

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold public hearings on September 11, 2018 at 7:00 p.m., or as soon as the agenda permits, in the City Council Chambers located at 409 South Main Street, Harrisonburg, Virginia, to consider the following:

Special Use Permit – 661 Northfield Court (Major Family Day Home)

Public hearing to consider a request from Gabriel and Justice Kreider for a special use permit per Section 10-3-52 (4) of the Zoning Ordinance to allow a major family day home in the R-4, Planned Unit Residential District. A major family day home can have up to 12 children under the age of 13, exclusive of any children who reside in the home. The 2,348 +/- square feet property is located at 661 Northfield Court and is identified as tax map parcel 32-T-6.

Rezoning – 245 East Water Street (Proffer Amendment, B-1C to B-1C)

Public hearing to consider a request from TSU Holdings LLC with representative Steven Ugrlavitch to rezone a 2,376 +/- square foot parcel zoned B-1C, Central Business District Conditional to B-1, Central Business District by amending regulating proffers. The Zoning Ordinance states that the B-1, Central Business District is intended as an urban and regional center for the conduct of commercial, financial, professional and governmental activities to which the public requires direct and frequent access. No minimum lot size or setback restrictions exist in the B-1, Central Business District. The Comprehensive Plan designates this area as Mixed Use Development Areas. This designation includes both existing and proposed new mixed use areas. These areas are intended to combine residential and non-residential uses in planned neighborhoods where the different uses are finely mixed instead of separated. These areas are prime candidates for “live-work” and traditional neighborhood developments. Live-work developments combine residential and office/service uses allowing people to both live and work in the same area, which could be combined in the same building or on the same street. The gross residential density in areas outside downtown should not exceed an average of 15 units per acre, though all types of residential units are permitted: single family detached, single family attached and apartments. Apartments are permitted only if single family detached and/or attached units are also provided and together cover a greater percentage of the project site. Residential densities in downtown may be higher than an average of 15 units per acre, and commercial uses would be expected to have an intensity equivalent to a Floor Area Ratio of at least 0.4, although the City does not measure commercial intensity in that way. The property is located at 245 East Water Street and is identified as tax map parcel 26-E-6A.

Zoning Ordinance and Title 4 Finance, Taxation, Procurement Amendments – Short Term Rental and Home Occupation Clarification

Public hearing to consider multiple Zoning Ordinance amendments and modifications to Title 4 Finance, Taxation, Procurement, which are all associated with Short Term Rentals (i.e. Airbnbs, VRBOs, etc.). Changes to the Zoning Ordinance include adding a definition of “Short term rental” and eliminating the existing definition of “Bed and breakfast facilities” within Section 10-3-24, adding regulations for Off-Street Parking Regulations for Short Term Rentals to Section 10-3-25, and adding the “Short term rental” use as a special use permit within the following zoning districts: R-1, R-2, R-3 (Multiple Dwelling), R-3 (Medium Density), R-4, R-5, R-6, R-7, MX-U, B-1, and U-R. Additionally, a new article, to be titled Article DD. – Short Term Rentals, is proposed with sections regulating and specifying: the purpose of the regulations; general use regulations and requirements; suspension, cancellation, or revocation details; and penalties. The sections of the Zoning Ordinance impacted by adding “Short term rentals” as a permissible special use permit include: 10-3-34, 10-3-40, 10-3-46, 10-3-48.4, 10-3-52, 10-3-55.4, 10-3-56.4, 10-3-57.4, 10-3-58.4, 10-3-85, and 10-3-180. These sections are amended by either adding “Short term rentals” as a new use for the district or by replacing the existing “Bed and breakfast facilities” use with “Short term

rentals.” Additionally, Zoning Ordinance Section 10-3-13 currently states that “[a]ny person, firm, or corporation found in violation of the Zoning Ordinance, upon conviction shall be guilty of a class 1 misdemeanor.” Section 10-3-13 is proposed to be amended to allow violations of Article DD to be subject to civil penalties at a rate of \$250 for the first offense and \$500 for any subsequent offense. The “Short term rental” definition within the Zoning Ordinance is proposed as follows: “A dwelling, where a room or space within the principal building or any related accessory building is suitable or intended for occupancy for dwelling, sleeping, or lodging purposes and is offered in exchange for a charge for the occupancy. A short term rental shall neither contract with guests for longer than fourteen (14) consecutive days nor, in any way, circumvent the non-transient occupancy restrictions of the zoning district in which the use is located. Short term rentals include but are not limited to bed and breakfast facilities, hostels, and other similar services and operations.” In addition to these amendments, the “Home occupation” definition would also be clarified to state that home occupations may be carried out by a family member or other legal occupant. Changes to Title 4 Finance, Taxation, Procurement include modifying Section 4-2-76.1 (2) by adding “short term rental” to the definition of “Hotel” and eliminating the reference to other lodging places that offer lodging for four (4) or more persons at any one time. Subsection (4) of Section 4-2-76.1 is also being modified by amending the definition of “Transient” by eliminating the words “hereinabove” and replacing them with “in this section.”

Maps and other information are available for review in the Department of Planning & Community Development, 409 South Main Street, 2nd Floor, Monday through Friday, 8:00 a.m. to 5:00 p.m. All persons interested will have an opportunity to express their views at these public hearings. Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the Planner at 540-432-7700 at least five days prior to the date of the meeting. More information is available at www.harrisonburgva.gov/public-hearings.

Eric D. Campbell,
City Manager

Publication dates:

Monday, August 27, 2018

Monday, September 3, 2018