



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Ande Banks, City Manager
From: Adam Fletcher, Director, Department of Community Development and Harrisonburg Planning Commission
Date: July 9, 2024 (Regular Meeting)
Re: Zoning Ordinance Amendment – To Modify Private Refuse Collection Regulations

Summary:

Zoning Ordinance Sections	Amend Sections 10-3-36, 10-3-42, 10-3-48, 10-3-48.6, 10-3-54, 10-3-55.6, 10-3-57.5, 10-3-58.5, 10-3-59.6, 10-3-65, 10-3-73, 10-3-81, 10-3-87, 10-3-93, 10-3-99, 10-3-181, 10-3-110
Purpose	To modify regulations associated with private refuse collection in all zoning districts, specifically to modify location and screening requirements
Applicant	City of Harrisonburg
Staff Recommendation	Approval
Planning Commission Recommendation	June 12, 2024 (Public Hearing) Approval (4-0)
City Council	July 9, 2024 (First Reading/Public Hearing) Anticipated July 23, 2024 (Second Reading)

Background:

In early 2024, staff internally discussed the idea of modifying regulations associated with the location of private refuse collection facilities. Initially, the intent was to modify the location requirements within townhome developments because they are currently held to the same location and setback requirements as accessory buildings per Section 10-3-114, which we observed was burdensome to where private refuse collection facilities were able to be located and then accessed for service.

Key Issues:

Currently, the Zoning Ordinance (ZO) requires private refuse collection facilities, such as dumpsters, trash compactors, and the areas that might store multiple waste receptacles, to meet the same setback and location regulations as is required for accessory buildings per Section 10-3-114. In addition, these areas must be screened and meet the requirements outlined in the definition of *Screening* per Section 10-3-24. For reference, the definition of *Screening* and Section 10-3-114 is attached herein. Note that the location

requirements for these facilities in residential districts are different than the location requirements for them in business and industrial districts and the MX-U district.

The entirety of the proposed ZO amendments is provided within the attached document “Proposed Zoning Ordinance Amendments Regarding Private Refuse Collection Facilities.” There are multiple sections to be modified, many of which include the exact same text changes. In general, however, the proposal is to modify regulations associated with where private refuse collection facilities may be located by no longer treating them similarly to accessory buildings and by disassociating the screening requirements for these areas from the definition of *Screening*. Instead, within all zoning districts, the following statement would be added that would refer to a new subsection of Section 10-3-110, which is where the specific regulations for such facilities will be located in the ZO:

Private refuse collection facilities shall be provided at a designated point and shall meet the requirements in Section 10-3-110 (h).

The proposed new subsection (h) of Section 10-3-110 would state:

(h) Private refuse collection facilities (i.e. dumpsters, trash compactors, and areas storing multiple waste receptacles, etc.) shall meet the following requirements:

(1) The boundaries of the designated point of collection are considered the entire area that must be screened, measured from the outside boundary of the required screening.

(2) Location on parcels with principal buildings. Designated point(s) of collection:

(i) Shall not be located in any yard adjoining a developed public street; except on through lots, where it may be located in the established rear yard and meet principal building setbacks;

(ii) Shall be no closer than five feet from any property line not adjoining a developed public street, except in the B-1 district where there is no minimum distance from such lines; and

(iii) Shall not be located within the limits of a required fire lane.

(3) Location on parcels without principal buildings. Designated points of collection:

(i) On common area parcels shall be no closer to a property line adjoining a developed public street than the principal building closest to the property line adjoining a developed public street within the same development and shall be no closer than five feet from any other property lines.

(ii) Within the B-1 district shall be no closer than 20-feet from a property line adjoining a developed public street and has no minimum distance from other property lines.

(4) Screening. The designated point of collection shall be screened by opaque fencing, walls, or other structural enclosures that are equal to or greater than the height of the container(s) placed within the storage area. Such screening shall include a closable gate with a maximum 6-inch spacing at the bottom of the gate to the ground surface. The definition of Screening described in Section 10-3-24 does not apply to the requirements of this subsection.

To understand the intent of the proposed regulations above, one must also know how “yard” is currently defined in the ZO. “Yard” is defined as:

Yard: A space on the same lot with a principal building, open, unoccupied and unobstructed by buildings or structures from ground to sky except where encroachment and accessory buildings are expressly permitted herein.

The proposed ZO amendments would require private refuse collection facilities to meet the same regulations in all zoning districts, except in the B-1 district. For parcels zoned B-1 developed with principal buildings, there would be no minimum distance from property lines that are not adjacent to developed public streets. For B-1 properties that do not include principal buildings, the designated point of collection shall be no closer than 20-feet from the property line adjacent to a developed public street, but it would have no minimum distance from other property lines. Example site layouts showing where private refuse collection facilities would be prohibited are provided within the staff report packet.

With regard to screening requirements, the requirements remain similar to current regulations except that:

- Fencing, walls, or other structural enclosures must be equal to or greater than the height of the containers placed within the storage area. Currently, the requirement is a minimum of 6-feet in height, regardless of the height of containers.
- Use of plant materials for screening purposes would no longer be allowed.
- Clarification that a closable gate is required and may have a maximum 6-inch spacing at the bottom of the gate to the ground surface.

These regulations would apply to all new private refuse collection facilities. If the amendments are approved, all existing, compliant private refuse collection facilities would become nonconforming and any existing, nonconforming facilities would remain nonconforming. Any property owner that has an engineered comprehensive site plan or a site layout associated with a building permit currently in staff review or any property owner that has approved plans prior to the effective date of the ZO amendment, but has not yet installed the private collection facility may continue to comply with the existing regulations; those facilities would become nonconforming on the effective date of the amendments herein proposed. Any plan submitted on or after the effective date of the ZO amendment shall comply with the newly adopted regulations.

Staff recommends approving the ZO amendments.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Approve the Zoning Ordinance amendments;
- (b) Approve the Zoning Ordinance amendments with modifications; or
- (c) Deny the Zoning Ordinance amendments.

Community Engagement:

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

Zoning ordinance Amendment – To Modify Private Refuse Collection Regulations

Public hearing to consider amending the Zoning Ordinance to modify regulations associated with private refuse collection in all zoning districts, specifically to modify location and screening requirements.

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

Recommendation:

Staff recommends (a) approval of the Zoning Ordinance amendments.

Attachments:

- Extract from Planning Commission
- Current Zoning Regulations for: Definition of Screening and Section 10-3-114. Accessory Buildings
- Proposed Zoning Ordinance Amendments Regarding Private Refuse Collection Facilities
- Example site layouts showing where private refuse collection facilities would be prohibited to be located

Review:

Planning Commission recommended approval (4-0) of the Zoning Ordinance amendment. (Vice-Mayor Dent, Commissioner Baugh, and Commissioner Washington were absent.)