

ORDINANCE AMENDING AND RE-ENACTING TITLE 10 – PLANNING AND DEVELOPMENT, CHAPTER 3. – ZONING, ARTICLE L.2 R-7 MEDIUM DENSITY MIXED RESIDENTIAL PLANNED COMMUNITY OF THE CODE OF ORDINANCES CITY OF HARRISONBURG, VIRGINIA

Be it ordained by the Council of the City of Harrisonburg, Virginia:

**Sec. 10-3-57.3. Uses permitted by right.
Amend the following as shown:**

- (a) Single-family detached dwellings.
- (b) Single-family attached dwellings (townhouse dwellings of two (2) to eight (8) dwelling units).
- (c) Multiple-family dwellings with no more than ~~sixteen~~ sixty-four (1664) units per building under conditions set forth in subsections 10-3-57.6.(c) and (d).
- (d) Home occupations.
- (e) Community buildings.
- (f) Public and private schools.
- (g) Child day care centers.
- (h) Adult day care centers.
- (i) Retail stores, convenience shops, personal service establishments, restaurants (excluding drive-through facilities unless permitted by special use permit) food and drug stores.
- (j) Governmental, business and professional offices and financial institutions.
- (k) Churches.
- (l) Parks.
- (m) Common open space.
- (n) Public uses.
- (o) Accessory buildings and uses customarily incidental to any of the above-listed uses.
- (p) Dwelling units may be occupied by a single family or not more than two (2) persons, except that such occupancy may be superseded by building regulations.
- (q) Parking lots and parking garages.
- (r) Small cell facilities. Wireless telecommunications facilities are further regulated by Article CC.
- (s) Homestays, as further regulated by Article DD.

- (t) Manufactured homes, provided that the Manufactured homes are (i) attached to a permanent foundation, (ii) titled as real estate, and (iii) limited to one Manufactured home per lot.

Sec. 10-3-57.6. Other regulations.

Amend the following as shown:

- (a) Attached or detached private radio and television antennas, including dish antennas, shall not exceed the maximum height otherwise permitted in this district and shall not be permitted in front yards.

Exception: Private amateur radio antennas intended for public service and emergency use may exceed the height otherwise established so long as the height is justified for proper radio communications.

- (b) Unless otherwise specified within the master development plan, off-street vehicle and bicycle parking regulations for all buildings and uses permitted in this district are governed by article G.
- (c) At least two (2) types of residential housing types (single-family detached of varying lot sizes/configurations, single-family attached, multiple-family) shall be provided and no one housing or lot size/configuration type may exceed a total of seventy (70) percent of all the residential units in the community. Multiple-family units shall not exceed ~~thirty~~ fifty (50) percent of all the residential units in the community.
- (d) Multiple-family development may be approved in an R-7 planned residential community as long as the location of such development is shown on the master development plan and as long as the following conditions are met:
- (1) Adequate vehicular, transit, pedestrian and bicycle facilities currently serve or are planned to serve the site.
 - (2) The applicant has demonstrated that the proposed multifamily development's design is compatible with adjacent existing and proposed single-family detached and attached residential development. Compatibility may be achieved through architectural design, site planning, landscaping and/or other measures that ensure that views from adjacent single-family detached and attached residential development and public streets are not dominated by large buildings, mechanical/electrical and utility equipment, service/refuse functions and parking lots or garages.
 - (3) The applicant has shown that the site is environmentally suitable for multiple-family development. There shall be adequate area within the site to accommodate buildings, roads and parking areas with minimal impact on steep slopes and floodplains.
- (e) Land area within the planned community shown on the master development plan as dedicated to uses permitted under subsection 10-3-57.3(i) and (j) shall not exceed ten (10) percent of the total land area of the planned community. The master development plan shall show how such retail, restaurant and office uses shall be integrated into the residential community so as to not adversely affect local traffic patterns and levels and views from surrounding residential areas and public streets. Such integration shall be achieved through effective site planning, compatible architectural design, and landscaping and screening of

parking lots, utilities, mechanical/electrical/telecommunications equipment and service/refuse functions. Buildings shall be residential in design and scale with floorplates not exceeding seven thousand five hundred (7,500) square feet.

- (f) Mixed use buildings comprised of retail, office and/or multiple-family dwellings are permitted. The land devoted to such mixed use buildings and the streets, parking and landscape areas serving such buildings, shall be counted toward the maximum area ten (10) percent permitted for uses listed in subsections 10-3-57.3(i) and (j) as regulated by subsection 10-3-57.6(e). The multiple-family dwelling units within mixed use buildings shall be included in the total number of dwelling units in the development and therefore in the calculation of the density for the development.
- (g) Applicants for the R-7 zoning district shall submit at rezoning a master development plan, showing and describing in map and text form:
 - (1) General layout of roads, housing areas, open space, parks, pedestrian and bicycle trails.
 - (2) General location and number of community building, school, day care, church and public use sites proposed.
 - (3) Description of housing types/lot configurations to be used with lot areas, minimum widths and depths, minimum yards defined.
 - (4) Indication on the master development plan of the general location of housing types/lot configurations proposed.
 - (5) Environmentally sensitive areas: slopes exceeding fifteen (15) percent, streams and 100-year floodplains.
 - (6) Proposed active recreation areas and recreation facilities.
 - (7) Proposed general landscape plan (landscape areas, plant materials and general specifications).
 - (8) Description of how design principles of the district are to be met and proffers, if any, to implement the principles.
- (h) Ownership and maintenance of common open space and other common facilities.
 - (1) *General requirements:*
 - a. *Organization:* A property owners' association shall be established to provide for the ownership, care and maintenance of all common open space areas and other common facilities and improvements.
 - b. *Ownership:* All common open space, facilities and improvements shall be dedicated to the property owners' association. No land within privately owned lots shall be considered common open space.
 - c. *Covenants:* All property owners' associations shall be created by covenants and restrictions recorded among the land records of the City of Harrisonburg. All such covenants shall include provisions for the maintenance of common open space, facilities and improvements.

(i) *Maintenance requirements:*

- (1) *Responsibility:* The property owners' association shall be responsible for the maintenance of all common open space, facilities and improvements in a reasonable condition.
- (2) *Condition:* All open space areas shall be landscaped as shown on the adopted master development plan and shall be kept in a clean, attractive and safe condition. All open space areas shall be kept open to and available for use by the residents of the planned community.
- (j) The approved master development plan shall govern development on the site and shall be used as a basis for subdivision and site plan approval and zoning code enforcement.
- (k) The master development plan may be amended after the initial rezoning to R-7. Such amendment is considered an amendment to this article and shall be processed according the regulations under article U.
- (l) The master development plan may be amended solely for a parcel(s) upon application by that parcel's owner, through a zoning map amendment process, subject to determination by the city council that the proposed use and development plan meets all of the requirements of the original master development plan to an equivalent degree in terms of meeting the purposes of the district and protecting the public health, safety, and welfare.
- (m) For the purposes of provisions subsections 10-3-57.6(g) and (h), the ground dimension of any feature (length, width or area) shown on the master development plan, may vary up to five (5) percent of the scaled dimension provided that a written explanation of the variation, as well as a revised drawing of the master development plan reflecting and designating the refinement is submitted to the zoning administrator by the owner or applicant. Once the zoning administrator determines in writing that the variation conforms to this requirement, the variation becomes part of the approved master development plan. The zoning administrator must make a determination within twenty-one (21) calendar days of receiving the explanation from the applicant or owner.

The remainder of Article L.2 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the 28 day of February, 2023. Adopted and approved this 28 day of February, 2023.

Deanna Z. Reed
MAYOR

ATTESTE:

Samela Ulmer
CITY CLERK