

Zoning Ordinance Amendment

To amend Sections 10-3-55.4 and 10-3-55.6
of the R-5, High Residential Density District

ORDINANCE AMENDING AND RE-ENACTING SECTION
10-3-55.4 and 10-3-55.6
OF THE
CODE OF ORDINANCES
CITY OF HARRISONBURG, VIRGINIA

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

That Section 10-3-55.4 Other regulations is amended as shown:

The following uses are permitted by special use permit only:

- (1) Multiple-family dwellings of more than twelve (12) units per building ~~under conditions set forth in subsection 10-3-55.6(e) and such other conditions deemed necessary by city council.~~
- (2) Multiple-family buildings greater than four stories and/or fifty-two (52) feet in height ~~under conditions set forth in subsection 10-3-55.6(e) and such other conditions deemed necessary by city council.~~
- (3) Private clubs and golf courses.
- (4) Retail stores, convenience shops, personal service establishments, restaurants (excluding those with drive-through facilities), and business and professional offices under conditions set forth in subsections 10-3-55.6(f) and (g) and such other conditions deemed necessary by city council.
- (5) Walls and fences greater than the height otherwise permitted, under such conditions as are deemed necessary by the city council.
- (6) Reducing required parking areas to permit fewer than the required number of vehicle parking spaces for any use, provided that an amount of open space equal to the amount of space that would have been used for the required number of vehicle parking spaces is left available for parking in the event that, at the discretion of the city council, it is needed at some time in the future. Open space used for this purpose shall be so noted in the deed and shall not be used to meet any conflicting requirements of the zoning ordinance.
- (7) Public uses which deviate from the requirements of title 10, chapter 3.
- (8) Concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells. Telecommunications towers are not permitted, except for towers primarily erected for the use of the Harrisonburg-Rockingham Emergency Communications Center up to two hundred (200) feet in height. Wireless telecommunications facilities are further regulated by article CC.

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- (9) Short-term rentals, as further regulated by article DD.

That Section 10-3-55.6 Other regulations is amended as shown:

- ~~(e) Multiple family development special use permits may be approved if the following conditions as determined by city council are met:~~
- ~~(1) Existing multiple family development, or land planned for multiple family development according to the Land Use Guide in the Comprehensive Plan, is located adjacent to, across the street from, or in close proximity to the proposed multiple family development.~~
 - ~~(2) The applicant has demonstrated that adequate vehicular, transit, pedestrian and bicycle facilities:
 - ~~• Currently serve the site; or~~
 - ~~• Are planned to serve the site according to a city or state plan with reasonable expectation of construction within the timeframe of the need created by the development; or~~
 - ~~• Will be provided by the applicant at the time of development; or~~
 - ~~• Are not needed because of the circumstances of the proposal.~~~~
 - ~~(3) The applicant has demonstrated that the proposed multiple family development's design is compatible with adjacent existing and planned single family, duplex and townhouse development. Compatibility may be achieved through architectural design, site planning, landscaping and/or other measures that ensure that views from adjacent single family, duplex and townhouse development and public streets are not dominated by large buildings, mechanical/electrical and utility equipment, service/refuse functions and parking lots or garages.~~
 - ~~(4) The applicant has shown that the site is environmentally suitable for multiple family development. There shall be adequate area within the site, or the development shall be designed, to accommodate buildings, roads and parking areas with minimal impact on steep slopes and floodplains.~~

The remainder of Section 10-3-55.6 is reaffirmed and reenacted in its entirety, except as hereby modified and subsection 10-3-55.6(e) be reserved.

This ordinance shall be effective from the _____ day of _____, 2021. Adopted and approved this _____ day of _____, 2021.

MAYOR

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ATTESTE:

CITY CLERK