The greenspace shall contain trees with a minimum height at time of planting of six feet or more at the ratio of one tree per 400 square feet or less of greenspace area. Such greenspace is to be distributed uniformly around the perimeter of the site or distributed throughout the parking and pedestrian areas.
- c) A landscaping plan with all areas drawn to scale shall be submitted as part of the site plan.
- d) Preservation of existing trees is encouraged and shall be credited toward the landscaping requirement.
- e) Sidewalks shall be required for all new development. In lieu of sidewalks, an owner-developer may provide a paved multi-use trail if approved by the town manager. The trail must be a minimum of ten feet in width and adjoin the street right-of-way. A trail must run the entire road frontage of the parcel. In the absence of unreasonable hardship, the town manager will not approve a trail for parcels whose adjoining parcels have sidewalks such that a trail connects to a sidewalk. The zoning administrator/town manager may waive this requirement in circumstances that sidewalks do not provide desired connectivity and/or are not physically practical due to site limitations provided the owner/developer makes a contribution in an amount approximate to the sidewalk installation cost to the town to be utilized for sidewalk improvements and/or repairs in other locations. The zoning administrator/town manager may refer the decision regarding the connectivity and/or practicality to the planning commission should there be any doubts. The town manager/town engineer shall make the determination of the approximate sidewalk installation cost.
- f) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

Sidewalks shall be required whenever a new principal building is built or an existing principal building is renovated or expanded sufficiently to increase its value by 25 percent before a certificate of occupancy may be issued.

(Code 1972, § 30-70; Code 1992, § 30-92; Ord. of 5-2-1989; Ord. of 6-20-1989; Ord. of 7-2-1991; Ord. of 6-2-1998; Ord. No. 2004-4, § 30-70, 9-7-2004; Ord. No. 2013-6, § 30-92, 5-7-2013; Ord. No. 2015-1, 4-28-2015)

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ARTICLE XII. – GENERAL BUSINESS DISTRICT B-3

* * *

Sec. 42-338. – Setback.

Structures, temporary or permanent, shall be located 30 feet or more from any street right-of-way, or, in the event that buildings are already constructed on the same side of the street in the

block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. The minimum building setback from any common area shall be ten feet. Parking lots shall have a minimum setback of 15 feet from any street right-of-way. Restaurant outdoor dining areas shall have a minimum setback of 15 feet from any street right-of-way.

(Code 1972, § 30-80; Code 1992, § 30-102; Ord. of 4-3-1990; Ord. No. 2001-5, 11-6-2001; Ord. No. 2002-2, 3-5-2002; Ord. No. 2004-4, § 30-80, 9-7-2004; Ord. No. 2007-1, 4-3-2007)

* * *

Sec. 42-339. – Frontage and yards.

- a) Lots need not abut or adjoin a public street right-of-way, provided vehicular or pedestrian access is provided to a public street right-of-way through a perpetual unobstructed paved easement or parking area of at least 30 feet in width for vehicular access or ten feet in width for pedestrian access. Other access designs may be approved by the administrator with consideration being given to overall site conditions and traffic patterns in keeping with article XXI, site plan review.
- b) If a development includes common areas in addition to the individual lots, the common areas shall be maintained by, and be the sole responsibility of, the developer-owner of the development until such time as the developer-owner conveys such common area to a nonprofit corporate owner whose members shall be all of the individual owners of the individual lots in the development. Said land shall be conveyed to, and be held by, said nonprofit corporate owner solely for the benefit of the owners of the individual lots in the development. In the event of such conveyance by the developer-owner to a nonprofit corporate owner, deed restrictions and covenants shall provide, among other things, that any assessments, charges for cost of maintenance of such common areas shall constitute a pro rata lien upon the individual lots. Maintenance to exteriors, lawns, special lighting and drainage shall be provided in a manner so as to discharge any responsibility for the town.
- c) Whenever any development containing common area is proposed by a developer, and before any permit for the erection of structures shall be granted, the developer, or his agent, shall apply, in writing, to the agent for the approval of the plat and submit three copies of the plat, including the lot, street and utilities layout to a scale of not less than one inch equals 50 feet. No lots shall be sold until a final plat for the development shall have been approved by council and recorded in the office of the clerk of the county within 60 days after notification of final approval by the agent; otherwise, the approval shall become invalid.
- d) Provisions shall be made to ensure that nonpublic areas for the common use of occupants shall be maintained without expense to the town.
- e) No business or commercial building or structure, temporary or permanent, shall be located closer than 20 feet to the boundary of a residential district or located within any

easement or right-of-way. Residential development shall comply with all frontage, lot, yards and development standards for similar development in the R-3 Multiple-Family Residential District, unless such residence is part of the business building or structure.

- f) A minimum of 20 percent of the site shall be reserved for greenspace landscaping with no more than 50 percent of the greenspace in grass alone. The greenspace shall contain trees with a minimum height, at time of planting, of six feet or more at the ratio of one tree per 400 square feet or less of greenspace area. Such greenspace is to be distributed uniformly around the perimeter of the site or distributed throughout the parking and pedestrian areas.
- g) A landscaping plan with all areas drawn to scale shall be submitted as part of the site plan.
- h) Preservation of existing trees is encouraged and shall be credited toward the landscaping requirement.
- i) Sidewalks shall be required for all new development. In lieu of sidewalks, an owner or developer may provide a paved multi-use trail if approved by the town manager. The trail must be a minimum of ten feet in width and adjoin the street right-of-way. A trail must run the entire road frontage of the parcel. In the absence of unreasonable hardship, the town manager will not approve a trail for parcels whose adjoining parcels have sidewalks such that a trail connects to a sidewalk. The zoning administrator/town manager may waive this requirement in circumstances that sidewalks do not provide desired connectivity and/or are not physically practical due to site limitations, provided the owner/developer makes a contribution in an amount approximate to the sidewalk installation cost to the town to be utilized for sidewalk improvements and/or repairs in other locations. The zoning administrator/town manager may refer the decision regarding the connectivity and/or practicality to the planning commission should there be any doubts. The town manager/town engineer shall make the determination of the approximate sidewalk installation cost.
- j) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

Sidewalks shall be required whenever a new principal building is built or an existing principal building is renovated or expanded sufficiently to increase its value by 25 percent before a certificate of occupancy may be issued.

(Code 1972, § 30-81; Code 1992, § 30-103; Ord. of 5-2-1989; Ord. of 6-20-1989; Ord. of 7-2-1991; Ord. of 6-2-1998; Ord. No. 2001-5, 11-6-2001; Ord. No. 2004-4, § 30-81, 9-7-2004; Ord. No. 2013-6, § 30-103, 5-7-2013; Ord. No. 2015-1, 4-28-2015)

* * *

ARTICLE XIII. – LIMITED INDUSTRIAL DISTRICT I-1

* * *

Sec. 42-373. – Setback.

Structures, temporary or permanent, shall be located 30 feet or more from any street right-of-way, or, in the event that buildings are already constructed on the same side of the street in the block, no new structure shall be closer to the street right-of-way line than a distance equal to the average of the distance to the street right-of-way of all existing structures in the same block on the same side of the street. This shall be known as the setback line. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. Parking lots shall have a minimum setback of 15 feet from any street right-of-way. Restaurant outdoor dining areas shall have a minimum setback of 15 feet from any street right-of-way.

(Code 1972, § 30-87; Code 1992, § 30-109; Ord. of 4-3-1990; Ord. of 6-2-1998; Ord. No. 2002-2, 3-5-2002; Ord. No. 2004-4, § 30-87, 9-7-2004; Ord. No. 2007-1, 4-3-2007)

* * *

Sec. 42-374. – Frontage and yards.

- a) The minimum lot width at the setback line shall be 100 feet.
- b) The minimum side yard for each main structure shall be a minimum of 40 feet. The side yard of corner lots shall be 30 feet or more, except as otherwise provided in this chapter.
- c) Each main structure shall have a rear yard of not less than 40 feet.
- d) No building or structure shall be located closer than 40 feet to the boundary of a residential district.
- e) Residential development shall comply with all frontage, lot, yard and development standards for similar development in the R-3 Multiple-Family Residential District, unless such dwelling is part of the industrial building or structure.
- f) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

(Code 1972, § 30-88; Code 1992, § 30-110; Ord. of 6-20-1989; Ord. of 6-2-1998; Ord. No. 2004-4, § 30-88, 9-7-2004; Ord. No. 2007-1, 4-3-2007; Ord. No. 2012-6, § 30-110, 6-19-2012)

* * *

ARTICLE XIV. – GENERAL INDUSTRIAL DISTRICT I-2

* * *

Sec. 42-400. – Setback.

Structures, temporary or permanent, shall be located 30 feet or more from any street right-of-way which is 50 feet or greater in width or 55 feet or more from the centerline of any street right-of-way less than 50 feet in width. See article XVII for special setback regulations pertaining to the widening of highways and streets. See section 42-15 for special regulations pertaining to structural projections into the minimum required setback. The minimum building

setback from any common area shall be ten feet. Parking lots shall have a minimum setback of 15 feet from any street right-of-way. Restaurant outdoor dining areas shall have a minimum setback of 15 feet from any street right-of-way.

(Code 1972, § 30-95; Code 1992, § 30-117; Ord. of 4-3-1990; Ord. No. 2001-5, 11-6-2001; Ord. No. 2002-2, 3-5-2002; Ord. No. 2004-4, § 30-95, 9-7-2004; Ord. No. 2007-1, 4-3-2007)

* * *

Sec. 42-401. – Frontage and Yards.

- a) For permitted uses, the minimum side or rear yard adjoining or adjacent to a residential district shall be 40 feet. The side yard of corner lots shall be 30 feet or more, except as otherwise provided in this chapter.
- b) Residential development shall comply with all frontage, lot, yard and development standards for similar development in the R-3 Multiple-Family Residential District, unless such dwelling is part of the industrial building or structure.
- c) Lots need not abut or adjoin a public street right-of-way, provided vehicular or pedestrian access is provided to a public street right-of-way through a perpetual unobstructed paved easement or parking area of at least 30 feet in width for vehicular access or ten feet in width for pedestrian access. Other access designs may be approved by the administrator with consideration being given to overall site conditions and traffic patterns in keeping with article XXI, Site Plan Review.
- d) If a development includes common areas in addition to the individual lots, the common areas shall be maintained by, and be the sole responsibility of, the developer-owner of the development until such time as the developer-owner conveys such common area to a nonprofit corporate owner whose members shall be all of the individual owners of the individual lots in the development. Said land shall be conveyed to, and be held by, said nonprofit corporate owner solely for the benefit of the owners of the individual lots in the development. In the event of such conveyance by the developer-owner to a nonprofit corporate owner, deed restrictions and covenants shall provide, among other things, that any assessments, charges for cost of maintenance of such common areas shall constitute a pro rata lien upon the individual lots. Maintenance to exteriors, lawns, special lighting and drainage shall be provided in a manner so as to discharge any responsibility for the town.
- e) Whenever any development containing common area is proposed by a developer, and before any permit for the erection of structures shall be granted, the developer, or his agent, shall apply, in writing, to the agent for the approval of the plat and submit three copies of the plat, including the lot, street and utilities layout to a scale of not less than one inch equals 50 feet. No lots shall be sold until a final plat for the development shall have been approved by council and recorded in the office of the clerk of the county within 60 days after notification of final approval by the agent; otherwise, the approval shall become invalid.
- f) Provisions shall be made to ensure that nonpublic areas for the common use of occupants shall be maintained without expense to the town.
- g) Structural projections into minimum required yards shall be permitted in accordance with section 42-15.

(Code 1972, § 30-96; Code 1992, § 30-118; Ord. of 6-20-1989; Ord. No. 2001-5, 11-6-2001; Ord. No. 2004-4, § 30-96, 9-7-2004; Ord. No. 2007-1, 4-3-2007)

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ARTICLE XX. – TOWNHOUSES

* * *

Sec. 42-595. – Front yard.

- a) The minimum setback from any public street right-of-way shall be 30 feet and the minimum building setback from any common area shall be ten feet. The full facades of individual townhouse units within a townhouse group structure shall be varied by changed front yard setbacks and variations in materials or designs so that no more than two abutting townhouses will have the same front yard setback. Variation in setback shall be at least three feet.
- b) The front yard shall contain a minimum of 20 percent greenspace or landscaped area for all common areas and each individual townhouse lot. For individual townhouse lots, the greenspace or landscaped area in the front yard shall be maintained at a ratio of 20 percent for each dwelling unit on each lot. For this purpose, corner lots shall be deemed to contain a minimum of 20 percent greenspace or landscaped area in each yard fronting a public street.
- c) Structural projections into the minimum required front yard shall be permitted in accordance with section 42-15, except that structural projections other than overhanging eaves and gutters shall not be permitted into yards adjoining common area as required by this section.

(Code 1972, § 30-153; Code 1992, § 30-175; Ord. of 9-5-1995; Ord. No. 2002-2, 3-5-2002; Ord. No. 2004-4, § 30-153, 9-7-2004; Ord. No. 2012-6, § 30-175, 6-19-2012)

* * *

Sec. 42-597. – Side yard.

The minimum side yard setback for each townhouse end lot interior to the townhouse development shall be ten feet for the end residence within each townhouse group structure and the minimum side yard for townhouse corner lots not adjoining a side street shall be 20 feet. See section 42-15 for special regulations pertaining to structural projections into the minimum required side yard. An accessory building not exceeding 100 square feet, not exceeding 12 feet in height and not located within any easement or right-of-way may be constructed in any side yard, provided it is located at least three feet from all property lines and no closer to the front than the townhouse structure.

(Code 1972, § 30-155; Code 1992, § 30-177; Ord. of 9-5-1995; Ord. No. 2004-4, § 30-155, 9-7-2004; Ord. No. 2007-1, 4-3-2007)

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Sec. 42-598. – Rear yard.

There shall be a minimum rear yard of 20 feet or more on all lots. Rear yards shall be screened with a privacy type fence or wall of seven feet minimum height and extending not less than 12 feet from the rear building wall. See section 42-15 for special regulations pertaining to structural projections into the minimum required rear yard. An accessory building not exceeding 100 square feet, not exceeding 12 feet in height and not located within any easement or right-of-way may be constructed in any rear yard, provided it is at least three feet from all property lines.

(Code 1972, § 30-156; Code 1992, § 30-178; Ord. of 6-20-1989; Ord. of 9-5-1995; Ord. No. 2004-4, § 30-156, 9-7-2004; Ord. No. 2007-1, 4-3-2007)

* * *

This ordinance shall take effect on January 12, 2021. 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 January 12, 2021, 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>Aye</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Mayor D. Michael Barber*				
Samuel M. Bishop				
Johana Hicks				
Steve Huppert				
Merissa Sachs				
Henry D. Showalter				
Bradford J. Stipes				
*Votes only in the event of a tie vote by Council.				

SEAL:

Michele M. Stipes, Town Clerk

D. Michael Barber, Mayor