



# CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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To: Planning Commission  
From: Department of Community Development  
Date: January 12, 2022 (Regular Meeting)  
Re: Zoning Ordinance Amendment – To Allow Multiple-Family Dwellings and/or Mixed Use Buildings in the B-2, General Business District and Create Off-Street Parking Requirements for Multiple-Family Dwellings in the B-2 District

### **Summary:**

Public hearing to consider a request from Armada Hoffler Properties to amend Article Q., B-2, General Business District regulations to create the ability for property owners to apply for a special use permit that would allow multiple-family dwellings and/or mixed use buildings in the B-2, General Business District. Amendments would also be made to Section 10-3-25 to create off-street parking requirements for multiple-family dwellings in the B-2 District.

### **Background:**

Article Q of the Zoning Ordinance (ZO) sets forth the B-2, General Business District regulations. The purpose of the B-2 district is described as:

“This district is intended to provide a sufficient space in appropriate locations for a wide variety of retail shopping, commercial, automotive, and miscellaneous recreational and service activities generally serving the city, a wide area of the region, and the traveling public, and generally located along major thoroughfares or near development centers where a general mixture of commercial and service activity now exists or is planned, but which uses are not characterized by extensive warehousing, frequent heavy trucking activity, or the nuisance factors of dust, or odor and noise associated with manufacturing.”

The B-2 district does not currently allow residential uses by right or by special use permit.

### **Key Issues:**

The applicant is requesting two, separate but simultaneous requests, which include 1) to amend the ZO within the B-2, General Business District Section 10-3-91 by adding multiple-family dwellings and mixed use buildings as an allowable use through approval of a special use permit (SUP), and 2) applying for the SUP to allow multiple-family dwellings on a parcel zoned B-2. The specifics of the requested SUP are addressed in a separate staff report.

In addition to amending the ZO to add a new SUP in Section 10-3-91 of the B-2 district regulations, amendments are also proposed to Section 10-3-92 to add area and dimensional regulations for multiple-family dwellings and mixed use buildings, to Section 10-3-93 to add other regulations for multiple-

family dwellings and mixed use buildings, and to 10-3-25 to create off-street parking requirements for multiple-family dwellings in the B-2 District. The proposed amendments are attached herein.

As previously stated, the B-2 district does not allow residential uses by right or by SUP. If the ZO amendments are approved as proposed, B-2 property owners would be able to apply for a SUP to allow for multiple-family dwellings and mixed use buildings. Additionally, occupancy would be restricted within each dwelling unit to a family or not more than four (4) persons. The proposed occupancy restriction is the same as both R-3 districts as well as the R-4, R-5, and B-1 districts.

The applicant proposes adding a new subsection to 10-3-93 which would state:

“For multi-family dwellings and mixed use buildings, the development plan submitted with the special use permit shall govern development on the site and shall be used as a basis for subdivision and engineered comprehensive site plan approval.”

This subsection would require that a development plan be submitted with the SUP application and that elements shown on the development plan “shall be used as a basis for subdivision and engineered comprehensive site plan approval.” This regulatory language is similar to master development plans required for the R-6, R-7, and MX-U districts, which are all master plan-controlled districts, where details of the development plan are somewhat locked in to ensure that what is proposed and evaluated at the time of rezoning is what is developed. If approved as presented, if significant deviations are desired by the property owner in the future, then the property owner must amend the development plan by going through the SUP process again.

Section 10-3-92 of the ZO provides the area and dimensional regulations for the B-2 district. In the current ZO, all uses in the B-2 district have the same minimum front yard, side yard, and rear yard setbacks, and are allowed a maximum height of 75-feet. As many are aware, the Zoning and Subdivision Ordinances Update Project is currently underway, where the ordinances are being comprehensively reviewed and rewritten. In Summer 2021, Module 1 (part one of three) of the draft ordinances was released for public comment. Module 1 included District Development Standards, which describe area and dimensional requirements for each proposed new zoning district, and Use Standards which describe what uses are allowed by right and by special exception (currently known as a special use permit) in each zoning district. The proposed Auto Urban Commercial (AUC) district most closely resembles the existing B-2 district. As drafted, the AUC district would allow, by special exception, townhouses, apartments, and mixed use building uses. The applicant has chosen to propose the same minimum lot area of 1,120 square feet per dwelling, minimum front yard setback of 20-feet, and maximum height of 75-feet as was presented in draft Module 1. Staff discussed with the applicant that further discussion is needed for proposed side and rear yard setbacks, and therefore the applicant has proposed to keep side and rear yard setbacks the same for all uses as they exist today in the Zoning Ordinance, which requires:

“Ten (10) feet, except on the side of a lot abutting a residential district, then thirty (30) feet; provided that for any structure greater than thirty-five (35) feet in height which abuts a residential district, then one (1) additional foot of setback is required for each foot above thirty-five (35) feet.”

Staff believes that there are some locations where residential uses on B-2 zoned property could be beneficial for the City and recommends approval of the proposed ZO amendments. The proposed ability to develop multiple-family buildings and mixed use buildings in the B-2 district by SUP would allow staff, Planning Commission, and City Council to evaluate and determine if a specific development proposal is appropriate for the proposed location and if the SUP is granted, potential impacts can be addressed through conditions imposed by City Council.

In additional support, the 2018 Comprehensive Plan encourages to the greatest extent possible that all developments throughout the City include traditional neighborhood development (TND) principals. Creating a SUP to allow for multi-family units within the B-2 district would, among other TND principles, allow residents to work, shop, and carry out many of life's other activities within the neighborhood and allow residents to walk, ride a bicycle, or take transit for many trips between home, work, shopping, and school. Furthermore, the City of Harrisonburg Comprehensive Housing Assessment and Market Study, within recommendation #9, encourages the incorporation of new and updated provisions in the ZO that will facilitate the implementation of the recommendations made in the study. Among other suggestions, recommendation #9 encourages to "[c]onduct zoning map and/or zoning text amendments to increase housing stock, housing type and housing density." Since B-2 properties are located in each Market Type in the City, this amendment should create the opportunity to assist the community in increasing housing stock and options for people who want to live in the City.

Staff recommends approval of the proposed ZO amendments.

**Environmental Impact:**

N/A

**Fiscal Impact:**

N/A

**Prior Actions:**

N/A

**Alternatives:**

- (a) Recommend approval of the Ordinance amendments; or
- (b) Recommend denial of the Ordinance amendments.

**Community Engagement:**

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

***Zoning Ordinance Amendment – To Allow Multiple-Family Dwellings and/or Mixed Use Buildings in the B-2, General Business District and Create Off-Street Parking Requirements for Multiple-Family Dwellings in the B-2 District***

Public hearing to consider a request from Armada Hoffler Properties to add a new subsection to Section 10-3-91 to create the ability for property owners to apply for a special use permit that would allow multiple-family dwellings and/or mixed use buildings in the B-2, General Business District.

Amendments would also be made to Section 10-3-25 to create off-street parking requirements for multiple-family dwellings in the B-2 District.

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. Application and supporting documents
2. Proposed Zoning Ordinance Amendments

**Review:**

N/A