



City of Harrisonburg, Virginia

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April 4, 2016

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: Public hearing to consider a request to amend the Zoning Ordinance Sections 10-3-24, 10-3-90, & 10-3-96 related to plant nurseries and greenhouses. The amendment would add landscaping businesses and similar operations within the definition of plant nurseries and greenhouses. Specifically the amendment would occur within Sections 10-3-24 Definitions, 10-3-90 (17) and 10-3-96 (16), which currently allow plant nurseries and greenhouses by right within the B-2 and M-1 districts, respectively. The amendment would also allow these uses to have small-scale, outdoor manufacturing, processing, storage, and treatment of products within the M-1, General Industrial District.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: March 9, 2016

Vice Chair Way read the request and asked staff to review.

Mr. Fletcher said 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 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.

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

Vice Chair Way asked if there were any questions for staff.

Mr. Colman said when talking about the storage of materials other than plants needs to be screened, are we giving any consideration to the processing activities that we are opening up?

Mr. Fletcher said we did not give any consideration to that; but you must pay particular attention to the language in the B-2 district, which states “all outside storage must be screened other than plants.” The same language is not carried over to the M-1, and that district is where the operations would be occurring.

Vice Chair Way asked if there were further questions. Hearing none, he opened the public hearing and asked if there was anyone present who would like to speak regarding the ordinance amendments.

Mr. James Flynn, 699 John Tyler Circle, said he is the citizen who brought this forward to staff. I am looking to start a small mulching operation and thanks to Mr. Fletcher and Mrs. Banks for helping me to get this through. The main point being it is essential to be outdoors with this type of operation; you need moisture from rain and the different climates and temperatures. There is also the concern of carbon monoxide when operating the mulching equipment indoors. Thank you for hearing this request.

Vice Chair Way asked if there was anyone else wishing to speak regarding this request. Hearing none, he closed the public hearing and asked for discussion.

Mr. Colman said is this the first time this has come up, in terms of small manufacturing in M-1.

Mr. Fletcher replied yes.

Mrs. Banks said the larger manufacturing processing businesses currently comply with the requirement of being completely enclosed.

Mr. Fletcher said yes there are many larger manufacturing operations; but of course their operations are internal. They have large ventilation systems, mechanical systems, and meet all the requirements. Remember we are an urban environment, so we do want the noise and view to be controlled.

Mr. Colman said I believe this is a great way to do this for smaller businesses. I move that we recommend approval of the Zoning Ordinance amendments to Sections 10-3-24, 90, and 96 related to Plant Nurseries and Greenhouses as presented by staff.

Dr. Dilts seconded the motion.

Vice Chair Way asked if there was any further discussion. Hearing none, he called for a voice vote on the motion.

All voted in favor (6-0).

Vice Chair Way said this will move forward to City Council on April 12th with a favorable recommendation.

Respectfully Submitted,

Alison Banks

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