

**ORDINANCE AMENDING AND RE-ENACTING TITLE 10 – PLANNING AND DEVELOPMENT, CHAPTER 3. – ZONING, ARTICLE Q. – B-2 GENERAL BUSINESS OF THE CODE OF ORDINANCES CITY OF HARRISONBURG, VIRGINIA**

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

**That Article Q amended as shown:**

**Sec. 10-3-91. Uses permitted only by special use permit.**

[The following uses are permitted by special use permit only:]

- (1) Manufacturing, processing and assembly operations when not employing more than fifteen (15) persons on the premises in a single shift and provided that all storage and activities are conducted within a building.
- (2) Warehousing and other storage facilities.
- (3) Facilities designed for the repair or storage of over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, or agricultural equipment served by a permanent building facility unless already incidental to an existing building. In addition, any outside storage or repair shall be located within a designated area and screened.
- (4) Wireless telecommunications facilities not permitted by section 10-3-90(20) or those not meeting the requirements of section 10-3-197(1). Wireless telecommunications facilities are further regulated by article CC.
- (5) Inside kennels for boarding,
- (6) Building material sales and storage yards, contractors equipment sales and storage yards and other similar uses, provided they are served by a permanent building facility unless clearly incidental to an existing building.
- (7) College or university buildings which are either owned or leased by such institutions and are adjacent or contiguous to the primary campus of the college or university.
- (8) Reducing required parking areas to permit fewer than the required number of vehicle parking spaces for any use, provided that an amount of open space equal to the amount of space that would have been used for the required number of vehicle parking spaces is left available for parking in the event that, at the discretion of the city council, it is needed at some time in the future. Open space used for this purpose shall be so noted in the deed and shall not be used to meet any conflicting requirements of the zoning ordinance.
- (9) Reduction in the required side yard setback to zero feet along the lot line of an adjoining lot or parcel zoned B-2 or M-1.
- (10) Facilities designed for the sales or convenience of over the road tractors, their trailers, and heavy equipment, manufactured homes, industrialized buildings, and agricultural equipment served by a permanent building facility unless already incidental to an existing building. No vehicle salvage, storage of inoperable vehicles, or sale of junk is allowed.

- (11) Transportation service facilities, including but not limited to: taxicab, limousine, or bus. No vehicle salvage, storage of inoperable vehicles, or sale of junk is allowed.
- (12) Structures, except wireless telecommunications facilities, in excess of seventy-five (75) feet in height.
- (13) Operational facilities of volunteer rescue squads may provide nontransient housing, for up to four (4) active members of the organization, so long as each individual resides at the facility no more than twenty-four (24) cumulative months.
- (14) Adult businesses.
- (15) Reserved.
- (16) Public uses which deviate from the requirements of title 10, chapter 3.

(17) Multiple-family dwellings and/or mixed use buildings under conditions set forth in subsection 10-3-93(d) and such other conditions deemed necessary by City Council. Dwelling units may be occupied by a family or not more than four (4) persons.

**Sec. 10-3-92. Area and dimensional regulations.**

Except as provided in article T, and as required in article CC for wireless telecommunications facilities, the following area and dimensional regulations shall apply:

<u>Lot Area Sq. Ft. (minimum)</u>	<u>Minimum (Feet)</u>			<u>Maximum (Feet)</u>	
	<u>Front Yard</u>	<u>Side Yard</u>	<u>Rear Yard</u>	<u>Stories</u>	<u>Height</u>
<u>Multiple-family: 1,120</u>	<u>20</u>	<u>See Note #1</u>	<u>See Note #1</u>	<u>No maximum</u>	<u>75</u>
<u>Mixed Use Buildings: 1,120</u>	<u>20</u>	<u>See Note #1</u>	<u>See Note #1</u>	<u>No maximum</u>	<u>75</u>
<u>Other Uses: no minimum</u>	<u>30</u>	<u>See Note #1</u>	<u>See Note #1</u>	<u>No maximum</u>	<u>75</u>

*Minimum setback:*

*Front—Thirty (30) feet.*

Note #1: Side and Rear Yard Setbacks—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.

~~Rear—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.~~

~~*Maximum building height:*~~

~~Seventy-five (75) feet unless superseded by special use permit 10-3-91(12).~~

Structures not designed for human occupancy but which may provide accessory uses, such as parking facilities, shall be restricted to seventy-five (75) feet in height.

### **Sec. 10-3-93. Other regulations**

- (a) Provisions for off-street parking and loading regulations within this district shall comply with article G.
- (b) Provisions for parking lot landscaping regulations within this district shall comply with article G also.
- (c) Unless modified or superseded by other ordinances which directly apply to the general health, safety and welfare of the public, 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. In addition, all on-site refuse containers or refuse storage facilities shall be located within a designated area, screened, and meet the requirements for accessory buildings per section 10-3-114.
- (d) For multifamily 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.

The remainder of Article Q is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_. Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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**MAYOR**

ATTESTE:

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CITY CLERK