



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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January 9, 2023

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

SUBJECT: *Consider a request to amend the Zoning and Subdivision Ordinances to modify the required information placed on public notice signs posted on properties*

**EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION
MEETING HELD ON:** December 14, 2022

Chair Finnegan read the request and asked staff to review.

Ms. Dang said notice requirements applicable to land use proposals are found in Virginia Code Section 15.2-2204, Section 15.2-2285, and 15.2-107. Posting of signs on or near the affected parcels is not required by the Virginia Code but may be required or recommended by the locality. The Harrisonburg Subdivision Ordinance requires signs be posted on the subject property for which a property owner is requesting a variance from the Subdivision Ordinance regulations while the Zoning Ordinance requires signs be posted on properties associated with rezonings, special use permits, zoning variances, and for zoning appeals of a decision or determination made by an administrative officer in the administration and enforcement of the Zoning Ordinance.

Staff proposes to amend the Zoning and Subdivision Ordinances to allow modification of the required information placed on signs posted on properties for rezonings, special use permits, zoning variances, zoning appeals, and for properties to which the property owner is requesting a variance from the Subdivision Ordinance regulations. The purpose is to allow for standardization of signs. Staff desires to use one sign design for all types of posted signs, to have them professionally printed/manufactured, and to use signs that would be easier for staff to install compared to the current signs. Attached is an example of what the sign might look like.

Staff proposes that the QR Code and the weblink on the sign would direct community members to a City webpage with public notice and hearing information and would include a copy of the submitted application materials.

Additional amendments to the ordinances would state that failure to post the signs or failure to remove the posted signs within the required time period would not invalidate Planning Commission or City Council decisions.

Chair Finnegan asked if there any questions for staff.

Commissioner Armstrong said I would urge you not to rely on these QR codes. There are still people who, by choice or affordability, do not carry smart phones. I would not be able to access this. If there were a note under the internet address... Speaking of discriminatory, I could not access this.

Ms. Dang said this is just a sample. We could do that. The QR code could be shrunk. We could reformat the text. It says that for information call or visit.

Commissioner Orndoff said will there be a QR code regardless?

Ms. Dang said it is a tool. It is the combination of the code, the phone number and the URL.

Chair Finnegan said it is three different methods of getting the information.

Commissioner Armstrong said I would think that, underneath this address, you could put a note “for detailed description.”

Commissioner Orndoff said it says, “for information.” I think we should keep it as simple as possible.

Commissioner Armstrong said I do not find this simple. I find these smartphone things to be incredibly complicated.

Commissioner Byrd asked the QR code is directing to this site, correct?

Ms. Dang said yes. It will not be application specific. It would go to a webpage that people have the option to go to. Or they can call us or stop by our office. We could add our office address.

Commissioner Whitten asked the QR code just goes to the webpage?

Ms. Dang said yes. On the webpage they would see a list of the public hearing items.

Chair Finnegan said it would go to www.harrisonburgva.gov/notices.

Ms. Dang said what we would like to do is reuse the signs so that we are not printing signs for each application.

Chair Finnegan said to give background, you said it is the time-consuming nature of the current signs. Each one has to be laminated. Each one has to be individualized and stapled to the board.

Ms. Dang said I want to continue to receive recommendations about the sign content and how it is formatted. We can continue to do that through January when City Council will be considering these amendments. We hope to move quickly to get the signs manufactured so that we can use

them immediately. We need to replace some signs. Your objective is about the Zoning Ordinance text, but I am happy to receive recommendations about the sign content.

Chair Finnegan asked, if we approve this tonight, when will that be finalized?

Ms. Dang said it would go to City Council on January 10, 2023. If City Council approves it on January 10, the second reading would presumably be a vote in favor of the ordinance amendment. Through the month of January, we would continue to work with the sign company to begin getting them manufactured.

Councilmember Dent asked what do you see when you go to that site?

Ms. Dang said what I have discussed with Michael Parks, Director of Communications, and the City Clerk, Pam Ulmer, is that the website would direct you to the same page where the public hearing information is currently posted. We would probably clean it up in a way so that the applications would be listed there as individual PDF documents. That is what we would be adding. The public notices and the advertisements would continue to be there for both City Council and Planning Commission. The Friday before the Planning Commission meetings, you receive the staff report which includes the applications. We have not been in the practice of posting the applications online the three to four weeks before the staff reports are distributed, but we can do that because we already share that with people who request it.

Councilmember Dent asked would it be listed as “this address will be heard on this date”?

Ms. Dang said the details are yet to be determined. What I envision is that, on that webpage right now, it starts with the City Council items, then the Planning Commission and the BZA. Within the Planning Commission section, there would be upcoming items for whatever date. Then we would bullet list with PDF links to each application item.

Commissioner Byrd said referring to the size of the QR code, as long as someone can take a picture of it with their phone in the car, then that is the point of the QR code. If I have to get out and walk up to it, then I might as well write down the website.

Commissioner Whitten said I do not understand why the website is not better because the QR is taking you to a more general place it sounds like.

Councilmember Dent says it takes you to the same place.

Chair Finnegan said it is the same address. It just saves you the trouble of typing it in.

Commissioner Armstrong said I am sensitive to persons who are not accessing computers. That is a real issue. Whether it is intimidation or money or skill, or any of that. All of this requires you to do that and to have access to that.

Ms. Dang said they could call us. That is what is available now. They could still call us or stop by our office. I think we could add our office address, which we do not include now on our signs. We only include our phone number.

Commissioner Armstrong said what is on the sign currently is information that they can connect to. This is something that is happening here, right next door to me. There is a relevance to that that is not here. This is just public hearing or City action. It is pretty vague. I get why you want to do this because you can use the same sign. I am not sure it is going to accomplish what is being accomplished now.

Commissioner Washington asked is there an opportunity, instead of using signs, to have frames where you can slide paper in and out? You would buy 20 frames and you would slide the front and more specific information on the back so that you get this information but more specific information on the back so that you do not have to interact with the phone or QR code or the internet?

Chair Finnegan said this is general and you are saying something site specific? A paper that is laminated and put on the back?

Commissioner Washington said I am suggesting sleeves to slide in the information. You could reuse it.

Commissioner Whitten said something similar to what the realtors use, where it has the flip up box if you want to take the paper with the specifics.

Commissioner Orndoff said I think that staff is trying to get around reprinting site specific information.

Commissioner Whitten said I understand that, but people do have the need to know this information.

Commissioner Orndoff said there are three ways that you can contact the staff that installed that sign.

Commissioner Whitten said but you are contacting them based on what? They do not know what is happening.

Commissioner Orndoff said it says, "public hearing or City action pending on this property."

Commissioner Byrd says we see with the current signs, people come into the hearing and say that they say, "I saw the sign," but they did not read it. They say they do not know what is going on.

Commissioner Whitten said a lot of them do read them.

Councilmember Dent asked what is on the current signs now?

Ms. Dang said there are pictures within the package, but I do not think you will be able to read them.

Councilmember Dent said if you want to get away from having to print something new each time, this is a good solution. I like where Commissioner Washington is going with having some information to slide in to say the address even.

Chair Finnegan said they are wooden with paper taped on them.

Commissioner Whitten said they say alley closing or rezoning or SUP.

Chair Finnegan said you have to get right up on it to read it.

Commissioner Byrd asked could you make different versions of them?

Ms. Dang said these signs are very heavy, bulky and prone to injury. We are out there with a large sledgehammer. It takes quite a lot to replace the sign because it requires weatherproofing. We are looking for something that looks nicer, professionally printed and put together where we can simply place the order and pick them up. I hear your concern and trying to think through what Commissioner Washington was suggesting about something on the back. The question is, do people know that there is something on the back. I like that you are trying to think of an idea, and I appreciate that.

Commissioner Orndoff said I think it needs to be printed on both sides because you need to not put it in front of the building. You need to put it so that it can be read from both directions.

Commissioner Whitten said you cannot read that while you are driving.

Commissioner Orndoff said if you want to read it, you pull over and write it down.

Chair Finnegan said you cannot read the current sign right now, but you can see that there is a sign.

Councilmember Dent asked what is the dense text?

Chair Finnegan said that is information about request.

Ms. Dang said usually what the sign would contain is something like it is a rezoning request, the name of the applicant, the address, the parcel number and the zoning district.

Commissioner Orndoff made a motion to recommend approval of the Ordinance amendment.

Commissioner Byrd seconded the motion.

Commissioner Orndoff added with the stipulation that this is done for a period of six months or a year to see if it works.

The Planning Commission rejected the proposed stipulation.

Commissioner Armstrong asked if the request was for the format and information on the slide.

Ms. Dang said this is not what you are approving. What you are approving is the text in the Ordinance. What I could offer is bringing back the draft sign text before we manufacture them so that we could get more input from the group if that makes you more comfortable.

Commissioner Washington asked about language access. Harrisonburg is a very diverse space. How do people who speak Arabic, Spanish or other languages access this information through this sign?

Ms. Dang said I do not have an answer to that.

Chair Finnegan said we are voting on the language, not the sign, but perhaps the signs could have translations in smaller text.

Councilmember Dent said the website itself, that we are pointing them to, could have links to the languages.

Commissioner Byrd said the main change is the type of action proposed, variance, SUP, etc. That is in the language. If people want all stuff to be still on the sign, that is the language of the amendment.

Chair Finnegan said we are voting on this red language and this blue language.

Ms. Dang said yes, and there is another component that is the last sentence in each of them are the same that says:

Neither the Commission's recommendation nor the City Council's decision on a land use action shall be invalid solely due to the failure to the removal of a posted sign or failure to post a sign.

The State code does not require the posting of signs. It is what our local ordinance requires. As Mr. Steere spoke earlier, he must have been involved in drafting the ordinance.

Commissioner Byrd clarified that the proposed signs would not include the details. It would be the pending action.

Commissioner Armstrong said it says the type posting. "The city shall determine the number of signs required, placement, and type of posting." Would that not be "type of posting"?

Ms. Dang said that had to do with the type of sign, not the content.

Commissioner Armstrong said but I think that is what Commissioner Byrd is saying. You are not going to print the content anymore, that is going to be online. This allows for that latitude still, the type of posting.

Ms. Dang said we could always do more, but it sounds like Commissioner Byrd was asking if the group accepted including less information on the sign than what we are currently doing.

Commissioner Byrd said I was clarifying that the language is not going to have the details as the current signs has. If people are going to have an issue with that, it is something to keep in mind.

Commissioner Armstrong asked is that correct?

Ms. Dang said that is correct. In the draft language, the red text that is being stricken is the change proposed or the SUP proposed, and we are replacing it with a generic notice of a public hearing or pending City action.

Commissioner Orndoff said and you are adding the sentence at the bottom of each one. The rest of it is staying the same.

Commissioner Armstrong said I will not support.

Commissioner Washington said I like details. If it is a generic front, could you tape the details on the back?

Commissioner Armstrong said or it could be two slots. It does not have to be front and back. It could have generic on top and some detail on the bottom and you slide it in.

Ms. Dang asked is the sleeve waterproof and does it hold up? I do not know the answer to that. If you want to recommend amending staff's recommendation and revert back to the other language, we could move forward with the last sentence to each of them.

Chair Finnegan said we have a motion to recommend approval and a second. Is there an interest to make an amendment to the current motion?

Commissioner Armstrong said a proposed amendment would be to recapture this red language, take out the pending, and leave the rest of it the same.

Chair Finnegan asked would you support that?

Commissioner Armstrong said yes.

Commissioner Orndoff and Councilmember Dent said they would not support that.

Chair Finnegan called for a roll call vote.

Commissioner Armstrong No

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| Commissioner Byrd | Aye |
| Councilmember Dent | Aye |
| Commissioner Orndoff | Aye |
| Commissioner Washington | No |
| Commissioner Whitten | Aye |
| Chair Finnegan | Aye |

Chair Finnegan realized the Planning Commission failed to open the public hearing, so he opened the public hearing and asked if there was anyone in the room or on the phone wishing to speak to the request. Hearing none, he closed the public hearing and called for a roll call vote.

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| Commissioner Armstrong | No |
| Commissioner Byrd | Aye |
| Councilmember Dent | Aye |
| Commissioner Orndoff | Aye |
| Commissioner Washington | No |
| Commissioner Whitten | Aye |
| Chair Finnegan | Aye |

The motion to recommend approval of the Ordinance amendment passed (5-2). The recommendation will move forward to City Council on January 10, 2023.