



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

Building Inspections

Engineering

Planning & Zoning

To: Eric Campbell, City Manager
From: Adam Fletcher, Director – Department of Planning and Community Development and Harrisonburg Planning Commission
Date: June 12, 2018
Re: Zoning Ordinance Amendments – Increase Application Fees for Rezoning, Special Use Permits, Zoning Ordinance Amendments, Comprehensive Plan Amendments, Variances, and Appeals to the BZA

Summary:

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.”

Background:

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.

Key Issues:

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.”

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Recommend approval of the ordinance amendments as proposed;
- (b) Recommend denial of the ordinance amendments; or
- (c) Table the request for further study or other or additional modifications.

Community Engagement:

As required, the request was published in the local newspaper twice advertising for Planning Commission’s public hearing for the ordinance amendments and twice advertising for City Council’s public hearing. The advertisement was published as shown below:

Zoning Ordinance Amendments – To Increase Fees for Rezonings, Special Use Permits, Zoning Ordinance Amendments, Comprehensive Plan Amendments, Variance Requests, and Appeals to the BZA

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.”

In addition, a notice was provided on the City's website at <https://www.harrisonburgva.gov/public-hearings>.

Recommendation:

Staff recommends alternative (a) to approve the ordinance amendments as proposed.

Attachments:

1. Extract (4 pages)
2. Draft Amendments to the Zoning Ordinance (4 pages)

Review:

Planning Commission recommended to approve (7-0) 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.