



# City of Harrisonburg, Virginia

## Department of Planning & Community Development

409 South Main Street  
Harrisonburg, Virginia 22801  
(540) 432-7700 / FAX (540) 432-7777  
[www.harrisonburgva.gov/community-development](http://www.harrisonburgva.gov/community-development)

Building Inspections

Engineering

Planning & Zoning

May 31, 2018

### TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

**SUBJECT:** Public hearing to consider amendments to multiple Sections of the Zoning Ordinance that would increase certain application fees and to clarify procedures for hearings and decisions of the Board of Zoning Appeals (BZA). If approved, the amendments would increase application fees associated with rezonings, special use permits, Zoning Ordinance amendments, Comprehensive Plan amendments, variance requests, and appeals to the BZA. Requests to amend the text and regulations of the Zoning Ordinance and to amend the text of the Comprehensive Plan would increase from \$375 to \$450. Requests to amend the zoning map or to amend any map associated with the Comprehensive Plan would increase from \$375 plus \$30 per acre to \$550 plus \$30 per acre. Special use permit applications would increase from \$375 plus \$30 per acre to \$425 plus \$30 per acre. Application fees for variance requests to deviate from certain requirements of the Zoning Ordinance as well as requests to appeal a decision of the Zoning Administrator to the BZA would increase from \$275 to \$300. The sections of the Zoning Ordinance that would be modified to increase the application fees noted above include: 10-3-118, 10-3-127 (a), and 10-3-138 (c) (1) and (2). The proposed amendments would also amend Section 10-3-138 (d) to clarify procedures associated with hearings and decisions of the BZA. The first sentence of Section 10-3-138 (d) states: "The board shall, within thirty (30) days, fix a time and date for the hearing of the requested variance or appeal, give public notice thereof as required by law, as well as due notice to the parties in interest, and decide the same within thirty (30) days after the hearing date." The amendment would eliminate that statement and replace it with the following sentence: "The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and make its decision within ninety days of the filing of the application or appeal."

### EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: May 9, 2018

Chair Way read the request and asked staff to review.

Ms. Dang said Section 10-3-118 of the Zoning Ordinance specifies application fees associated with rezonings, Zoning Ordinance amendments, and Comprehensive Plan amendments; Section 10-3-127 specifies application fees associated special use permits; and Section 10-3-138 specifies application fees for variance requests and appeals to the BZA. The last time fees were increased was in 2011.

Staff is proposing to amend multiple sections of the Zoning Ordinance to increase application fees associated with rezonings, special use permits, Zoning Ordinance amendments, Comprehensive Plan amendments, variance requests, and appeals to the Board of Zoning Appeals (BZA).

During the FY2018-2019 budget process, staff reviewed application fees collected in 2017 for items received by Planning Commission, City Council, and BZA. Staff found that the total fees collected were

less than the cost to advertise in the Daily-News Record (DNR). Staff proposes increasing application fees to cover the costs of advertisement in the DNR, cost of postage for mailing notices to adjacent property owners, and cost of signage posted on properties.

A summary of the current fees and proposed new fees is provided in Table 1.

**Table 1. Current and Proposed Application Fees**

Application Type	Current Fees	Proposed New Fees
Rezoning	\$375 + \$30 per acre	\$550 + \$30 per acre
Special Use Permit	\$375 + \$30 per acre	\$425 + \$30 per acre
Amendment to Zoning Ordinance Text	\$375	\$450
Amendment to Comprehensive Plan Text	\$375	\$450
Amendments to Zoning Map	\$375 + \$30 per acre	\$550 + \$30 per acre
Amendments to Maps Associated with the Comprehensive Plan	\$375 + \$30 per acre	\$550 + \$30 per acre
Variance (BZA)	\$275	\$300
Appeals (BZA)	\$275	\$300

Staff also proposes amending the first sentence of Section 10-3-138 (d) of the Zoning Ordinance to clarify procedures regarding process and timeline associated with hearings and decisions of the BZA. The amendment mirrors Virginia State Code Section 15.2-231, Procedure on appeal. Section 10-3-138 (d) of the Zoning Ordinance should be amended as shown,

“Hearing and decision. ~~The board shall, within thirty (30) days, fix a time and date for the hearing of the requested variance or appeal, give public notice thereof as required by law, as well as due notice to the parties in interest, and decide the same within thirty (30) days after the hearing date.~~ The board shall fix a reasonable time for the hearing of an application or appeal, give public notice thereof as well as due notice to the parties in interest and make its decision within ninety days of the filing of the application or appeal. Upon the hearing any party may appear in person, or by agent, or by attorney. In exercising its powers, the board may, in conformity with the provisions of this chapter, reverse or affirm, wholly or partly, or may modify, any order, requirement, decision or determination as ought to be made, and to that end shall have all the powers of the officer from whom the appeal is taken. The concurring vote of a majority of the members of the board shall be necessary to reverse any order, requirement, decision or determination of the administrative officer or to decide in favor of the applicant on any matter upon which it is required to pass under this chapter, or to effect any variance from this chapter.”

Staff recommends to approve the ordinance amendments as proposed.

Chair Way asked if there were any questions for staff.

Mr. Colman asked about the reasonable time, “The board shall fix a reasonable time;” is that something that the board will establish at the next meeting?

Mrs. Banks said we are not going to change our meeting date or schedule. It is just to give clarification of when someone turns in an application, as to which meeting date it needs to go to. I think the most important point is the one that a decision must be made within 90 days.

Mr. Colman said I agree.

Mrs. Banks said we are not going to change our dates or set up a new schedule; it will still be the first Monday of the month.

Chair Way asked if there were any more questions for staff. Hearing none, he opened the public hearing and asked if anyone would like to speak for or against this proposal. Hearing none, he closed the public hearing and asked Planning Commission for a motion on the request for discussion.

Mrs. Whitten moved to approve the Zoning Ordinance Amendments – To Increase Fees for Rezoning, Special Use Permits, Zoning Ordinance Amendments, Comprehensive Plan Amendments, Variance Requests, and Appeals to the BZA as presented by staff.

Mr. Finnegan said I would just add the comment that it is the State Code 8.01-324 that requires us to take out ads in the Daily News Record. That is not the City's decision, that is something that I think in the State Code that probably needs to change. What is the cost per ad?

Ms. Dang said it varies depending on the number of items that are advertised at a time.

Mr. Finnegan said what is the ball park.

Ms. Dang said I would say \$150-\$200 depending on if it is just one item on the advertisement.

Mr. Fletcher said that cost is per running and we have to run it twice. So, you end up running it four times—twice for Planning Commission and twice for City Council.

Mr. Finks questioned whether the Daily News Record would give it to us for cheaper, if we are doing more advertisements in a month, perhaps it will change based on how many you are going to run in a month in the newspaper. If you are running less overall it is more expensive per advertisement.

Mr. Fletcher said Ms. Dang did an extensive evaluation, I presented it to the City Manager in our budget request to show what we were doing and how we essentially were subsidizing applications to do all the things that were requested. Because we had been for years taking a loss on the advertisements; this is to bring it up to relative levels.

Mr. Finnegan said in speaking of subsidizing we are also subsidizing the local newspaper.

Mrs. Fitzgerald said intending to be cost neutral, so that we increase this to cover the required cost not to make money, not to lose money but to be cost neutral.

Mrs. Whitten said I think it is rather archaic, especially in the day in age where newspapers are going out of business, because there are localities that do not have a newspaper and I am wondering what they do. They have to advertise it somewhere.

Chair Way said we have a motion, do we have a second.

Mrs. Fitzgerald seconded the motion.

Chair Way said we have a motion and a second for approval. He called for a voice vote on the motion.

All voted in favor (7-0) to approve the Zoning Ordinance Amendments – To Increase Fees for Rezoning, Special Use Permits, Zoning Ordinance Amendments, Comprehensive Plan Amendments, Variance Requests, and Appeals to the BZA as presented by staff.

Chair Way said this will go forward to City Council on June 12, 2018.

Respectfully Submitted,

*Alison Banks*

Alison Banks

Senior Planner