



City of Harrisonburg, Virginia

Department of Planning & Community Development
409 South Main Street
Harrisonburg, Virginia 22801
www.harrisonburgva.gov/community-development

Building Inspections: (540) 432-7700
Engineering: (540) 432-7700

Planning and Zoning: (540) 432-7700
Department Fax: (540) 432-7777

March 6, 2017

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: Public hearing to consider a request from the Northeast Neighborhood Association, Inc. and the Shenandoah Valley Black Heritage Project with representatives Karen Thomas and Robin Lyttle to amend Zoning Ordinance Sections 10-3-24, 10-3-34 (5), 10-3-40 (5), 10-3-48.3 (18), 10-3-48.4 (10), 10-3-51 (10), and 10-3-52 (2) all of which are related to defined and permitted uses of “community buildings” within the R-1, Single-Family Residential District; R-2, Residential District; R-3, Medium Density Residential District; and R-4, Planned Unit Residential District, respectively.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: February 8, 2017

Mr. Baugh recused himself from this request and the subsequent two SUP’s at 7:21 pm.

Chair Way read the item and asked staff to review.

Ms. Dang said the “community building” definition appears in the City’s Zoning Ordinance as early as 1987 and was defined as “[b]uilding community: A building for social, educational and recreational activities for a neighborhood or community, provided any such use is not operated primarily for commercial gain.” In 1994, the term was amended to add a comma (“building, community”) and the definition remained the same. It was also in 1994, that we first see the use of the term “community building” within particular zoning district sections, specifically in R-1, R-2, and R-4 as a use permitted only by special use permit. The language describing the special use within each zoning district is the same text as exists today.

Representatives of the Northeast Neighborhood Association and Shenandoah Valley Black Heritage Project came separately to city staff seeking information on zoning and building code requirements for their organizations to occupy existing buildings located at 192 Kelley Street and 425 Hill Street. Coincidentally, the applicants’ properties are both located in the same neighborhood and zoned R-2, Residential District.

The Northeast Neighborhood Association proposes to use 192 Kelley Street as a museum, where collected artifacts would be displayed as well as to have meeting space available for events and gatherings, and to serve as the association’s administrative offices. The Shenandoah Valley Black Heritage Project proposes to use 425 Hill Street as a location where community members can research their genealogy and to have access to a small library. (Detailed information on each proposed use is included herein.) Having a location within this particular neighborhood is important to both organizations due to the history of the neighborhood and the services they wish to offer to the residents within the community.

Zoning Ordinance Section 10-3-40 (5) of the R-2, Residential District current allows “[c]ommunity buildings and facilities used for recreational, social educational and cultural activities which are intended

The City With The Planned Future

to benefit the residents of the subdivision” with the approval of a special use permit. Based upon our records, the city has never received an application requesting a special use permit for “community buildings” for any location. Because of this, there was no known precedence of the interpretation of the phrase “which are intended to benefit the residents of the subdivision.” Staff was uncertain of the original intent and meaning of the term “subdivision” in this statement and questioned whether it was to describe a *housing subdivision* that represented a community of residential homes that were platted and/or developed together with the possibility of shared community spaces with a property owners association, or whether it was to describe a *neighborhood* or *community*, which might not have a formal edge or boundary. Additionally, was the intent for the community building to benefit the residents of the subdivision exclusively, or could the community building also provide services to the residents of the subdivision and others who live outside of the subdivision? Because of these issues, staff does not believe that the Zoning Ordinance, as written today, permits the activities and abilities as is desired by the two applicants.

After working with city staff, the applicants are jointly requesting amendments to the definition of “Building, community” in Section 10-3-24 to add “cultural” activities as a specified use in the definition as shown:

Building, community: A building for social, educational, cultural, and recreational activities for a neighborhood or community, provided any such use is not operated primarily for commercial gain.

In combination with the above amendment, the group is also modifying Section 10-3-40 (5) within the R-2, Residential District’s list of uses permitted only by special use permit as shown:

~~(5) Community buildings and facilities used for recreational, social educational and cultural activities which are intended to benefit the residents of the subdivision.~~

Staff is comfortable removing the text in 10-3-40 (5) because the definition of “community building” restricts the uses to those “not operated primarily for commercial gain” and there is a requirement for property owners to apply for a special use permit in order to use a property as a community building. Through the special use permit process, the proposed community building is reviewed on a case-by-case basis for potential impacts to the neighborhood and requires City Council approval.

For continuity and best practices for application of the Zoning Ordinance, staff recommends amending Sections 10-3-34 (5) and 10-3-52 (2), and adding new text to 10-3-48.3 (18), 10-3-48.4 (10), and 10-3-51 (10), all of which are related to “community buildings” within the R-1, Single-Family Residential District; R-3, Medium Density Residential District; and R-4, Planned Unit Residential District.

Just like the R-2 amendment above, staff recommends amending Section 10-3-34 (5) of the R-1, Single-Family Residential District, uses permitted only by special use permit as shown:

~~(5) Community buildings and facilities used for recreational, social educational and cultural activities which are intended to benefit the residents of the subdivision.~~

It should be understood that historically the City has allowed community buildings in R-3 and R-4 districts as an accessory use for townhouse and multiple-family developments. Adding new subsections as shown below in Section 10-3-48.3 of the R-3, Medium Density Residential District and Section 10-3-51 of the R-4 Planned Unit Residential District, uses permitted by right for both districts, clarifies the permissions for the use. Staff proposes the following new subsection be added accordingly as a listed by right use within Sections 10-3-48.3 and 10-3-51:

Community buildings for associated townhouse and multiple-family developments.

Staff further proposes to add the following use as a listed special use within Section 10-3-48.4 of the R-3, Medium Density Residential District and to Section 10-3-52 of the R-4, Planned Unit Residential District uses permitted by special use permit:

Community buildings (other than those permitted by right).

For clarity of the proposed amendments, included within the packet is a Summary Table, which compares the existing text and proposed text within each of the zoning districts described above.

In summary, the amendments would 1) modify the definition of “community building,” 2) modify the existing description of community buildings as a special use within the R-1 and R-2 Districts, and 3) clarify that community buildings for associated townhouse and multiple-family developments are permitted by right in R-3 and R-4 Districts, and would allow other types of community buildings by special use permit in R-3 and R-4 Districts.

Staff recommends approval of the proposed Zoning Ordinance amendments as presented.

Chair Way asked if there were any questions for staff.

Mr. Colman said in terms of R-3 and R-4 we have the community buildings for associated townhomes and multi-family development; do we have a definition of what those need to be? The ordinance says community building, but then also community building with special permit. I understand the definition on the second one; which is modified, but is there a definition to the R-3 and R-4 permitted by right community building.

Ms. Dang said I would say the definitions would be the same. In the case of a multi-family development for example, it would be a community building that is used for social and recreational activities. I will highlight the point about “provided any such use is not operated primarily for commercial gain.” I understand that they are operating a business that rents for commercial gain, but it is part of that operation, and it would not be another type of community building use that is not related to the rental and the amenities for their tenants.

Chair Way said I was just thinking about the club house being rented out, this is going to be for residents of that neighborhood.

Mr. Fletcher said in multi-family and townhome developments the space is more clearly defined and it is managed often times by the association, which is onsite and they have their own guidelines as to who can use the space. You cannot rent the space and do retail or anything like that, those things do not come into play. Those bounds have been clearly described. We had this internal discussion about how that works out; it is just when you get into these situations where as Ms. Dang was saying the boundaries of the neighborhoods are very fuzzy. There are no homeowners’ association fees or anything like that and in the other ones there are.

Chair Way asked if there were any more questions for staff. Hearing none, he opened the public hearing and asked if anyone would like to speak in favor or against this request.

Robyn Lyttle, Shenandoah County, said I am speaking to the ordinance amendment. Thank you to the staff and to everybody that has helped us through this process. I am representing the Shenandoah Valley Black Heritage Project.

Chair Way asked if there were any questions for Ms. Lyttle. Hearing none, he asked if anyone else would like to speak in favor or against the request.

James Orndoff, 22 East Market Street, said I am representing Karen Thomas who is recuperating from knee surgery and unable to be with us. I would like to express on behalf of the Northeast Neighborhood Association our thanks to the staff for working through this. I know this was a little complicated and passing this ordinance revision will allow us to hopefully obtain the special use permit, which was the ultimate goal of this whole thing; so thank you very much.

Chair Way asked if there were any questions. Hearing none, he asked if anyone else would like to speak in favor or against the request. Hearing none, he closed the public portion and asked Planning Commission for a motion on the request for the purpose of discussion.

Mr. Finnegan moved to approve the Zoning Ordinance Amendment – Section 10-3-24, 10-3-34(5), 10-3-40 (5), 10-3-48.3 (18), 10-3-48.4 (10), 10-3-51 (10), and 10-3-52 (2) related to Community Buildings as presented by staff.

Mr. Colman seconded the motion.

Chair Way asked if there was any other discussion. Hearing none, he called for a voice vote on the motion.

All voted in favor (6-0) to recommend approval of the Zoning Ordinance Amendment – Section 10-3-24, 10-3-34(5), 10-3-40 (5), 10-3-48.3 (18), 10-3-48.4 (10), 10-3-51 (10), and 10-3-52 (2) related to Community Buildings as presented by staff.

Chair Way said this will go forward to City Council on March 14, 2017.

Respectfully Submitted,

Alison Banks

Alison Banks
Senior Planner