

# ORDINANCE AMENDMENT

**To Amend Section 10-3-26 to allow  
Business and Professional Offices to  
Locate Required Parking “Off-site” from  
the Use Served in Specified Downtown  
Locations**



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT

October 14, 2015

### ZONING ORDINANCE AMENDMENT

#### Section 10-3-26

Staff is proposing to amend the Zoning Ordinance's Article G Off-Street Parking regulations Section 10-3-26 titled Location in Relation to Building or Use Served. The proposed amendment would modify subsection (a) (1) by adding the ability for business and professional office uses located within a specified downtown boundary to meet minimum off-street parking requirements by locating parking spaces on properties that are not on the same or adjoining parcels from the use served.

Currently, Section 10-3-26 has two subsections: (a) and (b). Subsection (a) regulates where minimum parking spaces shall be located and requires them on the same lot with the building or use served or on adjoining lots, where the use of parking must be allowed by the adjoining property's zoning district. When parking is located on an adjacent property, a shared parking agreement must be established among all of the participating property owners, where the agreement must be effective for at least 10 years following the date of City approval. Subsection (a) further grants Planning Commission the ability to allow, by request, assembly uses (i.e. religious places of worship, theaters, etc.) to borrow parking from other public or private parking facilities, which are properly zoned and in reasonable proximity to the assembly use. Subsection (b) was added to the Zoning Ordinance in March 2012 creating flexibility in allowing uses located on contiguous but separate lots to reduce the number of required parking spaces based upon the ordinance's shared parking calculations table for particular uses. Unless a reduction in required parking is approved by the Zoning Administrator as allowed by subsection (b), the minimum sum of required parking spaces for all uses must be provided on the parking lot (or lots) used.

Before getting into the details of the proposed amendment, it should be understood that this is not the first instance of allowing particular uses to locate required parking spaces as otherwise regulated by Section 10-3-26 (a).

In April 2012, staff proposed an amendment to afford industrial operations for the manufacturing, processing, storage, or treatment of products—allowed in the M-1 district—to locate required parking on M-1 or B-2 properties within “reasonable proximity” of the use served. Staff had recognized that such uses often operated in a “campus-like” setting, where it created opportunities for industrial operations to create more jobs without the concern of needing additional space on-site for required parking. That amendment also opened the door for smaller, industrially zoned properties that may have been overlooked for such uses the opportunity to be utilized for these types of industries. The amendment was recommended for approval unanimously by Planning Commission (7-0) and approved by City Council (4-0).

Then in December 2012, along with requesting to rezone 305 North High Street from R-2 to R-3C to allow that property to be used as a charitable and benevolent institutional use, Mercy House, Inc. proposed an amendment to Section 10-3-26 (a) to allow charitable and benevolent institutional uses the ability to locate parking on parcels that are not on the same or adjoining parcel as the organization served. Unlike the industrial parking off-site accommodation as described in the previous paragraph, this amendment was very narrowly tailored to their exact situation, where along with ensuring the parcel used for parking was permitted by zoning, the parking lot had to be “located directly across local public and private streets and/or alleys (as depicted on the Comprehensive Plan’s Street Network Map) from one another.” Staff recommended denial of this amendment believing it was too narrowly tailored to their exact situation. Planning Commission recommended approval of the request (5-1) and City Council approved the amendment unanimously (5-0).

With regard to the currently proposed amendment, staff is recommending allowing business and professional office uses flexibility to meet off-street parking requirements, similar to the previous two amendments, but only when the specified uses are located within the described downtown boundary. The proposed modification includes adding an additional subsection to Section 10-3-26 (a) (1) as follows:

- c. Business and professional office uses located on any parcel within the area bounded by Gay Street to the north, Mason Street to the east, Martin Luther King Jr. Way to the south, and High Street to the west may also locate required parking on parcels that are not on the same or adjoining parcels from the uses served. Such parcels shall be zoned where such parking is permitted, may be located across public or private streets and/or alleys, and shall be no more than one quarter (¼) mile from the use served. A common or cooperative location shall be in the ownership of all of the participating property owners or shall have easement and maintenance agreements between the participating property owners for a period of at least ten (10) years following the date of city approval.

(A map illustrating the proposed boundary is included within the packet.)

Note that the building or professional office use must be located within the boundary to take advantage of this accommodation, but that the off-site parking may be located within or outside of the boundary so long as the parcel’s zoning permits parking and the site is no more than one quarter mile from the use served. Like the previous two off-site parking allowances, operators of the noted uses would be required to secure a shared parking agreement with property owners of parking lots, where the agreement must last for at least 10 years.

The prompting of staff’s evaluation and decision to prepare the proposed amendment on our own initiative originally came from a citizen’s desire to convert the residential property at 37 Paul Street to a professional office. At first glance, the Paul Street property appeared to fit the bill for a residential use to professional office conversion. The property is zoned R-3, Medium Density Residential District, which allows professional offices by right; it has more than the minimum 6,000 square feet of lot area to operate a non-residential use in the R-3 district with approximately 7,200 square feet of lot area (about 60 feet wide by 120 feet in depth). The site is improved with a very well maintained, historical residential structure containing almost 2,600 square feet. The Comprehensive Plan’s Land Use Guide designates the property as Professional, thus the desired use would be conforming to the long term plans for the property; and the

property is within the Plan's illustrated Downtown Revitalization Area, which seeks to continue efforts for the downtown to be "an economic engine."

Although there would be significant and potentially costly issues to address with regard to the Building Code to convert the residential structure to a professional office, once those issues are rectified, the professional office still has to provide nine off-street parking spaces. Unfortunately, the site proved to be too small to accommodate all nine spaces and the citizen desiring to operate the professional office was unsuccessful in utilizing the existing flexibility offered by the Zoning Ordinance by securing a shared parking agreement with either of the two adjacent property owners that have existing parking lots. The citizen is, however, likely able to obtain an agreement with the Elks Lodge, which is located across the street from 37 Paul Street; but, the Zoning Ordinance does not allow counting locations across the street toward meeting minimum parking requirements.

After many conversations were had with the citizen desiring to use the property as a professional office, and in knowing the desired use was in line with the Comprehensive Plan, staff began investigating how an amendment might allow a professional office at this location to meet off-street parking regulations. Staff did not, however, want to create a very narrowly tailored amendment to simply satisfy this particular situation as we recognized this same issue could likely occur within the fringe of the downtown area, where the Comprehensive Plan promoted non-residential uses.

Staff believes the proposed amendment will be successful not only for R-3 or UR/R-P properties that allow professional offices, but also for other small, downtown properties that could be zoned B-2 (where in addition to professional offices, business offices are permitted), but are not likely to be rezoned to B-1, where the City would have to absorb the parking demand. Staff proposed the amendment for professional and business offices because the Zoning Ordinance requires the same off-street parking requirement ratio at 1 space per 300 square feet of gross floor area. The proposed boundary was chosen because of its overlap among much of the area that the Comprehensive Plan designates as Mixed Use Development Areas, the overlap of the Plan's Downtown Revitalization Area, and for areas that are on the "fringe" of downtown, where many parcels are designated for Professional or Planned Business use.

Staff believes the modification is good practice and recommends approving the proposed amendment.

ORDINANCE AMENDING AND RE-ENACTING SECTION

10-3-26

OF THE

CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-26 Location in Relation to Building or Use Served is amended by adding subsection c. as shown:**

(a) All parking spaces required herein shall be located on the same lot with the building or use served or on adjoining lots located on property zoned where such parking is permitted. A common or cooperative location shall be in the ownership of all of the participating property owners, or shall have easement and maintenance agreements between the participating property owners for a period of at least ten (10) years following the date of city approval and shall provide the minimum sum of required parking spaces for all uses. When assembly uses propose borrowing parking from other public or private parking facilities which are properly zoned and in reasonable proximity, the planning commission, upon site plan review, may modify the number of on-site parking spaces.

(1) Notwithstanding the requirements set forth above:

- a. Industrial operations for the manufacturing, processing, storage, or treatment of products which are not customarily found in retail centers as permitted by the M-1, General Industrial District may also locate required parking on parcels that are not on the same or adjoining parcels from the uses served. Such parcels shall be zoned B-2, General Business District or M-1, General Industrial District, located in reasonable proximity to the property in which the parking serves, and may be located across public streets and/or alleys. A common or cooperative location shall be in the ownership of all of the participating property owners or shall have easement and maintenance agreements between the participating property owners for a period of at least ten (10) years following the date of city approval.
- b. Charitable or benevolent institutional uses may also locate required parking on parcels that are not on the same or adjoining parcels from the uses served. Such parcels shall be zoned where such parking is permitted and shall be located directly across local public and private streets and/or

alleys (as depicted on the Comprehensive Plan's Street Network Map) from one another. A common or cooperative location shall be in the ownership of all of the participating property owners or shall have easement and maintenance agreements between the participating property owners for a period of at least ten (10) years following the date of city approval.

- c. Business and professional office uses located on any parcel within the area bounded by Gay Street to the north, Mason Street to the east, Martin Luther King Jr. Way to the south, and High Street to the west may also locate required parking on parcels that are not on the same or adjoining parcels from the uses served. Such parcels shall be zoned where such parking is permitted, may be located across public or private streets and/or alleys, and shall be no more than one quarter (1/4) mile from the use served. A common or cooperative location shall be in the ownership of all of the participating property owners or shall have easement and maintenance agreements between the participating property owners for a period of at least ten (10) years following the date of city approval.

The remainder of Section 10-3-26 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

---

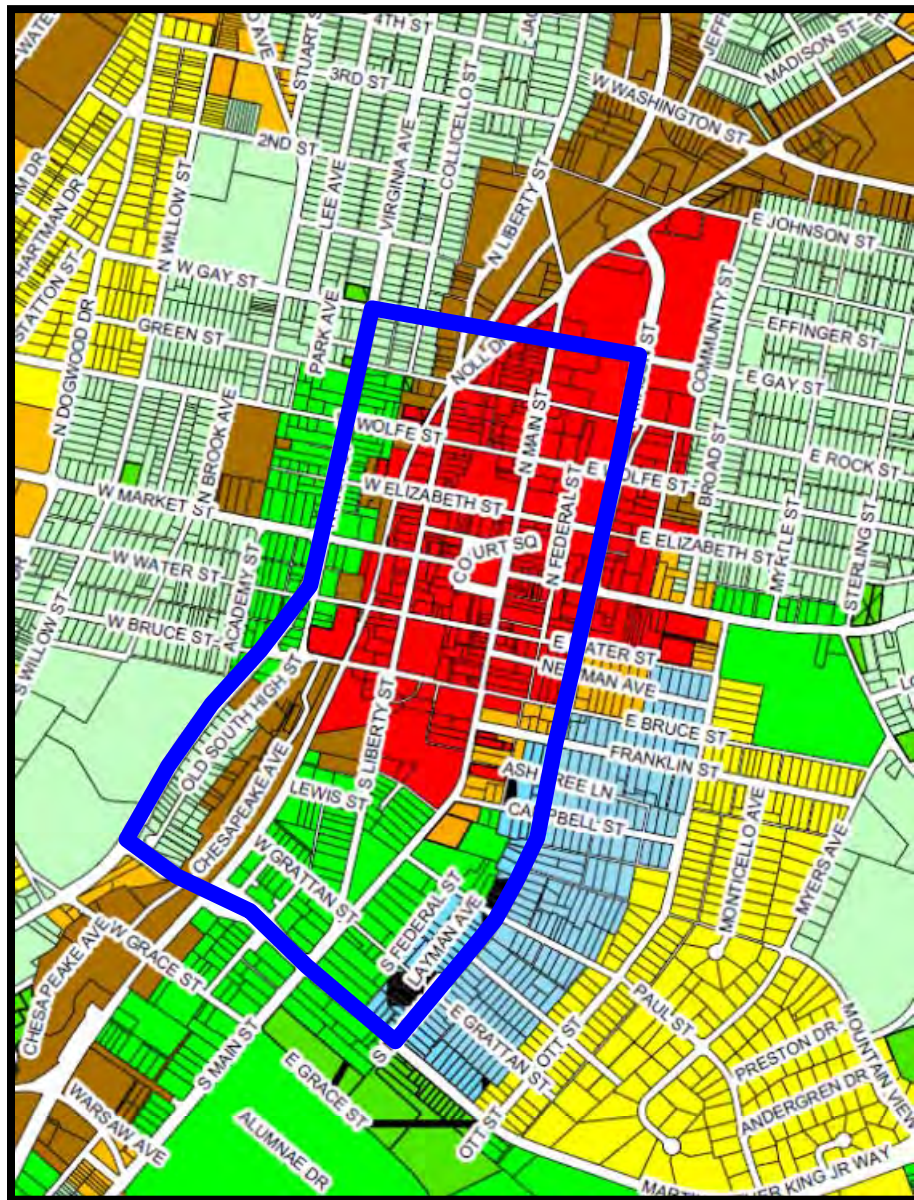
**MAYOR**

ATTESTE:

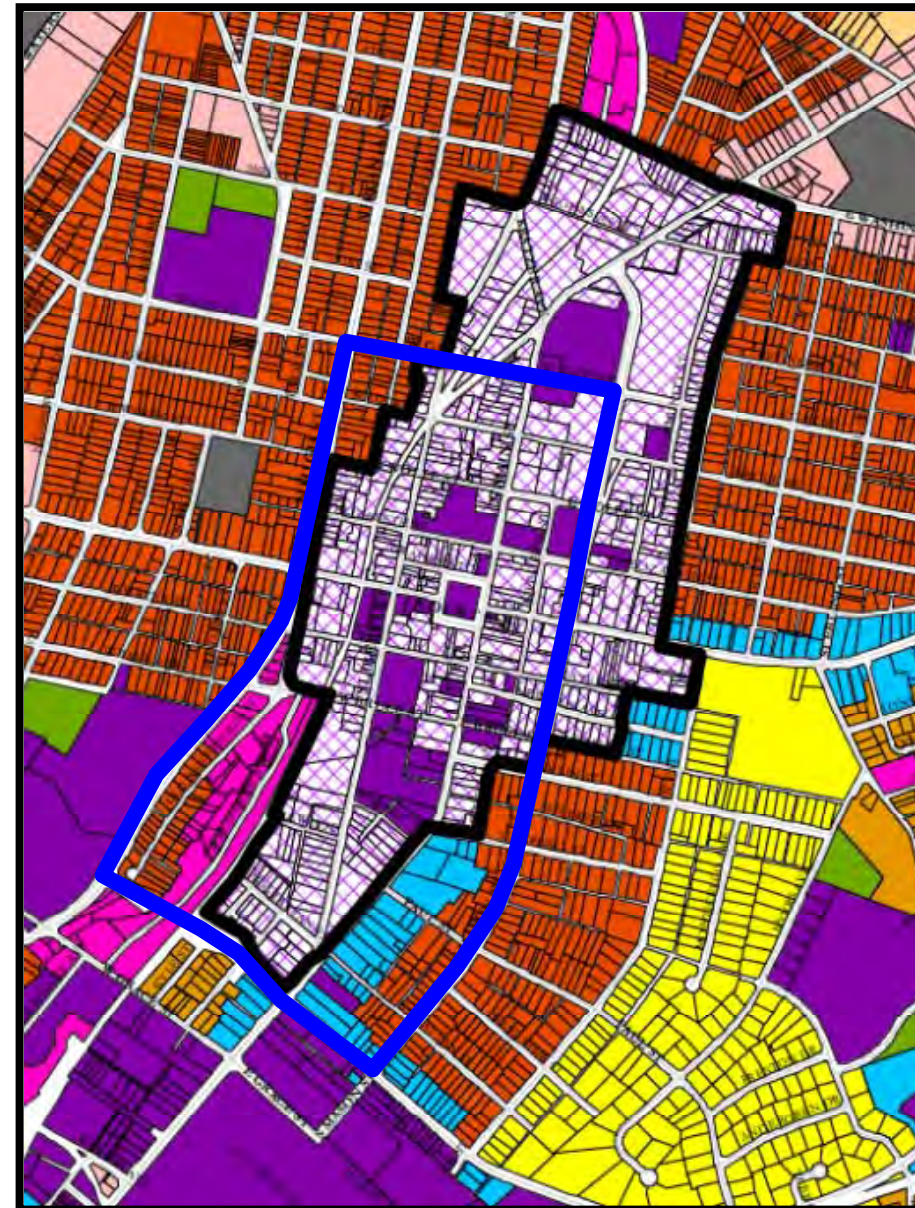
---

CITY CLERK

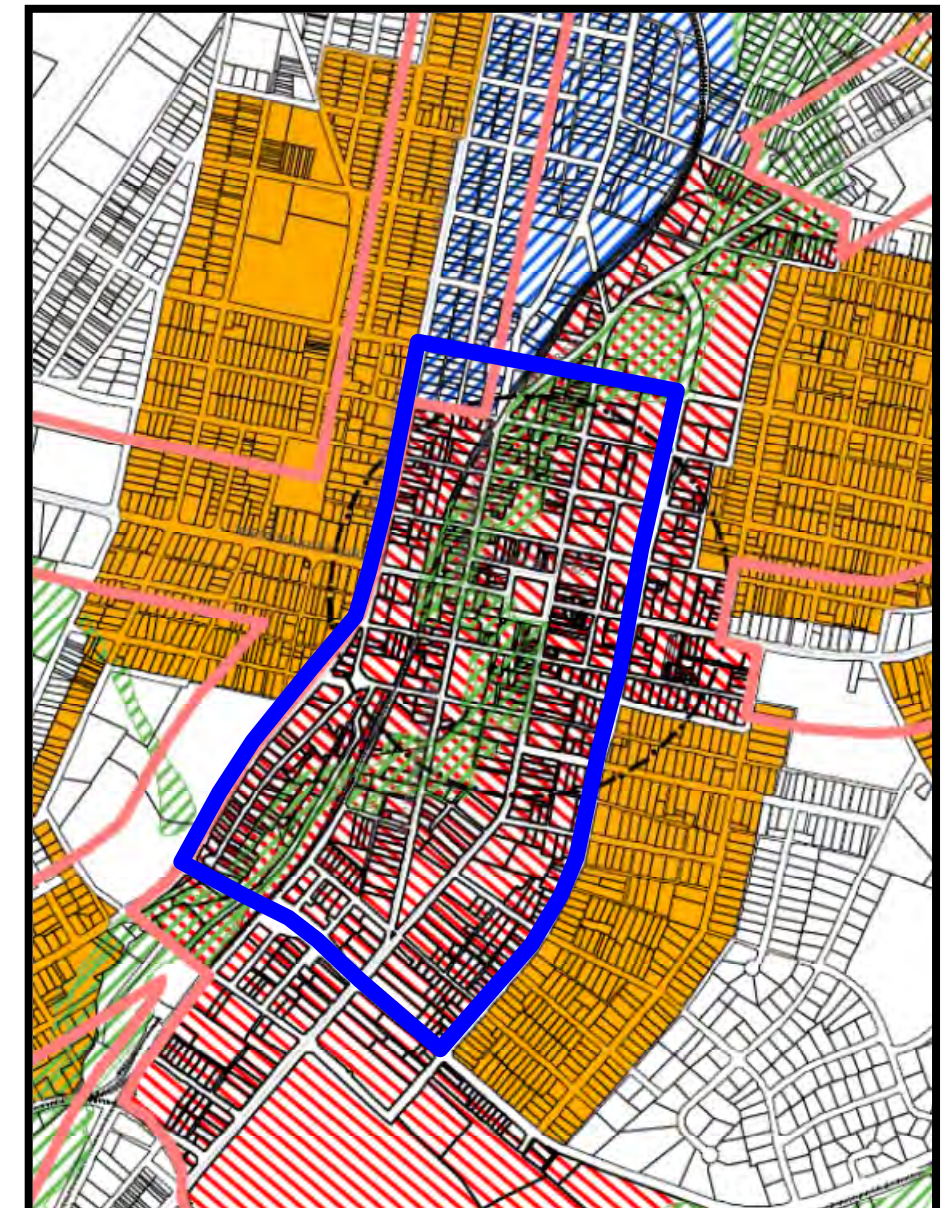
# Proposed Boundary within the Ordinance Amendment



**Zoning Map**



**Land Use Guide Map**



**Plan Framework Map**

 = Boundary Limits