



## CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

409 SOUTH MAIN STREET, HARRISONBURG, VA 22801

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To: Eric Campbell, City Manager  
From: Adam Fletcher, Director – Department of Community Development and Harrisonburg Planning Commission  
Date: July 14, 2020  
Re: Zoning Ordinance Amendments – Sections 10-3-48 (c), 10-3-48.6 (c), and 10-3-54 (c) related to building separation

### **Summary:**

Public hearing to consider a request from Virginia Mennonite Retirement Community to amend the Zoning Ordinance by reducing requirements for minimum separation between buildings from not less than 30 feet to not less than 20 feet between building walls in the R-3, Medium Density Residential District.

Staff recommended approval and Planning Commission unanimously recommended approval (6-0, Chair Colman recused) of the Zoning Ordinance amendment as presented.

### **Background:**

The Zoning Ordinance (ZO) requirement to provide separation between buildings on the same parcel of land, first appears in the City's ZO as early as 1963 within the "Modifications and Adjustments" section when it stated "[m]ore than one multiple dwelling may be located upon a lot provided the open space between buildings measured at the closest point shall not be less than 20 feet for one story buildings or 30 feet when one or both are higher than one story buildings." This regulation included all zoning districts regardless of whether it was a residential, commercial, or industrial district. In 1976, as part of a comprehensive ZO rewrite the language within modifications and adjustments changed to read "[i]n R-3 and R-4 residential districts, more than one dwelling or multiple dwelling may be constructed upon an unsubdivided parcel of land as density allows provided that the open space between each building as measured at the closest point to another building shall not be less than 30 feet." Also added in 1976 within the R-4 zoning district under "Area and Dimensional Regulations" was the following statement: "[n]o structure or addition to a structure shall be erected within a distance or [sic] less than 30 feet from another structure." In 1984 the R-4 language was amended to read "[n]o structure or addition to a structure shall be erected within a distance of less than twenty (20) feet from another structure;" however, the language within modifications and adjustments remained the same requiring 30 feet and applied to all other zoning districts.

It was not until the 1987 comprehensive rewrite of the ZO that the building separation language was removed from the modifications and adjustments section, but then added to the "Other

regulations” sections for both the R-3 and R-4 zoning districts. The current language mimics the same regulation that was introduced in the 1987 rewrite, which is stated as follows: “[m]ore than one (1) principal building may be constructed upon an unsubdivided parcel of land as density allows. The open space between each building as measured at the closest point between building walls shall not be less than thirty (30) feet. The minimum separation between buildings may be superseded by building regulations.”

**Key Issues:**

The applicant, Virginia Mennonite Retirement Community (VMRC) is proposing to amend the ZO regarding building separation within the “Other regulations” section of the R-3, Medium Density Residential District. The proposed amendment to Section 10-3-48.6 (c) would be as follows:

“More than one (1) principal building may be constructed upon an unsubdivided parcel of land as density allows. The open space between each building as measured at the closest point between building walls shall not be less than twenty (20) ~~thirty (30)~~ feet. The minimum separation between buildings may be superseded by building regulations. The front façade of each principal building shall face a dedicated public street or the limits of a private parking unit (as defined) and no building shall have the rear façade facing a dedicated public street, unless the parcel has multiple public street frontages where rear façades may front one (1) public street.”

If there is a desire to approve the proposed amendment, for continuity and best practices for application of the Zoning Ordinance, staff recommends also amending Sections 10-3-48 (c) and 10-3-54 (c), both of which are related to building separation within the R-3, Multiple Dwelling Residential District and the R-4, Planned Unit Residential District. The regulation language in each of these sections mimics the regulating language as shown above for the R-3, Medium Density Residential District. Staff advertised to amend all three sections.

Currently, if individual buildings within the R-3’s and R-4 zoning districts were situated on individual parcels, they would be required to have a ten (10) foot side yard setback from the side property lines. Therefore, each building would be separated by twenty (20) feet; ten (10) feet on either side of the property line. By amending the ZO as proposed, multiple buildings can be constructed on one parcel and have the same building separation as if such buildings were located on separate parcels.

Building Code regulations address separation between buildings as well. Required building separation varies depending upon building type and material, number of openings (windows and doors), building use, and materials stored within the structure. It should be understood that prior to 1973, there was no State requirement for local governments to have a Building Official and building code enforcement; therefore, having a building separation requirement within the ZO was common. Within the subject ZO sections, the sentence “[t]he minimum separation between buildings may be superseded by building regulations,” does not imply that a reduction in separation is possible under building code standards; but rather, it may require a greater minimum separation. Currently, because there are no building separation requirements within the B-2, B-1, M-1, R-1, and R-2 zoning districts, the Building Code regulates building separation and whether or not it needs to be addressed.

It should be noted that approval of the ZO amendment would not allow for additional dwelling units on a site. Density would continue to be regulated by the lot area of the parcel.

Staff recommends approval of the proposed ZO amendment.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Approve the Ordinance amendments as proposed;
- (b) Approve the amendments with modifications to the proposed text; 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 Amend Regulations Associated with the Required Distance Between Buildings Located within the R-3 (Multiple Dwelling Residential), R-3 (Medium Density Residential), and R-4 (Planned Unit Residential) Districts***

Public hearing to consider a request from Virginia Mennonite Retirement Community to amend the Zoning Ordinance by reducing requirements for minimum separation between buildings from not less than 30 feet to not less than 20 feet between building walls in the R-3, Medium Density Residential District. Along with the request, City staff proposes the same amendments to be made within the R-3, Multiple Dwelling Residential and R-4, Planned Unit Residential Districts. The following sections of the Zoning Ordinance would be amended: 10-3-47, 10-3-48.6, and 10-3-54 of the Zoning Ordinance. The Building Code would continue to regulate minimum separation between buildings.

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. Planning Commission Extract
- 2. Application, applicant's letter, and supporting documents

3. Zoning Ordinance Amendment - To amend Sections 10-3-48, 10-3-48.6, and 10-3-54 – Other regulations in the R-3, Multiple Dwelling Residential District; R-3, Medium Density Residential District; and R-4, Planned Unit Residential District.

**Review:**

Planning Commission recommended (6-0, Chair Colman recused) alternative (a) approval of the Ordinance amendments as proposed.