

**ORDINANCE AMENDING AND RE-ENACTING ARTICLE F SECTION 10-3-24 DEFINITIONS, ARTICLE G SECTION 10-3-25(7) AND ARTICLE T SECTION 10-3-110(F) AND ENACTING ARTICLE L.4 SECTION 10-3-59**

**OF THE**

**HARRISONBURG CITY CODE**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF HARRISONBURG, VIRGINIA:**

**Article F. – DEFINITIONS Section 10-3-24. Definitions:**

Story: Excluding basements, a portion of a building for living between the surface of any floor and the surface of the floor next above it, or if there is no floor above it, the space between the floor and the ceiling next above it.

**Article G. – OFF-STREET VEHICLE AND BICYCLE PARKING Section 10-3-25. – Off-Street vehicle parking:**

~~(7) Dwelling: One (1) parking space for each new detached single family dwelling; two (2) parking spaces for each duplex unit. For town houses and other multifamily dwellings, one and one-half (1½) spaces for each dwelling unit with one (1) bedroom, two and one-half (2½) parking spaces for each dwelling unit with two (2) or three (3) bedrooms, plus one (1) additional parking space for each bedroom when a unit has over three (3) bedrooms.~~

<u>Type of Dwelling and Zoning District</u>	<u>Parking requirement</u>
<u>Single-family detached and duplex dwellings, within all zoning districts</u>	<u>1 space for each dwelling unit</u>
<u>Townhouse and multifamily units within R-6, R-7, R-8, and MX-U districts</u>	<u>1 space for each dwelling unit</u>
<u>Townhouse and multifamily units within R-3, R-4, and R-5 districts</u>	<u>1.5 spaces for each dwelling unit with one bedroom</u> <u>2.5 spaces for each dwelling unit with two or</u>

	<u>three bedrooms</u>  <u>3.5 spaces for each dwelling unit with four or more bedrooms</u>
<u>Townhouses and multifamily units within R-3, R-4, and R-5 districts where occupancy has been restricted on a conditionally zoned property</u>	<u>1 space for each dwelling unit or as may be conditioned by the property owner at the time of rezoning</u>

**Enact Article L.4 Section 10-3-59:**

ARTICLE L.4 - R-8 SMALL LOT RESIDENTIAL DISTRICT

Sec. 10-3-59.1 - General.

The regulations set forth in this article or set forth elsewhere in this chapter when referred to in this article are the regulations for the "R-8" Small Lot Residential District.

Sec 10-3-59.2 - Purpose of district.

This district is intended for medium- to high-density residential together with certain governmental, educational, religious, recreational, and utility uses subject to restrictions and requirements necessary to ensure compatibility with residential surroundings. Residential development includes single-family detached, duplex, and in special circumstances townhouse development. Vehicular, pedestrian, and bicycle transportation is facilitated through a connected system of roads, sidewalks, and shared use paths, so as to provide many choices with regard to mode and route, and to provide a safe and comfortable pedestrian environment that promotes walkability for residents and visitors.

Sec. 10-3-59.3 - Uses permitted by right.

The following uses are permitted by right:

- (1) Single-family detached dwellings.
- (2) Duplex dwellings.
- (3) Owner-occupied single-family dwellings, which may include rental of space for occupancy by not more than two (2) persons, providing such rental space does not include new kitchen facilities.
- (4) Nonowner-occupied single-family dwellings, which may include rental of space for occupancy by not more than one (1) person, providing such rental space does not include new kitchen facilities.
- (5) Home Occupations.
- (6) Churches and other places of worship.

- (7) Public schools or private school having a function substantially the same as a public school.
- (8) Public uses.
- (9) Parks.
- (10) Small cell facilities. Wireless telecommunications facilities are further regulated by Article CC.
- (11) Accessory buildings and uses clearly incidental to other permitted uses. (Refer to Section 10-3-114, Accessory Buildings.)

Sec. 10-3-59.4 - Uses permitted only by special use permit.

- (1) Attached townhouses of not more than eight (8) units.
- (2) Community buildings.
- (3) Major family day home.
- (4) Child day care.
- (5) Adult day care.
- (6) Short-term rentals as further regulated by Article DD.
- (7) 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.
- (8) Walls and fences greater than the height otherwise permitted, under such conditions as are deemed necessary by the city council.
- (9) 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.
- (10) Public uses which deviate from the requirements of Title 10, Chapter 3.
- (11) Reduced required side yard setbacks to zero (0) feet where such buildings are single-family detached or duplex dwellings when National Fire Protection Association (NFPA) 13, 13R, or 13D fire sprinkler systems are installed in such buildings or exterior wall(s) adjacent to reduced side yard setback is constructed without openings and has a minimum 1-hour fire resistance rating in accordance with testing standards described in the Virginia Residential Code.

Sec. 10-3-59.5 - Area and dimensional regulations.

Except as provided in Article T, and as required in Article CC for wireless telecommunications facilities, the following area and dimensional regulations shall apply:

Table 1. Area and Dimensional Regulations

<u>Lot Area</u> <u>Sq. Ft.</u>	<u>MINIMUM FEET</u>					<u>MAXIMUM</u>	
	<u>*Lot Width</u>	<u>Lot Depth</u>	<u>Front Yard</u>	<u>**Side Yard</u>	<u>Rear Yard</u>	<u>Stories</u>	<u>Height</u>
<u>Single-Family Detached: 2,800</u>	<u>35</u>	<u>60</u>	<u>10</u>	<u>See Table 2</u>	<u>15</u>	<u>3</u>	<u>40</u>
<u>Duplex: 1,800/unit</u>	<u>25/unit</u>	<u>60</u>	<u>10</u>	<u>See Table 2</u>	<u>15</u>	<u>3</u>	<u>40</u>
<u>Townhouse: 1,800/unit</u>	<u>18</u>	<u>60</u>	<u>10</u>	<u>10</u>	<u>20</u>	<u>3</u>	<u>40</u>
<u>Other Uses: 6,000</u>	<u>60</u>	<u>100</u>	<u>10</u>	<u>10</u>	<u>25</u>	<u>3</u>	<u>40</u>

\*Measured at the point of required front setback line.

\*\*See special regulations for townhouses in Article T. In addition, side yard setbacks for all uses may be reduced with approval of a special use permit as set forth in subsection 10-3-59.4 (11).

Table 2. Minimum Side Yard Setback Requirements for Single-Family Detached and Duplex Dwellings

<u>Number of Stories Above Ground</u>	<u>#Side Yard Setback (ft.)</u>
<u>1-story</u>	<u>7</u>
<u>2-story</u>	<u>7</u>
<u>3-story</u>	<u>10</u>

# Side yard setbacks may be reduced with approval of a special use permit as set forth in subsection 10-3-59.4 (11).

Sec. 10-3-59.6 - Other regulations.

(a) Attached or detached private radio and television antennas, including dish antennas, shall not exceed the maximum height otherwise permitted in all districts 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) Off-street parking regulations for all new buildings and uses permitted in this district are governed by Article G.

(c) Only one dwelling unit may be constructed upon each subdivided parcel of land.

(d) 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.

**ARTICLE T. – MODIFICATIONS AND ADJUSTMENTS- Section 10-3-110. - General modification**

(f) Except in the R-8 Small Lot Residential District, ~~W~~where a lot of record is less than sixty (60) feet in width as measured at the point of required front setback, each required side setback for internal lot lines may be reduced to not less than five (5) feet unless otherwise superseded by building regulations.

This ordinance shall be effective on the \_\_\_\_ day of June, 2019

ADOPTED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK