



City of Harrisonburg, Virginia

Department of Planning & Community Development
409 South Main Street
Harrisonburg, Virginia 22801
www.harrisonburgva.gov/community-development

Building Inspections: (540) 432-7700
Engineering: (540) 432-7700

Planning and Zoning: (540) 432-7700
Department Fax: (540) 432-7777

To: Kurt Hodgen, City Manager
From: Planning Commission;
Adam Fletcher, Director of Planning and Community Development
Date: April 4, 2016
Re: Zoning Ordinance Amendment, Section 10-3-24, Section 10-3-90 (17), and Section 10-3-96 (16)

Summary:

Public hearing to consider amending the Zoning Ordinance Sections 10-3-24, 10-3-90, & 10-3-96 all of which are related to the currently defined and listed uses of “plant nurseries and greenhouses.”

Background:

Staff is proposing to amend Section 10-3-24 by modifying the definition of “Plant nurseries and greenhouses” by adding “landscaping businesses and similar operations” to the titled definition. Section 10-3-90, which is the Uses Permitted By Right section of the B-2 General Business District, would be modified within subsection (17) by aligning the existing specified uses (plant nurseries and greenhouses) with the modified definition noted above by adding “landscaping businesses and similar operations” to the list of permissible uses. Similarly, Section 10-3-96, which is the Uses Permitted By Right section of the M-1 General Industrial District, would be amended within (16) also by aligning the existing specified uses (plant nurseries and greenhouses) with the modified definition noted above by adding “landscaping businesses and similar operations” to the list of permissible uses. Staff is further proposing for the identified uses within the M-1 district the ability to have small-scale, outdoor manufacturing, processing, storage, and treatment of products as part of a plant nursery, greenhouse, landscaping business, or similar operation, when such uses are compatible with surrounding uses.

The proposed amendments originated after a citizen proposed a landscaping-like business within the M-1 district that would have included outdoor processing and manufacturing—in this particular case, the individual was interested in processing and manufacturing mulch. Although the landscaping-type business was permitted by right, staff knew the M-1 zoning district under the current Zoning Ordinance would not permit outdoor processing and manufacturing because Section 10-3-99 (c), among other things, states that “unless otherwise permitted, all accessory storage or products to be processed or being processed, and supplies and waste materials resulting from such work, shall be completely enclosed within the structures of permanent and durable construction” (emphasis added). Given the desired location of the operation and the exact type of outdoor manufacturing that was desired, staff believed the ordinance was overly burdensome.

Overall, staff believes the proposed amendments are good planning and zoning practices. Specifically, the language within Section 10-3-96 (16), which states that the uses must be “compatible with surrounding uses” is important to understand because this will provide a level of scrutiny for the Zoning Administrator to ensure that such uses do not cause undesirable dust and debris, noise, lighting, or other issues for adjacent properties. For example, at this time staff does not believe it would be appropriate to have a

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landscaping operation that includes outdoor processing and manufacturing adjacent to a residential zoning classification or on M-1 properties that are located within or adjacent to the City's downtown area. If the Zoning Administrator interprets a particular small scale, outdoor manufacturing, processing, storage, or treatment of products operation that is associated with a landscaping-like business as not being compatible with surrounding uses and the property owner believes the interpretation is wrong, they may appeal the decision to the Board of Zoning Appeals.

Key Issues:

The proposed amendment for Section 10-3-24 Definitions is shown below:

Plant nurseries, ~~and~~ greenhouses, landscaping businesses, and similar operations: A facility where plants and landscaping materials are raised and/or sold. Such uses must be served by a permanent building. ~~A plant nursery~~ These uses may include the storage of materials used for installation of landscaping materials.

The proposed amendment for Section 10-3-90 Uses permitted by right of the B-2, General Business District occurs within subsection (17) and is shown below:

(17) Plant nurseries, ~~and~~ greenhouses, landscaping businesses, and similar operations provided any outside storage of material, other than plants, must be screened.

The proposed amendment for Section 10-3-96 (16) Uses permitted by right of the M-1, General Industrial District occurs within subsection (16) and is shown below:

(16) Plant nurseries, ~~and~~ greenhouses, landscaping businesses, and similar operations, which may include small-scale, outdoor manufacturing, processing, storage, and treatment of products that are compatible with surrounding uses.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

Do not approve the staff proposed revisions and maintain the existing regulations, which restrict all manufacturing, processing, storage, and treatment of products associated with plant nurseries and greenhouses to indoor operations.

Community Engagement:

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

"Public hearing to consider amending the Zoning Ordinance Sections 10-3-24, 10-3-90, & 10-3-96 all of which are related to the currently defined and listed uses of plant nurseries and greenhouses. Section 10-3-24 would be amended by modifying the definition of "Plant nurseries and

greenhouses” by adding “landscaping businesses and similar operations” to the titled definition. Section 10-3-90 (17) of the B-2, General Business District would be amended to align with the modified definition noted above by adding “landscaping businesses and similar operations” to the list of permissible uses. Finally, Section 10-3-96 (16) of M-1, General Industrial District would also be amended to align with the modified definition noted above by adding “landscaping businesses and similar operations” to the list of permissible uses while also noting that such uses may have small-scale, outdoor manufacturing, processing, storage, and treatment of products as part of the operations.”

Recommendation:

Staff recommends approving the proposed Zoning Ordinance amendments as described and shown herein.

Attachments:

Planning Commission extract; staff report, and; Ordinance – reflecting proposed changes

Review:

Planning Commission recommend approval (6-0) of the Zoning Ordinance amendments to Sections 10-3-24, 90, and 96 related to Plant Nurseries and Greenhouses as presented by staff.