

**AN ORDINANCE TO AMEND THE BLACKSBURG ZONING ORDINANCE TO PERMIT RESIDENTIAL DEVELOPMENT ON SMALLER LOTS IN THE R-4 DISTRICT BY AMENDING ZONING ORDINANCE SECTIONS 3040, 3041, AND 3042, ADDING NEW ZONING ORDINANCE SECTIONS 3043 AND 3044, AND TO AMEND SUBDIVISION ORDINANCE SECTION 107**

**WHEREAS**, the Town of Blacksburg, through the adoption of the Comprehensive Plan, has committed itself to ensuring diverse housing options that are affordable, accessible, safe, and available to meet a full range of life situations;

**WHEREAS**, the Town recognizes that a number of different approaches are needed to increase overall housing inventory, types of housing and variety of price points for housing in Town;

**WHEREAS**, the Comprehensive Plan states the Town should review and revise the Zoning Ordinance and Subdivision Ordinance standards, such as minimum lot size, maximum density, and lot configurations, to allow for a wider range of housing options, and increase affordability;

**WHEREAS**, the Comprehensive Plan also recommends that the Town should encourage housing development in areas where increased density is desirable and strive to connect those areas to employment opportunities, transit routes and commercial services;

**WHEREAS**, the Zoning Ordinance has limited by-right zoning options and development standards for development on small lots in residential areas, so the Town now seeks to provide new development options that allows for smaller homes (including two-family homes and townhouses, under certain conditions) on smaller lots in the existing R-4 zoning district;

**WHEREAS**, the Town Council wishes to consider creating regulations for new alternative small lot subdivision options; and

**WHEREAS**, the public necessity, convenience, general welfare and good zoning practice so require.

**NOW, THEREFORE, BE IT ORDAINED** by the Council of the Town of Blacksburg:

1. That the Blacksburg Zoning Ordinance, at Article III, Division 4, is amended and re-ordained by amending §§ 3040, 3041 and 3042, and adding new §§ 3043 and 3044 as follows:

DIVISION 4. R-4 LOW DENSITY RESIDENTIAL DISTRICT

**Sec. 3040 Purpose.**

The R-4 Low Density Residential District is provided in recognition of sections of the Town with low density residential development and land which appears appropriate for such development. Among these sections is land where the established use, character or density of development would be best protected by these regulations. The low density residential district is intended to define and protect residential areas of low density from the intrusion of uses not performing a function appropriate to the residential environment. Attractiveness, order and efficiency is encouraged by the requirement of adequate space for individual homes with adequate light, air and space, and maintaining an appropriate density of residential development. This district is intended to add to the physical variety of the overall residential area while promoting balance and stability.

*The Small Lot Development Option advances these goals while permitting the development of homes on smaller parcels. Small Lot Development is governed by revised development standards that are necessary for development on lots smaller than ten thousand square feet. Furthermore, because the Small Lot Development requirements are not designed for infill development, Small Lot Development is only permitted on sites consisting of two or more acres.*

**Sec. 3041 Permitted uses.**

(a) The following uses are permitted by right in the R-4, Low Density Residential District:

Residential

Single-Family, Detached

Accessory Apartment as permitted by § 1270 and in compliance with § 4201.

Home occupations

Civic

Community Recreation

Open Space

Public Parks and Recreation

Utility Services, Minor

Miscellaneous

Accessory structures

- (b) The following uses are allowed only by Conditional Use Permit in the R-4, Low Density Residential District:

Civic

Administrative Services

Cemetery

Cultural Services

Day Care Center

Educational Facilities, College/University

Educational Facilities, Primary/Secondary

Family Day Care Home

Home for Adults

Life Care Facility

Post Office

Public Recreation Assembly

Religious assembly

Safety Services

Utility Services, Major

Miscellaneous

Broadcasting or Communication Facility

(c) *See Zoning Ordinance § 3043 (c) for allowed by-right uses in Small Lot Developments.*

**Sec. 3042 Site development regulations.**

(a) Minimum lot requirements:

(1) Lot area ten thousand (10,000) square feet.

(2) Lot frontage forty (40) feet.

(b) Minimum setback requirements:

Front yard thirty (30) feet:

(1) The front yard setback may be reduced to twenty-five (25) feet for uses with parking in rear that is fully behind the structure.

(2) For infill lots where more than fifty (50) percent of the lots on a block-face are developed, the front yard setback may be reduced to not less than the average of the front yard setbacks of the existing developed lots on the block-face.

Side yard ten (10) feet, except on corner lots, a side yard facing the street will be twenty (20) feet.

Rear yard twenty-five (25) feet.

(c) Maximum height of structures, except church spires, belfries, cupolas, monuments, water towers, chimneys, flues, flagpoles, television antennae, and radio aerials are exempt: Thirty (30) feet; or forty (40) feet with an additional one (1) foot setback per foot of additional height. Utility poles may have a maximum height of forty-five (45) feet.

(d) Maximum coverage:

- (1) Lot coverage forty-five (45) percent.
- (2) Floor area ratio 0.50 FAR. The following definitions will be used for the calculation of Floor Area Ratio within the R-4 zoning district:
  - i. Attic, Habitable—Finished or unfinished area, not considered a story, that complies with all of the requirements of the Virginia Uniform Statewide Building Code including, but not limited to, height, size, and conditioning of space, in order for the area to be considered usable occupiable space.
  - ii. Basement, Habitable—Finished or unfinished area, not considered a story, that complies with all of the requirements of the Virginia Uniform Statewide Building Code including, but not limited to, height, size, and conditioning of space, in order for the area to be considered usable occupiable space.
  - iii. Floor Area, Gross—The sum of the horizontal areas of the several stories of a building, as measured from the exterior faces of exterior walls, or as measured from the face of the sheathing of the exterior wall, and in the case of a common wall separating two (2) buildings, from the centerline of such common wall. Gross floor area will include habitable basements, habitable attics and heated porches with a roof and walls (whether solid or screened). The surface area of tennis courts, swimming pools, driveways, surface parking spaces, decks, patios, and non-enclosed porches is not included in the total gross floor area.
- (3) Paved driveways and off-street parking areas located between the front face of the structure and the property line must have, at any point, a maximum width of eighteen (18) feet if the lot width is less than fifty (50) feet and a maximum width of twenty (20) feet if the lot width is fifty (50) feet or greater. No sidewalk or walkway will be allowed immediately adjacent (parallel) to the driveway that has the effect of widening the driveway in excess of the maximum allowed width. No diagonal parking is allowed in the driveway and no driving of a vehicle outside of the driveway.
- (4) Any such driveways or off-street parking areas existing as of February 12, 2019 that are greater than 20 feet in width may be retained and maintained but may not be expanded in any way.

- (e) The maximum dwelling unit occupancy shall be a family plus two (2) persons unrelated to the family; or no more than three (3) unrelated persons. For a detached single-family dwelling with a nonconforming accessory apartment, or an accessory apartment as allowed through the accessory apartment permit program, occupancy shall be calculated cumulatively including both the single-family dwelling and the accessory apartment for a total not to exceed three (3) unrelated persons.
- (f) All utility lines, electric, telephone, cable television lines, etc., will be placed underground.
- (g) *See Section 3043 for Small Lot Development Option site development regulations.*

**Sec. 3043 Small Lot Development Option**

*The Small Lot Development Option permits alternative uses in the R-4 Low Density Residential District that provide for the development of well-designed homes on relatively small lots within the Town of Blacksburg, with the aim of increasing housing choice, affordability, and sustainability while creating vibrant neighborhoods. The standards of the Small Lot Development Option are intended to ensure that new dwellings can be built at densities not otherwise permitted by this Division, while ensuring high-quality development that is compatible with adjacent neighborhoods.*

(a) *Applicability*

*Small Lot Development is permitted within the R-4 Low Density Residential District on sites of 2 or more contiguous developable acres held in common ownership.*

(b) *Relationship to other zoning and subdivision standards*

*The Small Lot Development Option allows for the modification of certain dimensional standards and uses permitted within the R-4 Low Density Residential District. All other zoning and subdivision standards continue to apply, unless specifically modified or excepted by this Section, or Section 3044. Any requests for variances from subdivision-related standards within this Section or Section 3044 will be reviewed according to Subdivision Ordinance Article II, Division 2, Variances.*

(c) *Uses allowed*

*The following uses, and no others, are permitted by right within a Small Lot Development:*

*Residential*

*Single-family, detached*

*Townhouse (only on lots served by alley access)*

*Two-family dwelling (only on lots served by alley access)*

*Home occupations*

*Civic*

*Community recreation*

*Open space*

*Public parks and recreation*

*Utility services, minor*

*Miscellaneous*

*Accessory structures*

*(d) Site Development Standards*

*(1) Small Lot Development in the R-4 District shall require a minimum lot area of 3,000 square feet. No lot within a small lot development shall be larger than 7,499 square feet. Lots shall be subject to site development standards based upon their size as indicated within Table 3043-1 below.*

*(2) For townhouse development, where a minimum lot area and minimum lot frontage requirement are included in the table, these requirements are calculated cumulatively on the basis of each townhouse dwelling within the overall townhouse development to determine the minimum lot area and frontage for the overall development. The minimum lot area and minimum frontage do not apply to individual townhouse dwellings.*

*(3) Table 3043-1 below establishes standards for the placement and height of buildings on lots within a small lot development, as well as the maximum lot coverage and footprint of principal structures. These standards are intended to ensure the orderly development of residential dwellings on small lots within the Town of Blacksburg in a manner that allows for increased density and encourages the creation of vibrant, livable, sustainable neighborhoods.*

Table 3043-1: Site Development Standards for Small Lot Development

These standards apply to all uses unless a different standard is listed for a specific use. If specific uses are listed, such standards apply only to those uses.

<b>Lot Standards</b>	
<u>Lot area (minimum)</u>	3,000 sf Townhouse: 1,250 sf per unit
<u>Lot area (maximum)</u>	7,499 sf
<u>Lot frontage (minimum)</u>	
Lots 3,000sf to 4,999sf in area	30 ft. Townhouse: 15 ft. per unit
Lots 5,000sf to 7,499sf in area	40 ft. Townhouse: 15 ft. per unit
<b>Setback Standards<sup>1</sup></b>	
<u>Front setback (minimum)</u>	10 ft., in no case more than 30 ft.
<u>Interior side setback (minimum)</u> Not applicable to townhouses and two-family dwellings when sharing a party wall; only applicable to end units	
Lots 3,000sf to 4,999sf in area	3 ft.
Lots 5,000sf to 7,499sf in area	5 ft.
<u>Corner side setback (minimum)</u>	
Lots 3,000sf to 4,999sf in area	5 ft., subject to required sight distance
Lots 5,000sf to 7,499sf in area	10 ft., subject to required sight distance
<u>Rear setback (minimum)</u>	25 ft.
<u>Rear setback (minimum) for accessory structures</u>	5 ft., except 3 ft. if alley access is provided
<b>Building Height Standards</b>	
<u>Building height (maximum)</u>	30 ft. and 2.5 stories, except 35 ft. and 2.5 stories on corner lots with a negative slope of 10% or greater from the front lot line to the rear lot line
<b>Coverage Standards</b>	
<u>Lot coverage (maximum)</u>	
Lots 3,000sf to 4,999sf in area	65%
Lots 5,000sf to 7,499sf in area	60%
<u>Footprint of principal structure (maximum)</u>	
Lots 3,000sf to 4,999sf in area	25% of the lot, not to exceed 1,000sf
Lots 5,000sf to 7,499sf in area	25% of the lot, not to exceed 1,500sf

<sup>1</sup> Setbacks must accommodate location of public utility easements as required by Section 3043(l).



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*Accessory Structures*

*All accessory structures shall meet the underlying zoning district setback standards in the Small Lot Development Option. Section 4703(b)(2) and 4703(b)(3) shall not apply.*

*(e) Dwelling type limitation*

- (1) On sites of less than 5 acres, two-family and townhouse dwelling units shall constitute no more than 50% of the total units within a small lot development.*
- (2) On sites of 5 acres or more, two-family and townhouse dwelling units shall constitute no more than 30% of the total units within a small lot development.*

*(f) No buffer yard required*

*No buffer yard requirements shall apply to small lot developments.*

*(g) Dwelling unit occupancy*

*The maximum dwelling unit occupancy within a small lot development shall be a family plus one (1) person unrelated to the family; or no more than two (2) unrelated individuals.*

*(h) Off-street parking*

*(1) Vehicular parking*

*To encourage development of new homes on small lots, no off-street vehicular parking shall be required for a small lot development. If off-street vehicular parking is provided, it shall meet the established standards of Article 5, Division 2 of the Town of Blacksburg Zoning Ordinance unless specifically addressed within this Section.*

*(2) Bicycle parking*

*The bicycle parking standards of Section 5213 of the Town of Blacksburg Zoning Ordinance shall apply to small lot development.*

*(i) Driveways*

*(1) In general*

- i. Sections 5-318(a), 5-318(b), 5-318(c), and 5-318(d) of the Town of Blacksburg Subdivision Ordinance shall not apply to small lot development in the R-4 District.*
- ii. Shared driveways are permitted, and are encouraged for adjoining lots.*

- iii. *Individual driveways shall be located not less than three feet from a side lot line. Where a shared driveway is provided for adjoining lots, this does not apply.*
- iv. *No diagonal parking is allowed in a driveway and no driving of a vehicle outside of the driveway is permitted.*

*(2) Driveways accessed from an alley*

- i. *Alley access is encouraged. When driveways accessing attached or detached garages and parking pads are taken from an alley to the rear of a lot, such driveways shall be a maximum of 20 feet in width.*
- ii. *Where provided, a shared driveway accessed from an alley shall be a maximum of 24 feet in width.*

*(3) Driveways accessed from a street, not including alleys*

- i. *A maximum of one driveway entrance from a street, not including alleys, is permitted per lot. The curb cut shall be a maximum of 12 feet in width at the right-of-way line.*
- ii. *Where provided, a shared driveway accessed from a street, not including alleys, shall be a maximum of 16 feet in width at the right-of-way line.*
- iii. *Paved driveways and off-street parking areas are limited to a maximum width of 12 feet within the first 10 feet of length for individual driveways, or 16 feet within the first 10 feet of length for shared driveways, measured from the back of sidewalk, back of curb, or edge of pavement. After the first 10 feet of length, driveway width may taper to a maximum of 20 feet.*
- iv. *Driveways accessing attached or detached garages and parking pads from a street, not including alleys, shall be a minimum of 20 feet in length, measured from the property line.*
- v. *On local and collector streets, driveways shall be located no closer than 30 feet from an intersection with a public street, measured as indicated within the diagram included in Section 5-318(d) of the Town of Blacksburg Subdivision Ordinance.*
- vi. *Any sidewalk or walkway running parallel or approximately parallel to a driveway accessed from a street, not including alleys, shall be separated by a minimum of four feet from the edge of the paved driveway area.*

*(j) Garages*

- (1) Front-loaded attached garages shall be limited to 40% of the width of the structure at the front façade or 22 feet, whichever is less. Garage width is measured from one edge of the door opening to the opposite edge. In the case of garages with multiple doors, the distance is measured from the outermost edges of the doors.*
- (2) Attached garages with front facing garage door openings must be set back from the front façade of the structure by a distance of not less than four feet.*
- (3) Detached garages with front facing garage door openings must be set back from the front façade of the structure by a distance of not less than four feet. In no case may a detached garage be located between the front building line of the principal structure and the front lot line.*

*(k) Streets and sidewalks*

*(1) Street design*

- i. Section 5-313(3) of the Town of Blacksburg Subdivision Ordinance shall not apply to small lot development in the R-4 District.*
- ii. Streets designed to allow for parking on one side, or for no street parking shall be designed and constructed with VDOT standard rolled curb or CG-6 curb and gutter and be a minimum of 24 feet in width measured from face of curb to face of curb.*
- iii. Streets designed to allow for parking on both sides shall be designed and constructed with VDOT standard rolled curb or CG-6 curb and gutter and be a minimum of 29 feet in width measured from face of curb to face of curb.*
- iv. Greater street widths may be required if no off-street parking is provided, or based upon projected traffic generated by the development, subject to VDOT subdivision street standards.*
- v. Street design elements that promote slower traffic speeds are encouraged. Appropriate speeds for new streets serving a small lot development shall be no more than 15 miles per hour, based upon the narrower street widths, greater intensity, and shorter block lengths allowed as part of such development.*

*(2) Alley design*

- i. Section 5-325(5) of the Town of Blacksburg Subdivision Ordinance shall not apply to small lot development in the R-4 District.*
- ii. Alleys shall be designed to provide access at rear lot lines only. Alleys may not be designed to provide access to lots at front or side lot lines.*
- iii. Alleys providing access to individual lots shall be a minimum of 200 feet in length. Alleys longer than 250 feet in length may not dead-end, and must be designed to reconnect to a public street.*
- iv. Alleys shall be constructed with an asphalt surface in accordance with Section 5-313 of the Town of Blacksburg Subdivision Ordinance, unless an alternative surface is approved by the Zoning Administrator. Chip and seal surfaces are not permitted.*

*(3) Right-of-way widths*

- i. Section 5-309(a) of the Town of Blacksburg Subdivision Ordinance shall not apply to small lot development in the R-4 District.*
- ii. The minimum right-of-way width for proposed streets within a small lot development shall be as follows:*
  - a. Streets 24 feet in width measured from face of curb to face of curb: 40 feet.*
  - b. Streets greater than 24 feet in width measured from face of curb to face of curb: 50 feet.*

*(4) Sidewalks required*

- i. Standards related to the construction of sidewalks found in Section 5-401 of the Town of Blacksburg Subdivision Ordinance shall apply, except that sidewalks shall be required on both sides of the street for small lot development in the R-4 District.*

*(1) Public utility easements*

*Section 5-901 of the Town of Blacksburg Subdivision Ordinance shall not apply to small lot development in the R-4 District. The subdivider shall convey to the Town common or*

*shared public utility easements that are adequate to accommodate public and private utilities in accordance with the following:*

- (1) A public utility easement a minimum of 15 feet in width is required around the entirety of the small lot development.*
- (2) Easements internal to the development are also required, of sufficient width to satisfy public and private utilities. Where provided, such easements shall be co-located with alleys, breaks in the internal block structure of the development, or undeveloped open space to the extent practicable.*
- (3) Alternative public utility easement provision may be approved or required by the Director of Engineering and GIS.*

*(m) Block length*

*Section 5-317 of the Town of Blacksburg Subdivision Ordinance shall apply to small lot development in the R-4 District, except that in general, residential blocks shall be between 300 feet and 600 feet in length. For the purposes of this Section, elements constituting a break in a block shall include streets, greenways, multi-use trails, watercourses, and publicly accessible open space such as parks. Alleys shall not constitute a break in a block.*

*(n) Underground utilities*

*All new utility lines, electric, telephone, cable television lines, etc., shall be placed underground.*

*(o) Open space requirements*

- (1) A minimum of 10% of the development site for a small lot development shall be reserved as open space for public use in accordance with Section 5-1001 of the Town of Blacksburg Subdivision Ordinance. In the case of a small lot development that includes more than 10 two family or townhouse units, calculated cumulatively, a minimum of 15% of the development site shall be reserved as open space for public use.*
- (2) Open space shall not include required yards. Use & Design Standard § 4328(a)(5) shall not apply.*
- (3) As a portion of the total required open space for public use, small lot developments shall provide a minimum of 5,000 square feet of open space for community recreation, plus an additional 5,000 square feet for every 5 acres of*

*land area above the initial 5 acres. Such community recreation space shall be designed and maintained as follows:*

- i. The size, location, shape, slope, and condition of the land shall be suitable for a specific recreational activity.*
- ii. Consideration shall be given to the size of the development, number and characteristics of expected residents, proximity to other available recreational facilities, topography, and natural features of the site.*
- iii. Safety buffers shall be provided for users of recreational facilities and equipment using recognized engineering and recreation standards.*

### **Sec. 3044 Small Lot Development Design Standards**

*To ensure high-quality design and the creation of vibrant, walkable neighborhoods, the following design standards apply to dwellings within a small lot development.*

#### *(a) Single-family and two-family dwellings*

- (1) A dwelling must have an open front porch, or be designed with its primary entrance facing the street. The front entry must be a visually dominant feature on the façade, and should be an integral part of the structure using architectural features such as raised steps and stoops, roof overhangs, columns, and decorative railings. When included, porches, steps, and stoops shall be permitted to encroach into a required front setback by no more than 5 feet.*
- (2) Windows, entrances, porches, or other architectural features are required on all street facing façades to avoid the appearance of blank walls.*
- (3) A minimum transparency of 10% is required on all street-facing façades, calculated as a percentage of the entire area of the façade.*
- (4) The use and design standards of Zoning Ordinance § 4241(a)(3), and § 4241(a)(5) shall not apply.*

#### *(b) Townhouses*

- (1) Where townhouse dwellings are included within a small lot development, such structures shall be distributed throughout the development, and not concentrated in any one area or location of the development site. This does not apply to developments containing 18 or fewer townhouse dwellings.*

- (2) *The principal orientation of all townhouses shall be the street on which the lot has frontage, and all townhouses shall be designed with their primary entrance facing the street. Where a lot has frontage on two intersecting streets, townhouses shall be designed with their primary entrance facing the street abutting the front of the lot. In no case shall the primary entrance of a townhouse face the rear façade of another principal structure on the same lot.*
- (3) *If off-street parking is provided, it shall be accessed from an alley, and shall located behind the front building line.*
- (4) *The front entry must be a visually dominant feature on the façade, and should be an integral part of the structure using architectural features such as raised steps and stoops, roof overhangs, columns, and decorative railings.*
- (5) *Front entries to all units shall be directly connected to the adjacent street or sidewalk.*
- (6) *Windows, entrances, porches, or other architectural features are required on all street facing façades to avoid the appearance of blank walls. When included, porches, steps, and stoops shall be permitted to encroach into a required front setback by no more than 5 feet.*
- (7) *A minimum transparency of 10% is required on all street-facing façades, calculated as a percentage of the entire area of the façade.*
- (8) *Townhouses shall be designed with consistent building materials and treatments that wrap around all façades facing a public street.*
- (9) *The maximum number of attached townhouse units in a single structure shall be six. Where a development consists of multiple townhouse structures, there shall be a minimum separation of 15 feet between building end walls.*
- (10) *The use and design standards within the following sections shall not apply to townhouses constructed as part of a small lot development:*
  - i. *Zoning Ordinance § 4231(b)(1)*
  - ii. *Zoning Ordinance § 4231(b)(3)*
  - iii. *Zoning Ordinance § 4231(b)(6)*
  - iv. *Zoning Ordinance § 4231(b)(7)*



- v. *Zoning Ordinance § 4231(b)(11)*
- vi. *Zoning Ordinance § 4231(b)(13)*
- vii. *Zoning Ordinance § 4231(b)(15)*

2. That the Blacksburg Subdivision Ordinance § 1-107 is amended and reordained as follows:

**Sec. 1-107. Relationship to zoning ordinance.**

The zoning ordinance and zoning map shall control the type and intensity of use of all property within the Town. Particular reference is made to the minimum lot sizes and setback requirements, use restrictions, overlay districts, and cluster development regulations. *The zoning ordinance may modify or eliminate the applicability of subdivision ordinance requirements.*

3. That this ordinance shall be effective upon the date of adoption.

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Mayor

**ATTEST:**

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Town Clerk

Introduction: \_\_\_\_\_

Public Hearing & Action: \_\_\_\_\_

**APPROVED AS TO CONTENT:**

**APPROVED AS TO LEGAL SUFFICIENCY:**

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Town Manager

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Town Attorney