



City of Harrisonburg

Department of Planning and Community Development

409 South Main Street
Harrisonburg, Virginia 22801
540-432-7700

www.harrisonburgva.gov/community-development

Memorandum

To: Planning Commission
From: Thanh Dang, Assistant Director of Planning & Community Development
RE: Planning & Zoning Projects Update
Date: August 14, 2019 (Regular Meeting)

Provided below is a list of projects that Planning Commission or City Council has expressed interest in and/or has directed staff to work on, and projects that staff has initiated in response to court rulings, legislation, and other issues.

List A. Projects completed since January 2019:

1. *Short-Term Rentals Regulations Adopted* – City Council adopted the Short-Term Rental Regulations on March 26, 2019. A grace period was granted by City Council until August 1, 2019 and enforcement by Zoning staff is underway. More information: <https://www.harrisonburgva.gov/short-term-rentals>.
2. *R-8, Small Lot Residential Zoning District Adopted* – While this project was not initiated by staff, staff worked closely with the applicant (Dick Blackwell) on drafting the new R-8 zoning district regulations. Additionally, staff proposed amendments to the off-street parking regulations that provided flexibility and reduces requirements for some residential developments. The regulations and amendments were adopted by City Council in June 2019.
3. *Mobile Vending* – In 2012, after staff had in depth conversations with individuals wanting to have particular types of food truck operations, staff researched and drafted regulations to manage food trucks and other mobile business uses. Over the past six months, staff has changed course and has created an informational webpage to guide potential mobile businesses on city requirements, including but not limited to zoning, fire, water, and business licenses. More information: <https://www.harrisonburgva.gov/mobile-businesses>. (Note: This webpage will be available online by the end of the day August 12.)

List B. Projects currently underway and anticipated to be presented to Planning Commission or to be completed in the coming months:

4. *Review of Short-Term Rental (STR) Regulations* – Since the adoption of the STR regulations in March 2018, Planning Commission (PC) has reviewed 25 STR special use permit (SUP) requests, and as of August 9, City Council (CC) has approved 11 STR

requests and 9 requests are expected to be heard by CC on August 13. Staff will review PC recommendations and CC approvals for patterns and may recommend amendments to the STR regulations.

5. *Comprehensive Update of the Sign Ordinance* – In response to the June 2015 ruling by the United States Supreme Court in *Reed v. Town of Gilbert* staff has been working on updating the City Sign Ordinance. Staff hosted a panel discussion to answer public questions regarding the proposed Sign Ordinance on January 17, 2019 followed by a public comment period that ended January 31, 2019. Since that time, staff reviewed the comments and further updates to the ordinance. A second panel discussion is planned for mid-September 2019. The final draft will be presented to Planning Commission in the coming months. More information: <https://www.harrisonburgva.gov/sign-ordinance-update>.
6. *Wireless Small Cell Facilities within Public Street and Alley Right-Of-Way (ROW)* – Staff from the City Attorney’s Office and the Departments of Planning and Community Development, Public Works, and Public Utilities have been working on amending the City Code to be compliant with requirements from the Code of Virginia and from declaratory rulings from the Federal Communications Commission (FCC) regarding the rights that wireless telecommunications providers now have to locate small cell facilities—whether by collocation or by installing new poles and other structures—within the City’s public street and alley ROW. This matter has been discussed at City Council and might be officially adopted at the August 13, 2019 City Council meeting.

List C. Other projects currently underway:

7. *Comprehensive Update of the Subdivision and Zoning Ordinances* – Planning professionals advise communities to review their zoning ordinances once every ten years to account for changes in zoning approaches, state codes, legal interpretations, and definitions. It is common for zoning ordinances to be reviewed following updates to a community’s comprehensive plan because zoning ordinances are the local government’s primary means of implementing their comprehensive plans. While amendments and additions to the City’s Zoning Ordinance have been made over the years, a comprehensive review has not taken place since 1996. Similarly, a comprehensive review of the Subdivision Ordinance has not occurred since 1997. A diagnostic review and evaluation of the City’s ordinances was completed in April 2019 and will be used to inform the request for proposals (RFP) that staff will write to procure a consultant to assist with the update. An RFP is anticipated to be released this Fall 2019. A comprehensive update of the Subdivision and Zoning Ordinances will be a multi-year project.
8. *Floodplain Management Ordinance Updates* – In May 2017, the Virginia Department of Conservation and Recreation (VA DCR) released a new Floodplain Management Model Ordinance. Staff is reviewing the City’s Floodplain Management Ordinance against the model ordinance and will propose updates as necessary.
9. *Home Occupation* – In September 2016, Planning Commission identified that home occupation permits and/or home business licenses needed to be reviewed. Staff has interviewed zoning administrators from other Virginia communities and is currently coordinating with the City Attorney’s Office and the Building Inspections Division on

Building Code requirements for home businesses. In the coming months, staff will prepare questions for Planning Commission for discussion to guide staff towards finalizing the Zoning Ordinance amendments.

10. *Housing Policies* – Housing continues to be an issue of concern in the Harrisonburg community. In April 2019, City Council identified developing a comprehensive housing plan and increasing flexibility in development and redevelopment of residential areas to enhance the housing inventory as a 3-year priority.
 - a. The City Manager’s Office is leading the effort to develop a comprehensive housing plan. Planning staff will be supporting this effort as needed.
 - b. Planning staff will continue to consider the Zoning Ordinance’s impact on housing as we work on the update to the Subdivision and Zoning Ordinances and will consider recommendations to increase flexibility where appropriate.

List D. Projects currently on hold with little to no activity.

11. *Community Gardens* – In January 2013, as part of discussions surrounding Business Gardens, Planning Commission identified that the trend of community gardens in residential districts should be investigated by staff. Staff has prepared a process to solicit public input on community gardens to inform drafting of ordinance amendments. A focus group was hosted on May 11, 2017.
12. *Parking Requirements* – In October 2016, there was consensus among Planning Commission that parking requirements needed to be reviewed by staff. This project may become a sub-project of the Comprehensive Update of the Subdivision and Zoning Ordinances.
13. *Small Area and Corridor Plans* – The 2018 Comprehensive Plan includes “Potential Small Area Plans” and “Gateway and Corridor Enhancement Area” maps that roughly identify the boundaries of neighborhoods, commercial and mixed use areas, and important local and regional travel routes through the City that could be prioritized specialized studies to address unique issues associated with each area.
14. *Public Alleys* – In March and April 2019, as part of discussions at Planning Commission and City Council meetings surrounding requests to close public alleys. Planning Commission expressed interest in evaluating public alleys (i.e. current use and future plans for how they might be used). The City Attorney’s Office has researched general legal issues on the topic regarding ownership, maintenance responsibilities, and liability. Staff discussions on this matter continues.

List E. Other Projects.

15. *Environmental Action Plan (EAP)* – On October 23, 2018, following a presentation by the Council-appointed Environmental Performance Standards Advisory Committee (EPSAC), City Council directed staff to develop an action plan to address Building Standards and Energy Efficiency; Waste Reduction and Recycling; Renewable Energy; Stormwater, Water Quality, and Water Conservation; Sustainable Transportation; Regional Food Systems; and Land Use and Open Space. An open house and public comment period to review the draft EAP Phase 1 took place in June 2019 and staff is

working on updates to the draft EAP Phase 1. This project is being co-led by the Departments of Planning and Community Development and Public Works.

16. *Downtown Parking Study* – Staff from the Departments of Economic Development, Public Works, Police, Planning and Community Development, Public Transportation, and from Harrisonburg Downtown Renaissance have been working with DESMAN, a national consulting firm for transportation improvements and parking facilities, to prepare a Downtown Parking Study. The study was launched in June 2019. Downtown stakeholder group meetings were recently completed and there is now a survey that the public can complete to help staff understand what brings visitors to downtown and how they park while living in or visiting downtown. The survey can be completed at the following address: <https://www.surveymonkey.com/r/F6FR36N>. There will be a public meeting in late August for residents to learn more and speak with city staff.