

NOTICE OF PUBLIC HEARING

The Harrisonburg City Council will hold a public hearing on **Tuesday, April 12, 2016 at 7:00 p.m.**, or as soon as the agenda permits, in the City Council Chamber located at 409 South Main Street, to consider the following:

Zoning Ordinance Amendment – Sections 10-3-24, 90, and 96 related to Plant Nurseries and Greenhouses

Public hearing to consider amending the Zoning Ordinance Sections 10-3-24, 10-3-90, & 10-3-96 all of which are related to the currently defined and listed uses of plant nurseries and greenhouses. Section 10-3-24 would be amended by modifying the definition of "Plant nurseries and greenhouses" by adding "landscaping businesses and similar operations" to the titled definition. Section 10-3-90 (17) of the B-2, General Business District would be amended to align with the modified definition noted above by adding "landscaping businesses and similar operations" to the list of permissible uses. Finally, Section 10-3-96 (16) of M-1, General Industrial District would also be amended to align with the modified definition noted above by adding "landscaping businesses and similar operations" to the list of permissible uses while also noting that such uses may have small-scale, outdoor manufacturing, processing, storage, and treatment of products as part of the operations.

Zoning Ordinance Amendment – Section 10-3-24 Definitions, and Multiple Sections within Article W Board of Zoning Appeals (To Align the Zoning Ordinance with recent changes to the Code of Virginia regulating BZAs)

Public hearing to consider amending the Zoning Ordinance Sections 10-3-24, 132, and 135 through 140. Section 10-3-24 Definitions shall be amended by updating the definition of "variance" to align with changes to the Code of Virginia. Section 10-3-132 shall be amended by adding language to better describe the structure of the Board of Zoning Appeals. Section 10-3-135 shall be amended by adding review criteria to assist the Board of Zoning Appeals in hearing and deciding appeals. The criteria includes adding that the determination of the administrative officer shall be presumed to be correct and that the officer must explain the basis for their determination and further that the appellant has the burden of proof to rebut such presumption of correctness by a preponderance of the evidence. Section 10-3-136 shall be amended by updating four of the five existing subsections to align with the provisions of the Code of Virginia, which among other things, adds to the criteria to consider when reviewing variance requests as well as by adding a new subsection explaining that the applicant has the burden proving that they meet the standards for receiving a variance. Section 10-3-137 titled Conditions Attached to Approvals shall be removed in its entirety and thus necessitating the renumbering of Sections 10-3-138, 139, and 140 accordingly. Existing Section 10-3-138 title Amendment of Variance shall be amended by aligning it with the application procedures as specified within existing Section 10-3-139. Existing Section 10-3-139 shall be amended by adding three new subsections including information regarding equal say during hearings, ex parte communications, and when materials of the case shall be available to board members, the applicant, and the public.

To view copies of the case documents, contact the Community Development Department, 409 South Main Street, Monday through Friday, 8:00 a.m. to 5:00 p.m.

All persons interested will have an opportunity to express their views at this public hearing.

Any individual requiring auxiliary aids, including signers, in connection with the public hearing shall notify the City Manager at least five (5) days prior to the date of the meeting.

CITY OF HARRISONBURG
Kurt D. Hodgen
City Manager