



# City of Harrisonburg, Virginia

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To: Kurt Hodgen, City Manager  
From: Planning Commission and  
Adam Fletcher, Director of Planning and Community Development  
Date: September 13, 2016 City Council Meeting  
Re: Zoning Ordinance Amendment – Section 10-3-30.1, Parking Lot Landscaping

## **Summary:**

Public hearing to consider a request from 217 S. Liberty, LLC with representative Michael Jaffee of Matchbox Realty to amend the Zoning Ordinance Section 10-3-30.1, Parking Lot Landscaping. The amendment would create the ability for parking lots within the B-1 district with 10 or fewer parking spaces to be exempt from regulations of Section 10-3-30.1.

## **Background:**

The Comprehensive Plan's 2011-2016 Action Plan identifies priorities that should be implemented starting in 2011 and completed by the end of 2016. One of the priorities identified is Strategy 8.4.5, which states "[t]o consider adding street tree planting and other landscape requirements for new development and redevelopment in the City's land use codes." In 2012, staff presented the Parking Lot Landscaping Regulations Section 10-3-30.1 of the Zoning Ordinance to Planning Commission and to City Council. The regulations were adopted and became effective September 1, 2012. Amendments to clarify the regulations were adopted by City Council on May 26, 2015.

The 2012 regulations built on the previously existing regulations, which required landscaping of at least 15-percent of the area to be used for parking and maneuvering. The base requirement of 15-percent was not increased in 2012, but further requirements were added to ensure that developments and properties develop in a way that is consistent with the guidelines of the City's Comprehensive Plan.

Sections 10-3-30.1 (1) through (15) apply to developing and redeveloping parking lots in all zoning districts. Section 10-3-30.1(16) is associated with non-conforming parking lots and, among other things, states that "[r]epaving, regraveling, redesigning, or restriping a parking lot or increasing the number of parking spaces without increasing the net square footage of a parking lot does not constitute an enlargement," and, thus, is not required to meet Parking Lot Landscaping Regulations.

In addition to supporting the Comprehensive Plan Strategy 8.4.5, parking lot landscaping:

- creates green spaces,
- enhances aesthetics of the property,
- creates a friendlier, more walkable environment,
- reduces air temperatures by shading parked cars and pavement,
- reduces stormwater runoff and water temperatures of Blacks Run, and
- helps parking lots last longer because trees cool the pavement surface.

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**Key Issues:**

Presently, 217 S. Liberty, LLC with representative Michael Jaffee of Matchbox Realty is requesting an amendment to the Zoning Ordinance to exempt new parking lots within the B-1 district with 10 or fewer parking spaces from Section 10-3-30.1 Parking Lot Landscaping regulations.

217 S. Liberty, LLC wants to install parallel parking spaces along the southern side of the driveway and cul-de-sac off South Liberty Street serving the Ice House. It should be known that during engineering design and comprehensive site plan review for the Ice House Phase II redevelopment, the driveway and cul-de-sac were shown to be a smaller size and were approved to function only as a driveway with fire lanes. A note on the Ice House Phase II site plan reads:

“There will be no off-street parking associated with these plans and as such does not require parking lot landscaping. If parking is added, compliance with Zoning Ordinance Section 10-3-30.1, Parking Lot Landscaping, will be required.”

During construction, the driveway and cul-de-sac were built larger than what was approved.

The applicant’s proposed amendment occurs within the opening paragraph of Section 10-3-30.1 and is shown below. (Hereafter, the applicant’s proposed amendment shall be referred to as Amendment A.)

This section is applicable to all uses, and to all parking lots, both required and not required, ~~except single-family detached and duplex dwelling units with the following exceptions:~~

- Single-family detached and duplex dwelling units, and
- Within the B-1 district, parking lots with 10 or fewer parking spaces.

All properties being developed or redeveloped shall conform to all regulations of this section. Reference the Design and Construction Standards Manual Example Parking Lot Landscaping drawings 2.6.8 Examples A and B for visual aids of the applied regulations.

Exemption from Section 10-3-30.1 Parking Lot Landscaping requirements would include exemptions from (in summary): separation from public street right-of-way by a landscaping border of not less than 10-ft. in width, separation from side and rear property lines by a landscaping border or fence, minimum landscaping areas equal to at least 15-percent of the total area of the parking lot, a landscaping island of 140 square feet at the terminus of each parking bay, and rows of parking spaces divided at intervals of no more than 12 parking spaces by a landscaping island. (For reference, the full text of Section 10-3-30.1 is provided as an attachment.)

If Planning Commission supports the applicant’s proposal to exempt parking lots within the B-1 district with 10 or fewer spaces, staff recommends further amending the opening paragraph of Section 10-3-30.1 as shown below (text bolded to show differences). (Hereafter, this version shall be referred to as Amendment B.)

This section is applicable to all uses, and to all parking lots **and enlarged portions of existing parking lots**, both required and not required, ~~except single family detached and duplex dwelling units with the following exceptions:~~

- Single-family detached and duplex dwelling units, and
- Within the B-1 district, **10 or fewer parking spaces are provided on one parcel.**

All properties being developed or redeveloped shall conform to all regulations of this section. Reference the Design and Construction Standards Manual Example Parking Lot Landscaping drawings 2.6.8 Examples A and B for visual aids of the applied regulations.

Adding “enlarged portions of parking lots” clarifies the intent of Section 10-3-30.1 Parking Lot Landscaping regulations. Furthermore, in recognizing that a single parcel could have two or more independent parking lots, staff recommends limiting the exemption to a total number of parking spaces on one parcel.

Regardless of whether Amendment A or Amendment B is chosen, for added clarification of interpretation and implementation staff further recommends amending Section 10-3-30.1(16) as shown below. (Hereafter, this amendment shall be referred to as Amendment C.)

Nonconforming landscaping: An existing building/use that has parking lot landscaping that is nonconforming as to the minimum landscaping requirements of this section may be enlarged; however, parking lot landscaping requirements shall apply to all enlarged portions of existing parking lots, including parking lots in the B-1 district that are enlarged beyond the exemption threshold noted in the opening paragraph of this section. ~~required landscaping shall be at least proportionate to any enlargement of the parking lot.~~ Any enlargement of a parking lot on any property having an existing landscaping border separating parking spaces from public street right-of-way lines, which is five (5) feet or larger, shall provide trees within the border as required by subsection 10-3-30.1(4). (Note: Repaving, regraveling, redesigning, or restriping a parking lot or increasing the number of parking spaces without increasing the net square footage of a parking lot does not constitute an enlargement.)

Prior to receiving 217 S. Liberty, LLC’s application to request amending Section 10-3-30.1 Parking Lot Landscaping regulations, staff had internally discussed proposing amendments to Section 10-3-30.1 to offer a relief mechanism for B-1 property owners to be able to construct a small amount of off-street parking for onsite uses without having to comply with the landscaping regulations. Staff recognizes that that there is limited space for off-street parking in the B-1 district, where parking is not required, and that in certain circumstances by attempting to provide a few spaces, the effort and resources may not be worthwhile. (Note that principle use parking lots and parking garages in the B-1 district are permissible only by special use permit.)

Although staff supports a relief mechanism for properties within the B-1 district with limited land areas to construct off-street parking spaces for onsite uses without providing landscaping, staff does not recommend the amendment as proposed by the applicant (Amendment A) to exempt new parking lots with 10 or fewer parking spaces. Rather, staff recommends an exemption for fewer parking spaces.

Table 1, below, shows the number of 90-degree parking spaces that could be provided in the same land area with and without applying the landscaping requirements per Section 10-3-30.1(5), which requires landscaping islands of 140-square feet at the terminus of each end of a parking bay.

**Table 1. Number of 90-degree parking spaces with and without applying Section 10-3-30.1(5) Parking Lot Landscaping.**

<b><i>n</i>-parking spaces (including 1 handicap accessible parking space)</b>	<b>With landscaping island requirements, <i>n</i>- parking spaces (including 1 handicap accessible parking space)</b>
1	0
2	0
3	1
4	2
5	3
6	4
7	5
8	6
9	7
10	8

Table 1, above, illustrates that if a parcel has land area for 4 or less parking spaces, 50% or more of the available land area would be required for landscaped islands. With land area available for 5 spaces, a parcel could achieve 3 parking spaces with landscaped islands, which is more than half.

Staff recommends amending Section 10-3-30.1(16) as shown previously in Amendment C and also amending the opening paragraph of Section 10-3-30.1 to read as shown below to allow an exemption for 6 or fewer parking spaces in the B-1 district. (Hereafter, known as Amendment D.)

This section is applicable to all uses, and to all parking lots and enlarged portions of existing parking lots, both required and not required, ~~except single family detached and duplex dwelling units with the following exceptions:~~

- Single-family detached and duplex dwelling units, and
- Within the B-1 district, when 6 or fewer parking spaces are provided on one parcel.

All properties being developed or redeveloped shall conform to all regulations of this section. Reference the Design and Construction Standards Manual Example Parking Lot Landscaping drawings 2.6.8 Examples A and B for visual aids of the applied regulations.

To further understand staff's position, staff created Figures 1 through 8 (attached herein) to illustrate general parking lot layouts with 90-degree parking and parallel parking for 6 and 10 parking spaces, exempt and not exempt from Section 10-3-30.1 Parking Lot Landscaping. Given the vast number of layout scenarios, depending upon location and size of the land area available for a parking lot, for purposes of simplicity, only exemptions from landscaping islands of Section 10-3-30.1(5) are illustrated.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

1. Recommend denial of any amendments to Section 10-3-30.1 and take no further action.
2. Recommend approval of 217 S. Liberty, LLC’s request for exemption as presented by the applicant without staff’s recommendation for additional amendments to Section 10-3-30.1. (Amendment A)
3. Recommend approval of 217 S. Liberty, LLC’s request for exemption of 10 or fewer parking spaces in B-1 with staff recommendation for additional amendments to Section 10-3-30.1. (Amendments B & C)

**Community Engagement:**

As required, the request was published in the local newspaper twice advertising for Planning Commission’s public hearing and twice for City Council’s public hearing for the Zoning Ordinance amendment. The advertisement was published as shown below:

*Zoning Ordinance Amendment – Section 10-3-30.1, Parking Lot Landscaping*

Public hearing to consider a request from 217 S. Liberty, LLC with representative Michael Jaffee of Matchbox Realty to amend the Zoning Ordinance Section 10-3-30.1, Parking Lot Landscaping. The amendment would create the ability for parking lots within the B-1 district with 10 or fewer parking spaces to be exempt from regulations of Section 10-3-30.1.

In addition, a notice was provided on the City’s website at <https://www.harrisonburgva.gov/public-hearings>.

**Recommendation:**

Staff recommends the following,

1. Deny the ordinance amendment as presented by 217 S. Liberty, LLC,
2. Amend the opening paragraph of Section 10-3-30.1 Parking Lot Landscaping to exempt 6 or fewer parking spaces in the B-1 district (Amendment D) as shown below.

This section is applicable to all uses, and to all parking lots and enlarged portions of existing parking lots, both required and not required, ~~except single-family detached and duplex dwelling units~~ with the following exceptions:

- Single-family detached and duplex dwelling units, and
- Within the B-1 district, when 6 or fewer parking spaces are provided on one parcel.

All properties being developed or redeveloped shall conform to all regulations of this section. Reference the Design and Construction Standards Manual Example Parking Lot Landscaping drawings 2.6.8 Examples A and B for visual aids of the applied regulations.

3. Amend Section 10-3-30.1(16) to read (Amendment C) as shown below.

Nonconforming landscaping: An existing building/use that has parking lot landscaping that is nonconforming as to the minimum landscaping requirements of this section may be enlarged; however, parking lot landscaping requirements shall apply to all enlarged portions of existing parking lots, including parking lots in the B-1 district that are enlarged beyond the exemption threshold noted in the opening paragraph of this section. ~~required landscaping shall be at least proportionate to any enlargement of the parking lot.~~ Any enlargement of a parking lot on any property having an existing landscaping border separating parking spaces from public street right-of-way lines, which is five (5) feet or larger, shall provide trees within the border as required by subsection 10-3-30.1(4). (Note: Repaving, regraveling, redesigning, or restriping a parking lot or increasing the number of parking spaces without increasing the net square footage of a parking lot does not constitute an enlargement.)

**Attachments:**

1. Extract (14 pages)
2. Application, e-mail confirmations, and applicant letter (4 pages)
3. Zoning Ordinance Amendment, as proposed by the applicant (3 pages)
4. Section 10-3-30.1 Parking Lot Landscaping of the Zoning Ordinance, full text (3 pages)
5. Figures 1 through 8 illustrating general parking lot layouts. (4 pages)

**Review:**

Planning Commission recommended approving (5-0) to amend the opening paragraph of Section 10-3-30.1 Parking Lot Landscaping as was recommended by staff as shown below:

This section is applicable to all uses, and to all parking lots and enlarged portions of existing parking lots, both required and not required, ~~except single family detached and duplex dwelling units.~~with the following exceptions:

- Single-family detached and duplex dwelling units, and
- Within the B-1 district, when 6 or fewer parking spaces are provided on one parcel.

All properties being developed or redeveloped shall conform to all regulations of this section. Reference the Design and Construction Standards Manual Example Parking Lot Landscaping drawings 2.6.8 Examples A and B for visual aids of the applied regulations.

Planning Commission also recommended approving (5-0) the amendment to Section 10-3-30.1 (16) as shown below:

Nonconforming landscaping: An existing building/use that has parking lot landscaping that is nonconforming as to the minimum landscaping requirements of this section may be enlarged; however, parking lot landscaping requirements shall apply to all enlarged portions of existing parking lots, including parking lots in the B-1 district that are enlarged beyond the exemption threshold noted in the opening paragraph of this section. ~~required landscaping shall be at least proportionate to any enlargement of the parking lot.~~ Any enlargement of a parking lot on any property having an existing landscaping border separating parking spaces from public street right-of-way lines, which is five (5) feet or larger, shall provide trees within the border as required by subsection 10-3-30.1(4). (Note: Repaving, regraveling, redesigning, or restriping a parking lot or increasing the number of parking spaces without increasing the net square footage of a parking lot does not constitute an enlargement.)