

## ARTICLE J.2. - R-3 MEDIUM DENSITY RESIDENTIAL DISTRICT

This article will be effective August 14, 2010. To develop under the previous R-3, Multiple Dwelling Residential District, Comprehensive Site Plans must be approved before August 14, 2010.

(Ord. of 8-14-07)

## Sec. 10-3-48.1. - 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-3" Medium Density Residential District.

(Ord. of 8-14-07)

## Sec. 10-3-48.2. - Purpose of district.

This district is intended for medium density residential development and other uses intended to respect the residential character which are aesthetically compatible within the district by means of architectural expression, landscaping and restrained traffic flow. Residential development includes single-family, duplex, townhouse units, and in special circumstances, multiple-family buildings. Nonresidential development may include institutional buildings such as colleges, universities, hospitals, medical and professional offices, nursing homes and charitable institutions. It is further intended that conversion from residential use to other permitted nonresidential uses be compatible with the character of the district. All nonresidential uses are subject to restrictions and requirements necessary to ensure compatibility with residential surroundings.

(Ord. of 8-14-07)

## Sec. 10-3-48.3. - Uses permitted by right.

The following uses are permitted by right:

- (1) Single-family dwelling units with limitations as required by area and dimensional regulations (section 10-3-48.5 below).
- (2) Duplex dwelling units with limitations as required by area and dimensional regulations (section 10-3-48.5 below).
- (3) Dwelling units may be occupied by a family or not more than four (4) persons, except that such occupancy may be superseded by building regulations.
- (4) Attached townhouses of not more than eight (8) units.
- (5) Home occupations, as defined.
- (6) Churches or other places of worship.

- (7) Public schools or a private school having a function substantially the same as a public school.
- (8) Other governmental uses, such as community centers, parks and playgrounds.
- (9) College and university buildings and functions, which are either owned or leased by such institutions, and which may include fraternities and sororities.
- (10) Hospitals, convalescent or nursing homes, funeral homes, medical offices and professional offices as defined by article F.
- (11) Charitable or benevolent institutions.
- (12) Accessory buildings and uses clearly incidental to the above. Accessory uses incidental to permitted nonresidential uses shall be located within principal buildings when such accessory function serves the public. Parking garages are permitted within the district.
- (13) Child day care.
- (14) Adult day care.
- (15) Private clubs and golf courses.
- (16) Cemeteries.
- (17) Public uses.
- (18) Community buildings for associated townhouse and multiple-family developments.
- (19) Small cell facilities. Wireless telecommunications facilities are further regulated by Article CC.
- (20) Homestays, as further regulated by Article DD.

(Ord. of 8-14-07; Ord. of 11-25-08(2); Ord. of 2-24-09(2); Ord. of 4-27-10(6); Ord. of 3-28-17(4); Ord. of 5-22-18(5); Ord. of 9-8-20(2))

Sec. 10-3-48.4. - Uses permitted only by special use permit.

The following uses are permitted by special use permit only:

- (1) Boarding and rooming houses, complying with conditions as defined under article F, and limited in occupancy by one (1) person per designated bedroom unless otherwise specified within the special use permit.
- (2) Short-term rentals, as further regulated by article DD.
- (3) 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.
- (4) 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.

- (5) Personal service establishments, including, but not limited to barber shops, day spas, beauty parlors, and tanning salons. Parking requirements based on retail use designation.
- (6) Multiple-family dwellings of up to twelve (12) units per building under conditions set forth in subsection 10-3-48.6(e) and such other conditions deemed necessary by city council.
- (7) Major family day home.
- (8) Walls and fences greater than the height otherwise permitted, under such conditions as are deemed necessary by the city council.
- (9) Public uses which deviate from the requirements of title 10, chapter 3.
- (10) Community buildings (other than those permitted by right).

(Ord. of 8-14-07; Ord. of 11-25-08(2); Ord. of 4-28-09(5); Ord. of 5-26-09(2); Ord. of 4-26-11(4); Ord. of 1-8-13(4); Ord. of 9-23-14(4); Ord. of 7-28-15(9); Ord. of 3-28-17(5); Ord. of 8-22-17(6); Ord. of 3-26-19(1))

Sec. 10-3-48.5. - 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:

Lot Area Sq. Ft.	MINIMUM FEET					MAXIMUM	
	*Lot Width	Lot Depth	Front Yard	**Side Yard	Rear Yard	Stories	Height Feet
Single-family: 6,000	60	100	30	10	20	3	35
Duplex: 4,000/unit	30/unit	100	30	10	25	3	35
Multifamily: 3,000/unit	60	100	30	10	25	3	40

Multifamily Quadraplex: 12,000/building, 3,000 sq. ft./unit	60 ft./4-unit building, 30 ft./individually subdivided lot	100	30	10	25	3	40
Townhouse: 2,000/unit	18	112	30	10	25	3	40
Other uses: 6,000	60	100	30	10	25	3	40

\*Measured at point of required front setback line.

\*\*See special regulations for attached multifamily dwellings and townhouses in article T.

(Ord. of 8-14-07; Ord. of 11-25-08(2); Ord. of 2-24-09(2); Ord. of 7-28-15(10).)

Sec. 10-3-48.6. - 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.

- (b) Off-street parking regulations for all buildings and uses permitted in this district are governed by article G. When an off-street parking lot containing five (5) or more spaces is to be constructed within an established single family detached or duplex neighborhood, such parking lot(s) shall not be located between principal buildings and a public street, unless the parcel has multiple public street frontages, and shall be screened from the public street(s) by principal buildings or by landscaping or walls. When an off-street parking garage containing five (5) or more spaces is to be constructed within an established single family detached or duplex neighborhood, such parking garage shall be located to the rear or side of principal buildings and screened from the public street(s) by principal buildings or by landscaping or walls. The parking garage cannot be located between principal buildings and public streets. Where such parking lots/garages abut

single-family detached or duplex lots, they shall be screened from such lots by landscaping, fences, or walls. An adequate screen shall be a minimum five-foot wide buffer area containing the following:

Screen Abutting Street	Screen Abutting Adjacent Lot
4-foot high masonry wall	6-foot high masonry wall or solid wood fence
Or	Or
Evergreen hedge of 4-foot high (ultimate height) shrubs or trees planted a minimum of 5 feet on center so as to form a dense screen	Evergreen hedge of 6-foot high (ultimate height) shrubs or trees planted a minimum of 5 feet on center so as to form a dense screen

An established single-family detached or duplex neighborhood is defined as one (1) meeting at least one (1) of the following conditions:

- (1) A single-family house or duplex is located on at least one (1) side, not rear, of the lot containing the parking lot/garage, or
  - (2) At least fifty (50) percent of the lots along both sides of the street within the same block as the parking lot/garage are occupied by single-family houses or duplexes.
- (c) More than one (1) principal building may be constructed upon an unsubdivided parcel of land as density allows. The open space between each building as measured at the closest point between building walls shall not be less than twenty (20) feet. The minimum separation between buildings may be superseded by building regulations. The front façade of each principal building shall face a dedicated public street or the limits of a private parking unit (as defined) and no building shall have the rear façade facing a dedicated public street, unless the parcel has multiple public street frontages where rear façades may front one (1) public street.
- (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.
- (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.
- (f) Any conforming uses established under the R-3 regulations that existed prior to August 14, 2010, shall not be considered nonconforming and may continue to meet those prior R-3 regulations. Legally established multiple-family residential developments meeting the prior R-3 regulations shall not be required to obtain a special use permit.

(Ord. of 8-14-07; Ord. of 3-22-11(2); Ord. of 1-14-14(5); Ord. of 7-28-20(2))