

ORDINANCE AMENDMENT

**To amend the opening paragraph and
subsections (2) and (16) of the Parking
Lot Landscaping Regulations
Section 10-3-30.1**



City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

STAFF REPORT

March 11, 2015

ZONING ORDINANCE AMENDMENT

Section 10-3-30.1

After almost two and half years of implementing the new Parking Lot Landscaping regulations Section 10-3-30.1 of the Zoning Ordinance, which were put into practice on September 1, 2012, staff is proposing minor modifications to improve and clarify its application and to provide flexibility for meeting side and rear lot line separation requirements for parking lots adjacent to existing buildings on adjoining lots having established zero lot line setbacks.

Perhaps the most questioned interpretation of applying the Parking Lot Landscaping regulations has been when parcels are being redeveloped or are making some kind of change to the existing use or parking lot. To help clarify the intent of the regulations, we are proposing to modify the opening paragraph of the section along with amending subsection (16) by adding the following text (additions are underlined):

Opening paragraph:

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. All developing and redeveloping properties 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.

Subsection (16):

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, required landscaping shall be provided 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, regravelling, 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.)

In addition to the above described amendments, staff is proposing to alleviate separation requirements for parking lots adjacent to lots having existing buildings with zero setbacks. Currently, subsection (2) requires parking lots to be separated from all side and rear property lines by a landscaping border not less than 10 feet in width or by a wall or fence of at least three feet in height, except along adjoining lot lines which lie within a shared parking agreement. Staff continues to believe this is a sound regulation, but would like to offer flexibility for property

owners who wish to construct parking lots up to side or rear property lines and not have to erect a wall or fence when the parking lot is adjacent to existing buildings on adjoining lots having zero lot line setbacks. Although this situation has not yet been presented to staff as a hardship for property owners, staff believes applying this rule in such a scenario is unnecessary as property owners would simply be erecting a wall or fence adjacent to the wall of an existing building to satisfy the landscaping requirement. This situation is most likely to occur for properties in the B-1 district, adjacent to the B-1 district, adjacent to parcels which received a special use permit to allow zero lot line setbacks, or adjacent to parcels with existing buildings that are nonconforming to setback regulations because the building is located on the shared property line and next to the parking lot.

To offer this flexibility, staff is proposing to add the following text within subsection (2) (additions are underlined):

- (2) Parking lots shall be separated from all side and rear property lines by a landscaping border not less than ten (10) feet in width or by a wall or fence of at least three (3) feet in height, except along adjoining lot lines which lie within a shared parking arrangement: or where existing buildings on adjoining lots are located on shared property lines.

Staff recommends approving the proposed amendments.

ORDINANCE AMENDING AND RE-ENACTING SECTION

10-3-30.1

OF THE

CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

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

That Section 10-3-30.1 Parking Lot Landscaping shall be amended by modifying the opening paragraph of the section as well as subsections (2) and (16) as shown:

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. 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.

- (2) Parking lots shall be separated from all side and rear property lines by a landscaping border not less than ten (10) feet in width or by a wall or fence of at least three (3) feet in height, except along adjoining lot lines which lie within a shared parking arrangement: or where existing buildings on adjoining lots are located on shared property lines.
- (16) *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, required landscaping shall be provided 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, regravelling, 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.)

The remainder of Section 10-3-30.1 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the _____ day of _____, 2015.
Adopted and approved this _____ day of _____, 2015.

MAYOR

ATTESTE:

CLERK PRO TEMPORE