



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: January 9, 2024 (Regular Meeting)
Re: Zoning Ordinance Amendment – Section 10-3-91 (9), Reduction in Required Side or Rear Yard Setbacks in B-2

Summary:

Zoning Ordinance Amendment	Section 10-3-91 (9) of the B-2, General Business District Regulations
Purpose	To allow by special use permit the reduction in required side and/or rear yard setbacks up to zero feet
Applicant	865 East LLC
Staff Recommendation	Approval
Planning Commission Recommendation	December 13, 2023 (Public Hearing) Approval (7-0)
City Council	January 9, 2024 (First Reading/Public Hearing) Anticipated January 23, 2024 (Second Reading)

Background:

Presently, a B-2 zoned property's side and rear yard setbacks are different depending upon the zoning district of adjacent parcels. Section 10-3-92, Area and dimensional regulations within the B-2 district requires a 10-foot side and rear yard setback when the adjacent parcels are not zoned residentially. However, when a B-2 property abuts a residential district, the side and rear yard setback increases to 30 feet and when structures on the B-2 property are taller than 35 feet, an additional foot of setback is required for each foot above 35 feet.

Section 10-3-91 (9) presently allows, by special use permit, a B-2 property to reduce the required side yard setback up to zero feet along the lot line of an adjoining lot or parcel zoned B-2 or M-1.

Key Issues:

The applicant is requesting to amend Section 10-3-91 (9) within the B-2, General Business District to allow by special use permit (SUP) the reduction in required side and/or rear yard setbacks of up to zero feet. The ordinance amendment is associated with separate but simultaneous requests including a rezoning and two SUP applications for the property addressed as 865 Port Republic Road. The specifics of the requested rezoning and SUPs are addressed in a separate staff report.

The following is the most recently updated proposed amendments to Section 10-3-91 (9), which includes additional modifications made by staff since the Planning Commission review:

Reduction in the required side and/or rear yard setback ~~to zero feet along the lot line of an adjoining lot or parcel zoned B-2 or M-1.~~

While this will open the opportunity to both reduce setbacks along the side and rear yards and to reduce setbacks adjoining residentially zoned parcels, staff is comfortable supporting this request because SUPs are evaluated on a case-by-case basis.

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 – Section 10-3-91 (9), Reduction in Required Side or Rear Yard Setbacks in B-2

Public hearing to consider a request from 865 East LLC to amend Section 10-3-91 (9) of the B-2, General Business District. The proposed amendments would change the current language, which states “Reduction in required side yard setback to zero feet along the lot line of an adjoining lot or parcel zoned B-2 or M-1.” to state the following, or substantially similar language “Reduction in required side and/or rear yard setback to zero feet.”

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:

- 1. Extract from Planning Commission
- 2. Application and supporting documents
- 3. Updated Proposed Zoning Ordinance Amendments

Review:

Planning Commission recommended approval (7-0) of the Zoning Ordinance amendments with modifications to the original draft amendment to change a phrase from “up to zero feet” to “a minimum of zero feet.” The amendment would be as follows:

Reduction in the required side and/or rear yard setback to a minimum of zero feet ~~along the lot line of an adjoining lot or parcel zoned B-2 or M-1.~~

However, upon further review, staff believes the amendment can be further simplified by amending the code section as shown below:

Reduction in the required side and/or rear yard setback ~~to zero feet along the lot line of an adjoining lot or parcel zoned B-2 or M-1.~~