



City of Harrisonburg

Department of Planning and Community Development

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Memorandum

To: Harrisonburg Planning Commission
From: Adam Fletcher, City Planner
RE: Horticultural Businesses on Residential Property
Date: Friday, January 4, 2013

After taking into consideration the comments from Planning Commission and the public last month regarding the issue of allowing horticulture-related businesses on residential property, and in performing more research on the matter, staff has prepared language to begin receiving additional feedback on how to address this use. (To our new Commission members, please review the draft minutes from the December meeting regarding this issue beginning on page 17).

In brief, we are proposing identifying this practice as a “business garden” having a definition that includes being classified as a home occupation. The definition also includes a reference to Article BB, a proposed new article of the Zoning Ordinance that would outline the use regulations and requirements. In this proposal, since it would be classified as a home occupation, business gardens would be allowed by-right in every district that allows home occupations—essentially that would be all residentially zoned property, and as proposed, also in the B-1 district.

Staff will be in contact with interested individuals before next Wednesday’s meeting so they are aware that draft language has already been prepared and ready for feedback. Staff will soon post the draft language on the City’s website and reach out to the media and utilize social networking to draw attention to the matter to get as much feedback as possible. At next week’s meeting, Planning Commission can decide whether they want to hold a special worksession to further talk about this matter. If Planning Commission is interested in getting this matter to public hearing as soon as possible (which would be in February), staff must have an advertisement prepared by Thursday, January 24th. Such an accelerated schedule may not provide enough time for public input. However, not holding a public hearing in February, but rather March, means interested individuals, if all amendments were approved accordingly, could not operate their business until April 24th.

If you have questions before next Wednesday, please let us know.

Business Garden Proposal: Allowing Horticultural Businesses on Residential Property

Note: Code additions are underlined.

Add and amend the following definitions in Section 10-3-24. Definitions:

Business Garden: A home occupation, where areas of a parcel are managed and maintained by individuals residing on the same parcel or adjoining parcels under the same ownership, used to cultivate fruits, vegetables, herbs, or flowers for sale purposes. This definition does not include cultivation only for personal consumption or use. (See Article BB. Business Gardens for operating regulations.)

Home Occupation: Any occupation or activity which is clearly incidental to the use of the premises for dwelling purposes and which is carried on wholly within a main building or accessory building, other than business gardens as defined, by a member of a family residing on the premises, in connection with which there is no advertising on the premises, and no other display or storage or variation from the residential character of the premises, and in connection with which no person outside the family is employed and no equipment which is deemed to be in conflict with the intent of this definition. A home occupation shall not include beauty parlors, barber shops or doctors' offices for the treatment of patients. The foregoing notwithstanding, providing professional counseling services by appointment only for not more than ten (10) clients per week, and giving music lessons shall constitute home occupations.

Add Home Occupation in the B-1, Central Business District Section 10-3-84. – Uses Permitted By Right:

(13) Home Occupations.

Add a New Article as Shown Below:

Article BB. Business Gardens.

Sec. 10-3-189. – Purpose.

The regulations set forth in this article are to regulate Business Gardens as defined in Section 10-3-24. Definitions.

Sec. 10-3-190. General Use Regulations and Requirements.

- (1) Individuals operating business gardens shall apply for a home occupation permit.
- (2) The residential character of all parcels involved shall be maintained.
- (3) All transactions shall occur off-site.
- (4) No on-site advertising is permitted.

- (5) Apiculture or other animal husbandry is prohibited.
- (6) Areas shall be maintained in a healthy growing condition, free of refuse, debris, overgrown weeds, and dead or spent plant materials. Such areas are subject to Section 16-6-58 Weeds, etc. on Lots.
- (7) Compost shall be used only to support onsite operations.

Sec. 10-3-191. – Area and Yard Restrictions.

- (1) Land used for business gardens shall be no larger than fifty (50) percent of the area of the parcel involved including areas of multiple, adjacent parcels under the same ownership. Cultivation in accessory structures such as hoophouses, green houses, cold frames, etc. and areas used for exterior activities such as storage, compost and disposal areas shall be included in the allowable area. Activities on or within principal buildings including covered and uncovered porches and decks, enclosed accessory storage structures, upon rooftops, and vertical growth areas are exclusive of the allowable area.
- (2) All areas used for business gardens shall maintain at least a five (5) foot separation from all property lines unless such areas are enclosed with a wall or fence of at least three (3) feet in height.

Sec. 10-3-192. – Accessory Structures.

Accessory structures shall be governed by Section 10-3-114 Accessory Buildings of this chapter.

Sec. 10-3-193. – Storage and Screening.

Storage of equipment, materials, and compost and disposal areas shall be inside a primary or accessory structure or screened from general public view and adjoining properties.

Sec. 10-3-194. – Abandonment.

Business gardens which have ceased permanent operation or been abandoned shall be cleared, all structures removed and the area re-vegetated no more than thirty (30) days after the date of discontinued operations unless otherwise specified by the Zoning Administrator not to exceed ninety (90) days.

Amend subsection (a) of Section 16-6-58. – Weeds, etc., on Lots:

- (a) Between April first and November first of each year, every owner of real estate situate in the city shall, at his sole expense, cause to be cut therefrom all grass, weeds and foreign growth, with the following exceptions:
 - (1) Farm land, not including business gardens, on which crops are being grown or land used to pasture livestock.
 - (2) Acreage not farmed or pastured but which is not subdivided and of which no subdivision plat has been recorded. However, on such unused acreage, the owner shall mow a strip twenty-five (25) feet wide adjacent to any street or adjoining property on which a residence is located.
 - (3) Subdivided and recorded residential lots fronting undeveloped public street right-of-ways.