



DESCRIPTION OF AMENDMENT

Zoning Ordinance Section:

10-3-57.3 and 10-3-57.6(c)

Proposed Text (Attach separate sheet, if needed.)
See attached sheet.

APPLICANT'S INFORMATION

Harrisonburg Redevelopment and Housing Authority

540-434-7386

Applicant's Name

Telephone

Harrisonburg Redevelopment and Housing Authority

wongway@harrisonburgrha.com

Street Address

E-Mail

286 Kelley Street VA 22801

City State Zip

APPLICANT'S REPRESENTATIVE INFORMATION (if applicable)

Jordan K. Bowman

540-434-5353

Applicant's Representative

Telephone

410 Neff Avenue

jkb@littensipe.com

Street Address

E-Mail

Harrisonburg VA 22801

City State Zip

CERTIFICATION

I certify that the information supplied on this application and on the attachments provided is accurate and true to the best of my knowledge.



APPLICANT

12-9-22

DATE

REQUIRED ATTACHMENTS

Letter explaining the reasons for seeking Ordinance amendment.

TO BE COMPLETED BY PLANNING & ZONING DIVISION

Date Application and Fee Received

Total Fees Due: \$ _____
Application Fee: \$450.00

Received By

JORDAN K. BOWMAN

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December 9, 2022

Via Hand-Delivery

Attention: Thanh Dang, Assistant Director
Department of Community Development
City of Harrisonburg, Virginia
409 South Main Street
Harrisonburg, Virginia 22801

Re: Zoning Text Amendment

Dear Ms. Dang:

Our firm represents the Harrisonburg Redevelopment and Housing Authority (“HRHA”), which has entered into a joint venture with Equity Plus to construct the Bluestone Town Center Development (the “Development”), which is a proposed mixed-income housing development that would be located within the City of Harrisonburg near the intersection of Garber’s Church Road and Erickson Avenue. The Development will feature apartments and energy-efficient homes of a variety of types, as well as mixed-use development and amenities such as pocket parks, playgrounds, bus stops, and walking trails.

One of the housing types offered within the Development will be single-family manufactured housing that is eligible for the Fannie Mae and Freddie Mac MH Advantage programs. Because this type of manufactured housing meets specific heightened standards with respect to construction, design, and energy efficiency, the housing qualifies for conventional mortgage financing that enables residents to purchase these homes and become homeowners.

The proposed zoning for the Development is R-7 Medium Density Mixed Residential Planned Community. However, an amendment to the R-7 zoning regulations is required to allow manufactured housing. As proposed, the amendment clarifies that only manufactured houses that are attached to a permanent foundation and are titled as real estate would be allowed. Furthermore, only one manufactured home would be allowed per lot. This proposal is consistent with a single-family development in which houses and land are owned in fee simple, as opposed to a manufactured home park.

In the R-7 district, a master development plan is required at the time of a rezoning application. The master development plan specifies a number of things, including what housing types will be offered. The master development plan for the Development specifies that all manufactured homes will meet Fannie Mae and Freddie Mac MH Advantage program criteria. By adding manufactured homes as a permitted use in the R-7 district, the City increases flexibility of available housing types but does not “open the door” to by-right manufactured home development without subsequent review and approval of a master development plan.

In addition, changes to Sections 10-3-57.6(c) and 10-3-57.3(c) are proposed to allow planned communities to consist of up to 50 percent multi-family housing units, and to allow up to 64 units in a multi-family dwelling. As defined in the City Zoning Ordinance, multi-family units include any structure that contains more than two dwelling units. This includes apartments, triplexes, quadplexes, and townhouse-style construction where there are multiple townhouses on one lot.

Amending the City Zoning Ordinance to allow up to 50 percent multi-family housing units in a planned community in the R-7 district is consistent with the City's housing needs. Allowing up to 64 units in a multi-family building will enable larger buildings, thereby providing applicants with flexibility to propose a more diverse array of housing and building types, and to design communities in a way that uses space more efficiently and which is more environmentally sustainable.

Most importantly, in the R-7 district each planned community requires a master development plan, so the Planning Commission and City Council will have the opportunity to review and consider each planned community on its own individual merits. Increasing these thresholds as proposed simply enables the City to consider developments with up to 50% multi-family units and with up to 64 units in a building. In each instance, the City would have discretion whether to approve or deny a master development plan based on each plan's own merit.

Please let me know if you have any questions or would like more information regarding these proposed text amendments.

Cordially,



Jordan K. Bowman
JKB\kds\

ARTICLE L.2. R-7 MEDIUM DENSITY MIXED RESIDENTIAL PLANNED COMMUNITY

Sec. 10-3-57.1. General.

The regulations set forth in this article or set forth elsewhere in this chapter when referred to in this article are the "R-7" Medium Density Mixed Residential Planned Community District Regulations.

(Ord. of 10-25-05, § 1)

Sec. 10-3-57.2. Purpose of the district.

This district is intended to provide opportunities for the development of planned residential communities offering a mix of single-family detached and attached dwellings and open spaces, together with certain governmental, educational, religious, recreational and support uses. Under special circumstances, limited multiple-family dwellings may also be included. Innovative residential building types and creative subdivision design solutions are encouraged to promote neighborhood cohesiveness, walkability, connected transportation systems, community green spaces and protection of environmental resources. Communities shall be developed, redeveloped, and amended in accordance with a master development plan adopted at the time of rezoning or a subsequent approved amendment thereof. In order to carry out the intent of this article, planned communities developed under these district regulations and the approved master development plan shall achieve the following design objectives:

- (1) A mix of housing types and residential lot sizes and configurations is provided so as to offer a variety of housing opportunities, yet create a cohesive neighborhood that enhances social interaction.
- (2) Housing is clustered to preserve valuable environmental resources and provide usable recreational open space.
- (3) The open space system is as carefully designed as the housing area so as to offer usable parks, connected green spaces, and village greens and civic spaces visible from roadways and spatially defined by abutting building facades and/or landscape elements.
- (4) Vehicular, pedestrian and bicycle transportation is facilitated through a connected system of roads, sidewalks and/or trails so as to provide many choices with regard to mode and route.
- (5) Traffic calming techniques may be used to reduce vehicle speed and increase pedestrian and bicycle safety.
- (6) Principal buildings address the street, presenting front facades on the publicly visible side of the building.
- (7) The visual impact of vehicular off-street parking and garages on public streetscape views is minimized through innovative site planning and building design including parking areas located to the rear of buildings, using architectural design elements such as massing, form, materials and fenestration to make garages visually compatible with inhabited buildings, and parking areas screened with landscape elements.

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- (8) Neighborhood support uses, such as neighborhood commercial areas, daycare facilities, community centers, churches and schools, are designed so as to be visually compatible with the residential character of the neighborhood and accessible by all transportation modes.

(Ord. of 10-25-05, § 1; Ord. of 3-13-12(19))

Sec. 10-3-57.3. Uses permitted by right.

- (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.

(Ord. of 10-25-05, § 1; Ord. of 2-24-09(3); Ord. of 3-13-12(20); Ord. of 4-24-12(7); Ord. of 5-22-18(9); Ord. of 9-8-20(2))

Sec. 10-3-57.4. Uses permitted only by special use permit.

- (a) Private clubs and golf courses.
- (b) Home for the aged in which three not more than three (3) persons not of the immediate family are provided with food, shelter and care for compensation.

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- (c) Major family day home.
 - (d) Short-term rentals, as further regulated by Article DD.
 - (e) Walls and fences greater than the height otherwise permitted, under such conditions as are deemed necessary by the city council.
 - (f) Drive-through facility.
 - (g) 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.
 - (h) Public uses which deviate from the requirements of title 10, chapter 3.
 - (i) Concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells. Telecommunications towers are not permitted, except 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.
- (Ord. of 10-25-05, § 1; Ord. of 4-26-11(8); Ord. of 3-13-12(21); Ord. of 5-8-12(1); Ord. of 1-8-13(10); Ord. of 9-23-14(8); Ord. of 7-28-15(17) ; Ord. of 8-22-17(11); Ord. of 3-26-19(1))

Sec. 10-3-57.5. Area, density and dimensional regulations.

- (a) Minimum district size: Two (2) contiguous acres, which may include properties located directly across public or private street or alley rights-of-way from one another.
- (b) Maximum density: Fifteen (15) dwelling units per acre.
- (c) Maximum building height: Forty (40) feet (three (3) stories) for all uses except multiple-family dwellings, fifty (50) feet (four (4) stories) for multiple-family dwellings.
- (d) Minimum common open space or park: Fifteen (15) percent.
- (e) Lot area, lot width, lot depth and yards for all uses: Requirements as set by the approved master development plan.
- (f) Unless otherwise specified within the master development plan, the provisions of Article T, and the regulations in article CC for wireless telecommunications facilities, shall apply to the R-7 zoning district.
 - (1) Proposed building projects as permitted in this district, which rely on private refuse collection, shall provide a designated point of collection with appropriate facilities. Said facilities shall be screened and shall meet the requirements for accessory buildings per section 10-3-114.

(Ord. of 10-25-05, § 1; Ord. of 2-24-09(4); Ord. of 1-8-13(11); Ord. of 1-14-14(9); Ord. of 7-28-15(18) ; Ord. of 1-26-16)

Sec. 10-3-57.6. Other regulations.

- (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.

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- (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~~ (530) 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.

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- (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.

(Ord. of 10-25-05, § 1; Ord. of 3-13-12(22); Ord. of 1-8-19(3))