



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: November 26, 2024 (Regular Meeting)
Re: Zoning Ordinance Amendment – To allow reduced setbacks for townhomes in the R-8 district

Summary:

Zoning Ordinance Sections	10-3-59.4 (11), 10-3-113 (1) and (2)
Purpose	To allow reduced setbacks for townhomes within the R-8, Small Lot Residential District
Applicant	Waterman Investments, LLC
Staff Recommendation	Approval
Planning Commission Recommendation	October 9, 2024 (Public Hearing) Approval (7-0)
City Council	November 26, 2024 (First Reading/Public Hearing) Anticipated December 10, 2024 (Second Reading)

Background:

The proposed Zoning Ordinance (ZO) amendments are associated with a special use permit application for the development known as Quarry Heights. The information contained in this report is only related to the ZO amendments. All information regarding the rezoning for Quarry Heights is addressed in a separate staff report.

On June 25, 2019, City Council approved the creation of the R-8, Small Lot Residential District. In this district the by right residential uses include single-family detached dwellings and duplex dwellings. Townhomes of not more than eight units are allowed with an approved special use permit (SUP). The R-8 district also includes the ability for property owners to request a SUP to allow single-family detached and duplex dwellings to have a reduced side yard setback to zero feet when sprinklers or fire rated walls are installed. The staff memorandum and details for when the R-8 district was created in 2019 are available at the following link: <https://harrisonburg-va.legistar.com/LegislationDetail.aspx?ID=3974286&GUID=4119C092-94F2-4162-95A5-8040DC7898EE&Options=&Search=>.

Key Issues:

The applicant is requesting to amend sections of the Zoning Ordinance (ZO) to allow townhomes in the R-8 district to have reduced side yard setbacks with an approved special use permit (SUP). The applicant proposes the following amendment to Section 10-3-59.4 (11):

Reduced required side yard setbacks to zero (0) feet where such buildings are single-family detached, or duplex dwellings, or townhomes when National Fire Protection Association (NFPA) 13, 13R, or 13D fire sprinkler systems are installed in such buildings or exterior wall(s) adjacent to reduced side yard setback is constructed without openings and has a minimum 1-hour fire resistance rating in accordance with testing standards described in the Virginia Residential Code.

While finalizing the staff report, staff believed additional amendments should be made to the text. Staff recommends the following amendments, which do not cause substantive change to what the applicant is requesting:

Reduced required side yard setbacks to zero (0) feet where such buildings are single-family detached dwellings, ~~or~~ duplex dwellings, or townhomes when National Fire Protection Association (NFPA) 13, 13R, or 13D fire sprinkler systems are installed in such buildings or exterior wall(s) adjacent to reduced side yard setback is constructed without openings and has a minimum 1-hour fire resistance rating in accordance with testing standards described in the Virginia Residential Code.

Staff has discussed this with the applicant, and the applicant agrees with staff's recommended changes.

This amendment would allow property owners and developers to request approval of a SUP to allow townhomes to have reduced side yard setbacks up to zero feet by agreeing to install sprinkler systems within each dwelling, or to install 1-hour fire resistance rated exterior walls with no openings (including, but not limited to windows) adjacent to the side yard setback that is less than the by right minimum requirements.

The ZO has additional setback requirements associated with townhomes that is regulated within Article T. Modifications and Adjustments, thus, to allow for proper implementation of the side yard setback flexibility in the R-8 district, additional amendments are needed within Article T. The applicant is proposing to modify Sections 10-3-113 (1) and (2) as shown below:

- (1) Each townhouse group of more than four (4) attached units shall have a minimum side yard setback of fifteen (15) feet for each end unit. Groups of four (4) or less attached units shall comply with minimum side yard setback regulations for end units as otherwise required for the zoning district in which they are built; except in the R-8, Small Lot Residential District the minimum side yard setback may be reduced when there is an approved special use permit per Section 10-3-59.4 (11).
- (2) End lots ~~created by the planning of end units~~ for a group of more than four (4) attached units, ~~but end lots~~ that are not considered corner lots, shall be planned to ensure a minimum separation of thirty (30) feet between the townhouse group and all other buildings on adjoining lots; except in the R-8, Small Lot Residential District the minimum separation between the townhouse group

and other buildings on adjoining lots may be reduced when there is an approved special use permit per Section 10-3-59.4 (11).

Staff does not have concerns with allowing townhomes in the R-8 district to have reduced setbacks when sprinkler systems or fire rated walls are installed to the parameters described in Section 10-3-59.4 (11). Staff recommends approval of the ZO amendments.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Approve the Ordinance amendments;
- (b) Approve the Ordinance amendments with modifications; or
- (c) Deny the 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 allow reduced setbacks for townhomes in the R-8 district

A request from Waterman Investments, LLC to amend Zoning Ordinance to modify regulations associated with minimum principal building setbacks for townhomes within the R-8 district. The proposed Zoning Ordinance amendments would modify Section 10-2-59.4 (11) in the R-8 district regulations and Section 10-3-113 (1) and (2) in Article T. Modifications and Adjustments to allow townhomes to have a 0-foot setback when specified standards related to fire sprinkler systems or fire resistance rating are met.

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 Ordinance amendments.

Attachments:

- Extract from Planning Commission
- Application and supporting documents
- Current ordinance reflecting recommended amendments

Review:

Planning Commission recommended approval (7-0) of the Zoning Ordinance amendments.