



## CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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June 28, 2024

**TO THE MEMBERS OF CITY COUNCIL  
CITY OF HARRISONBURG, VIRGINIA**

**SUBJECT: *Consider a Zoning Ordinance amendments to modify regulations associated with private refuse collection.***

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING  
COMMISSION MEETING HELD ON: June 12, 2024**

Chair Finnegan read the request and asked staff to review.

Ms. Dang said 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.

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.

Chair Finnegan said the only question that I have has already been answered about the screening. I thought when I saw that part about no plant materials can be used for screening. We are trying to encourage more tree canopy cover, does that discourage it. To your point people can plant shrubs or trees outside of the fenced in area.

Chair Finnegan asked if there were any more questions for staff. Hearing none, he opened the public hearing and invited the applicant or applicant's representative to speak to their request.

Chair Finnegan continued asking in examples they showed some of them were nonconforming. Were all of them would become nonconforming?

Ms. Dang said this is a tricky thing. I would say that on a case-by-case basis we do not have the ability to go and inspect every single property in the City, but we might find that there are some

properties that put a dumpster in at a location that does not comply with today's current ordinance so they cannot claim nonconformity. They might be illegal today. They could either become conforming to the new regulation or they would become illegal depending on circumstances or they would continue to be illegal.

Chair Finnegan said most of these parking lots are designed with fire truck access in mind, so I would imagine if you can get a fire truck through there you can probably get a trash truck into these spaces.

Ms. Dang said I think it depends also because sometimes the Fire Department, depending on the structure, what is stored there, what the use is. Fire Department may be comfortable with access to just the front of the structure and maybe somebody is trying to put a refuse facility closer to the back. I think it just depends on the circumstance where those two areas are one in the same.

Chair Finnegan asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and opened the matter for discussion.

Vice Chair Byrd said an example of [when] a fire truck cannot fit in the parking lot is where I live. The fire truck cannot fit in that parking lot. If there was a fire and everyone who lives there had their cars parked, it is not going to get in. Whereas at the end we have a big circle and our dumpster is there and a truck can get in there and maneuver itself in the circle. I know that because if you park in there the landlord will get on you about that. That is just an example of...

Commissioner Nardi said it depends somewhat on the design and the turning radius, the particulars.

Vice Chair Byrd said I will make a motion to approve the Zoning Ordinance amendment.

Commissioner Alsindi seconded the motion.

Chair Finnegan called for a roll call vote.

Commissioner Nardi	Aye
Vice Chair Byrd	Aye
Commissioner Alsindi	Aye
Chair Finnegan	Aye

The motion to recommend approval of the Zoning Ordinance amendment passed (4-0). The recommendation will move forward to City Council on July 9, 2024.