

AN ORDINANCE AMENDING CHAPTER 26 “SUBDIVISION” AND CHAPTER 30 “ADVERTISING” OF THE *CHRISTIANSBURG TOWN CODE* IN REGARDS TO PROVISIONS FOR OPEN SPACE, SIDEWALKS, AND A COMPACT DEVELOPMENT OPTION

WHEREAS, the Planning Commission of the Town of Christiansburg, Virginia has recommended to the Council of the Town of Christiansburg amendments to the Subdivisions Ordinance and Zoning Ordinance of the Town of Christiansburg; and,

WHEREAS, notice of the intention of the Town Council to pass said ordinance was published two consecutive weeks (_____, 2010 and _____, 2010) in The Roanoke Times – New River Current, 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 August 16, 2010; and,

WHEREAS, a joint public hearing of Council and the Planning Commission of the Town was held _____, 2010 and resulted in a recommendation by the Planning Commission that the following proposed ordinance revisions be adopted; and,

WHEREAS, Council deems proper so to do,

Be it ordained by the Council of the Town of Christiansburg, Virginia that Section 26-7 of Chapter 26 “Subdivisions” of the *Christiansburg Town Code* be amended as follows:

ARTICLE III. REQUIRED IMPROVEMENTS

Sec. 26-7. Generally.

(a) *Plans and specifications.* Three blue or black line prints of the plans and specifications for all required physical improvements to be installed shall be prepared by an engineer or surveyor and shall be submitted to the agent for approval or disapproval within 45 days. If approved, the original copy, minimum 18' x 24', bearing certification of such approval shall be returned to the subdivider and/or his representative. The subdivider shall provide the Town with sufficient copies as deemed necessary by the agent. If disapproved, all papers shall be returned to the subdivider with the reason for disapproval in writing. In the event no action is taken in 45 days, such plans shall be deemed approved.

(b) *Streets.* The recordation of a plat of a proposed subdivision shall operate to transfer to the proper jurisdiction agent such portion of the premises platted as is on such plat set apart for streets, alleys, easements and other public uses, and to create a public right of use and passage over the same. All such streets so set apart on any such plat shall be not less than 50 feet in width and shall be paved to a minimum width of 30 feet. All streets shall be hard-surfaced and storm drainage systems and curb and gutter systems shall be installed in accordance with Town specifications when required by the Town Council.

- (1) *Alignment and layout.* The arrangement of streets in new subdivisions shall make provision for the continuation of existing streets in adjoining areas. The street arrangements must be such as to cause no unnecessary hardship to owners of adjoining property when they plat their own land and seek to provide for convenient access to it. Where, in the opinion of the Town Council, it is desirable to provide for street access to adjoining property, proposed streets shall be extended by dedication to the boundary line of such property. Half streets along the boundary of land proposed for subdivision are not to be permitted. Wherever possible, streets should intersect at right angles. In all hillside areas, streets running with contours shall be required to intersect at angles of not less than 60 degrees, unless approved by the agent.
- (2) *Approach angle.* Streets shall approach other streets at an angle approved by the Town Engineer.
- (3) *Minimum widths.* All streets within a subdivision must have a minimum right-of-way width of 50 feet and a minimum pavement width of 30 feet. Where curb and gutter is provided, the minimum pavement width, curb to curb, shall be 40 feet.
- (4) *Culs-de-sac.* Generally, terminal streets (culs-de-sac), designed to have one end permanently closed, must be terminated by a turnaround of not less than 100 feet in diameter. The radius or diagonal on all intersections or culs-de-sac shall be as approved by the Town Engineer.
- (5) *Minimum construction requirements.* Every owner or proprietor of any tract of land situated within the subdivision jurisdiction of the Town who subdivides the same into lots and streets shall, at his own expense, insure that the following minimum requirements are complied with:

All streets within such tract, as indicated on the subdivision plat, shall be of uniform grade (grading down elevations and filling in depressions), as approved by the Town Engineer, the full 50 feet width, with slopes of all banks and fills outside the 50-foot street right-of-way to be sloped no steeper than a 1.5 h:1v slope, with adequate ditches and drainage on both sides of all streets and intersections of streets, with drainage culverts where needed. All ditches and drainage shall be located according to the specifications of the Town Engineer. All fills shall be built in layers not exceeding eight inches in thickness of loose material, spread evenly, and each layer well compacted in accordance with Section 303, Earthwork, of the Virginia Department of Transportation Road and Bridge Specifications.

The subgrade shall be of good, clean material, free of trash, roots, stumps, sod, large stones or other objectionable matter.

After the subgrade has been brought to the required elevation, it shall be shaped, smoothed, rolled and compacted. It shall be crowned in the center with a slope of three-eighths of an inch to the foot from the center to each side. Over the prepared subgrade there shall be placed a base of approved material as specified by the Town Engineer. Base material shall be a minimum of six inches total thickness after rolling and compacting. The stone shall have suitable gradation and sufficient fines and crusher dust

to bond properly. Should an excess of coarse stone or pockets appear in the surface, additional crusher dust shall be used and bonded. The stone shall be rolled and well compacted and bonded.

During the rolling and compacting of the stone base, sufficient water shall be sprinkled on the surface to insure proper bonding. Surface course shall be applied over the prepared stone base at a time specified and approved by the Town Engineer. The stone base shall be clean and dry before surface asphalt is applied. Asphalt prime coat material and method of construction shall conform to Section 311 of the Virginia Department of Transportation Road and Bridge Specifications. Asphalt concrete mixture type shall be SM-2B, applied at a rate of 230 pounds per square yard (2").

All rough grading, except subgrading, shall be accomplished prior to the installation and putting down of water mains and sewer mains. After the water mains, sewer mains and manholes have been installed, the ditches backfilled and compacted, and sufficient settling of the ditches has taken place, the subgrading, placing of base stone and the bituminous surfacing shall follow, in that order. All drainage culverts shall be placed before the base stone or surfacing is accomplished. All surplus materials of every description shall be removed after the work has been completed and all streets left in a clean and neat condition.

- (6) *Names.* Proposed streets which are obviously a continuation of other already existing and named streets shall bear the names of the existing streets. In no case shall the names of proposed streets duplicate existing street names irrespective of the use of the suffix street, avenue, boulevard, drive, way, place, lane or court. Street names shall be indicated on the preliminary and final plats, and shall be approved by the agent. Names of existing streets shall not be changed except by approval of the governing body.
- (7) *Signs.* Street identification signs of a design approved by the agent shall be installed at all intersections by the Town at the owner's expense.
- (8) *Private streets and reserve strips.* There shall be no private streets platted in any subdivision. Every subdivision shall be served from a publicly dedicated street. There shall be no reserve strip controlling access to streets except where the control of such strips is definitely placed with the Town under conditions approved by the Town Council.
- (9) *Installation of street lights; costs borne by subdivision developer.* Street lights whether serviced underground or above ground of a size, type and at locations designated by the agent shall be paid for by the developer. Said street light plans shall be submitted as a part of the street plans and profiles required under Section 26-7(a).

(c) *Water and sewer.* Every owner, proprietor or developer of any tract of land situated within the corporate limits of the Town, or the subdivision jurisdiction of the Town, who subdivides the same into lots and streets as provided for in this chapter shall, at his own expense, construct and install water mains and sewer mains within such tract to accommodate all lots laid

out in the subdivision, which water mains and sewer mains are to be connected with and become a part of the Town's water system and sewer system, respectively.

- (1) *Size, location and material for water and sewer lines.* The size, type and location of all pipes, valves, fire hydrants, manholes and other appurtenances required in connection with such water mains and sewer mains shall be determined by the Town.
 - (2) *Construction requirements.* All water and sewer construction shall be installed in a workmanlike manner, to conform to practices followed for the construction and installation of similar water mains and sewer mains in other parts of the Town; provided, that all such construction, both materials and work, shall be approved and inspected by a representative of the Town. The following requirements shall be the minimum requirements for such water mains and sewer mains:
 - a. *Water mains.* Minimum sizes for distances up to 2,000 feet shall be six inches. Minimum sizes for distances over 2,000 feet shall be eight inches. All water mains, fittings, valves, fire hydrants and other appurtenances shall conform to A.W.W.A. specifications, class 350, ductile iron mechanical joint or slip joint pipe and Town's local standards and review program for water line extensions.
 - b. *Sewer mains.* The minimum size of sewer mains shall be eight inches. SDR 35, SDR 21, or ductile iron pipe may be used. However, the Town will specify in each particular case the type of pipe to be used depending upon the type of soil, drainage and sewage. Manholes and covers shall conform to Town's local standards and review program for water line extensions.
- (d) *Dedication or reservation of land for public purposes.* The Town Council may require subdividers of residential subdivisions to set aside land for parks, playgrounds, schools, libraries, municipal buildings and similar public and semipublic uses, subject to the following regulations:
- (1) *Dedications.* Subdividers shall not be required to dedicate land for parks or playgrounds exceeding ten percent of the area of the subdivision, exclusive of street and drainage reservations, without reimbursement by the governing body. Where land is required in excess of this amount, the reimbursement by the governing body shall be based on a proportionate share of the (a) cost of raw land, (b) cost of improvements, including interest on investments, (c) development costs, (d) plus not more than ten percent profit on the total of such costs. **Subdividers choosing the compact development option as detailed in Chapter 30 "Zoning" shall not be compensated for dedications exceeding ten percent.**
 - (2) *Reservations.* Subdividers shall not be required to reserve land for public purposes other than streets, drainage, parks and playgrounds, except on a reimbursement basis. They shall be reimbursed by the jurisdiction or agency requiring the land. They shall not be required to hold the land longer than 18 months following the recording of the plat for such purposes. If the land is not purchased within such 18 months, it may be sold as lots for the same purposes for which the subdivision was platted. To facilitate such possible eventual sale of

reserved land as separate lots, the subdivider shall show in his final plat by dotted lines and dotted numbers, the area and dimensions of lots to be created within the boundaries of any such reserved land, and may sell such lots, after the expiration date of the reservation, by lot number without filing an amended plat. The Council or agent shall make certain that lands so reserved are divisible in the same manner as the remainder of the subdivision so that the subdivider will not be required to reserve an unusable portion of his subdivision. Nothing herein shall be construed to mean that land may be set aside for commercial purposes in a residential district, without the land so required for commercial use being zoned appropriately in accordance with the Zoning Ordinance.

(Code 1972, § 26-7; Ord. of 5-3-88, § 26-7(b)(9); Ord. of 11-3-98)

Be it further ordained by the Council of the Town of Christiansburg, Virginia that the definition of “open space” in Section 30-1 of Chapter 30 “Zoning” of the *Christiansburg Town Code* be amended as follows:

ARTICLE I. IN GENERAL

Sec. 30-1. Definitions.

Open space. Any space reserved for common use (as among a homeowners association or as common space in apartment complexes) as to provide for outdoor living, patios, pools, lawns, play areas, walks, wooded areas and the like, but not including driveways and parking areas **with the exception of driveways and parking areas strictly for community buildings, picnic shelters, ball fields, trails, pools, and similar common use amenities located within the open space.**

Be it further ordained by the Council of the Town of Christiansburg, Virginia that Section 30-63 of Chapter 30 “Zoning” of the *Christiansburg Town Code* be amended as follows:

ARTICLE VII. RESIDENTIAL MANUFACTURED HOME SUBDIVISION DISTRICT R-MS

Sec. 30-63. Yards.

The minimum side yard for each main structure shall be ten percent of the width of the lot frontage or a minimum of ten feet or the side lot line easement width, whichever is greater.

Each main structure shall have a rear yard of 35 feet or more.

Accessory structures shall have a side and rear yard of 3 feet or more.

Sidewalks shall be required for all new development. 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 of Christiansburg 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.

(Code 1972, § 30-63; Ord. of 6-20-89; Ord. 2007-1 of 4-3-07)

Be it further ordained by the Council of the Town of Christiansburg, Virginia that Chapter 30 "Zoning" of the *Christiansburg Town Code* be amended by the reenumeration of Sections 30-200, 30-201, 30-202, 30-203, and 30-204 as Sections 30-201, 30-202, 30-203, 30-204, and 30-205 respectively and by the addition of Section 30-200 as follows:

ARTICLE XXII. MISCELLANEOUS PROVISIONS

Sec. 30-200. Compact development option.

A. Purpose and applicability. The purpose of the compact development option is to provide flexibility in development design in order to encourage preservation of natural areas, provide pedestrian accommodations, provide cost-efficiency for infrastructure improvements, and provide opportunity for appropriate design solutions for unique site conditions. The compact development option shall be allowed for single-family residential and two-family residential development with the provision of new public streets and allowed for multi-family residential development in the R-1A, R-1, R-2 and R-3 Residential Districts and MU-1 and MU-2 Mixed Use Districts subject to the provided regulations and restrictions. The compact development option shall not be allowed for single-family residential and two-family residential development on existing public streets. Use of the compact development option is voluntary. Except as provided in this Section, all other provisions of the respective Zoning Districts shall be applicable.

B. Sidewalk and pedestrian facilities. Sidewalks and curb and gutter shall be required on both sides of the public streets for all new streets and for all multi-family residential development utilizing the compact develop option. In lieu of sidewalks and curb and gutter, an owner or developer shall provide a paved multi-use trail a minimum of eight (8) feet in width connecting to the street right-of-way 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 and to each apartment or condominium unit within the development by a hard surface connection.

C. Open space dedication. Development utilizing the compact development option shall provide a minimum open space dedication a minimum of twenty-five (25) percent. Open space dedication shall be exclusive of street dedication. Storm water management areas may be included in required open space for development choosing the compact development option; however a maximum of ten (10) percent of the total development area, exclusive of streets, being storm water management area shall be allowed to count toward the required twenty-five (25) percent open space dedication.

Open space dedication shall be either dedication to the Town or dedication as common area to a homeowners' association or other form of common interest private ownership comparable to a homeowners' association acceptable to the Zoning Administrator. Acceptance of open space by the Town is strictly at the Town's option and nothing shall compel the Town to accept open space as fee simple dedication. Accessory structures such as community buildings and picnic shelters, ball fields, trails, and similar amenities shall be permitted within the open space area. Parking

areas solely for access to amenities within the open space shall be permitted within the open space area. Parking areas for dwelling units are prohibited in the open space area.

D. *Tree requirement.* Development utilizing the compact development option shall provide a minimum of two (2) trees at a minimum height of six (6) feet tall upon planting in the front yard for each single-family residence lot and for each duplex lot. Multi-family development utilizing the compact development option shall provide a minimum of one (1) tree at a minimum height of six (6) feet tall upon planting in the front yard for every 50 linear feet of public street frontage rounded up to the nearest whole number.

The following trees are acceptable in regards to the front yard tree requirement. Other trees shall be acceptable in regards to the front yard tree requirement as approved by the Zoning Administrator.

Scientific Name - Common Name

Taxodium distichum - Baldcypress

Nyssa sylvatica - Blackgum

Ulmus x sp. - Elms

Carpinus betulus - European hornbeam

Acer x freemanii - Freeman maple

Ginkgo biloba – Ginkgo

Crataegus viridis - Green hawthorn

Prunus subhirtella - Higan cherry

Gleditsia triacanthos - Honeylocust

Ostrya virginiana - hophornbeam

Carpinus caroliniana - hornbeam

Styrax japonicus - Japanese snowbell

Zelkova serrata - Japanese zelkova

Cercidiphyllum japonicum - katsuratree

Gymnocladus dioicus - Kentucky coffeetree

Tilia cordata - littleleaf linden

Acer griseum - paperbark maple

Acer rubrum - red maple

Cercis canadensis - eastern redbud

Betula nigra - river birch

Amelanchier x grandiflora - serviceberry

Oxydendrum arboreum - sourwood

Acer saccharum - sugar maple

Crataegus phaenopyrum - Washington hawthorn

E. *Reduction of lot area, lot width, lot depth, and yard areas permitted.* Development utilizing the compact development option shall provide the minimum lot area, lot width at the street line and setback line, lot depth, and front, side and rear yard requirements as follows in the R-1A, R-1, R-2 and R-3 Residential Districts and MU-1 and MU-2 Mixed Use Districts:

Zoning District	Minimum Lot Area (in Square Feet)	Minimum Lot Width (in feet)	Minimum Lot Depth (in feet)	Minimum Front Yard (in feet)	Minimum Side Yard (in feet)	Minimum Rear Yard (in feet)
R-1A	9,000 utilizing public water and sewer; 10,200 on septic; 12,000 on septic and well	75	100	30	10	35
R-1	6,000	60	100	30	7.5	30
R-2 single-family use	6,000	60	100	25	7.5	20
R-2 duplex use	8,000	70	100	25	8	20
R-3 single-family use	6,000	60	100	25	7.5	20
R-3 duplex use	8,000	70	100	25	8	20
R-3 multi-family use	15,625 but may use a density of 14 units per acre for multi-family development	125	100	25	10	20
MU-1 single-	6,000	60	100	25	7.5	20

family use						
MU-1 duplex use	8,000	70	100	25	8	20
MU-2 single-family use	6,000	60	100	25	7.5	20
MU-2 duplex use	8,000	70	100	25	8	20

F. 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 shortest of the two sides fronting on streets.
- (2) The side yard on the side facing the side street shall be 20 feet or more for both main and accessory buildings.
- (3) Each corner lot shall have a minimum width at the setback line and the street line measured to the P. I. of a radius where a radius exists of 100 feet.

G. Single unit ownership of two-family dwellings.

- (1) *Purpose.* The purpose of this section is to allow for single unit ownership of either unit of a two-family dwelling which has a common vertical wall separating the two units for two-family dwellings developed utilizing the compact development option.
- (2) *Area.* Minimum lot area for two-family structures shall be 8,000 square feet with each single dwelling unit having a lot area of at least 4,000 square feet.
- (3) *Setback.* Same as for other buildings.
- (4) *Frontage.* Same as for other buildings except that the minimum lot width at the street line and at the setback line for each single unit of a two-family dwelling shall be 35 feet.
- (5) *Yards.* Same as for other buildings except that for two-family dwellings in which either single unit is individually owned there shall be no side yard setback required on the interior or common property line. Exterior side yard setback shall be based upon the width of the lot at the setback line for the entire two-unit structure.

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.

Ord. 2010-__

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 _____, 2010, 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 Richard G. Ballengee*				
D. Michael Barber				
Ann H. Carter				
Henry Showalter				
Bradford J. Stipes				
James W. "Jim" Vanhoozier				
H. Earnest Wade				

*Votes only in the event of a tie vote by Council.

Ord. 2010-__

SEAL:

Michele M. Stipes, Town Clerk

Richard G. Ballengee, Mayor