

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-58.6  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

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

**That Section 10-3-58.6. Other Regulations shall be amended as follows:**

**Amend subsections (d), (e), and (g) as shown:**

(d) *Mix of uses:* The MX-U planned community shall provide a mix of uses meeting the following minimums and maximums:

Land Uses	% of Net Development Area	
	Minimum	Maximum
(1) Parks, common open space (10-3-58.3(16) & (17))	15%	None Specified
(2) Retail, service (10-3-58.3(7), (9), (14) & (15))	5%	30%
(3) Employment, office (10-3-58.3(8))	No Minimum	30%
(4) Residential (10-3-58.3(1), (2), (3), (4) & (6))	No less than 50%	80%
(5) Other permitted uses	None Specified	None Specified

(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 permitted for either retail-service and/or employment-office uses. 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) Buildings having a floor plate larger than twenty thousand (20,000) square feet, but no more than sixty thousand (60,000) square feet, may be approved as part of a master development plan for a MX-U planned community if the applicant demonstrates that the proposed building's design is compatible with adjacent development (contiguous or across the street). Compatibility may be achieved through architectural design, site planning, landscaping and/or other measures that ensure that views from adjacent residential development and public streets are not dominated by the building, mechanical/electrical and utility equipment, service/refuse functions or associated parking lots or garages.

**Add subsections (l) and (m) as shown:**

- (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 10-3-58.6 (h) and (i) the ground dimension of any feature (length, width or area) shown on the master development plan, may vary up to 5% 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 21 calendar days of receiving the explanation from the applicant or owner.

The remainder of Section 10-3-58.6 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2012. Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2012.

\_\_\_\_\_  
**MAYOR**

ATTESTE:

\_\_\_\_\_  
CLERK OF THE COUNCIL