

City of
HARRISONBURG, VIRGINIA

**Ordinance Diagnostic
Zoning and Subdivision Ordinance Update**

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11/18/2020



Topics | Ordinance Diagnostic

- Background
- Stakeholder Interviews and Online Survey
- Critique
- Next Steps
- Comments/Q&A



Project Process | Milestones

PHASE 1:

PROJECT INITIATION & ORIENTATION

July - December
2020

- Review plans and ordinances
- Field reconnaissance
- Stakeholder interviews
- Video conferences w/ STT & OAC
 - Summary of Input, Diagnostic, Annotated Outline

PHASE 3:

PUBLIC REVIEW & COMMENT

August – September
2021

- Compilation of Public Review Drafts
 - Public Review Draft
 - Public Review Draft Presentations

PHASE 2:

ITERATIVE DRAFTING

January – August
2021

- Staff, Ord. Advisory Comm., and Open House meetings / coordination
- STT & OAC review and comment
- Revisions to modules
 - Ordinances in 3 draft modules with revisions (enCodePlus)
 - Module presentations

PHASE 4:

ADOPTION

September –
December 2021

- Compilation of Public Hearing Drafts
- Public Hearings
 - Public Hearing Drafts
 - Finalized enCodePlus site
 - Adopted Ordinances

Work So Far | Preliminary Efforts

- KKC Review and Staff Teleconferences
 - Bi-weekly calls with staff
 - Review of current ordinances
 - Consideration of list from Staff
- Online Survey
 - Gauge opinions on development in the City
- Mapping
 - Comparison between existing zoning map and recommendations of the Future Land Use Guide in Comprehensive Plan
- Annotated Outline



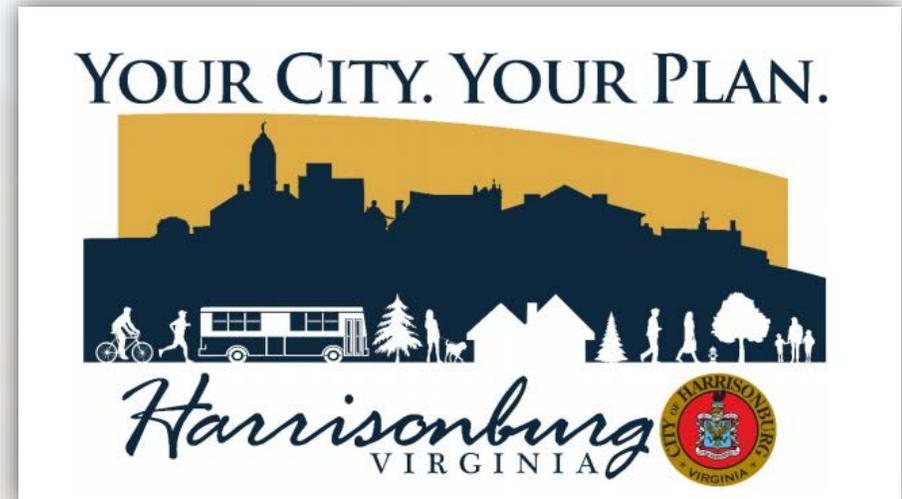
Refresher | Initial Goals – Based on Comprehensive Plan

- Encourage areas with a **mix of uses, housing types, and lot sizes.**
- Promote more **single-family detached** and **duplex** housing units.
- Promote the development of lower cost and **affordable** housing.
- Expand opportunities for **infill, reuse and redevelopment.**
- Promote **walkable** neighborhoods.
- Provide **off-street parking** to adequately meet demand **without oversupply.**
- Adapt to **new trends and demands** while ensuring that new development and redevelopment of residential, commercial, and industrial properties will be **compatible** with existing land uses and with planned land uses of surrounding properties.



Comprehensive Plan | Implementation

- Plans set broad policies for growth and economic development.
- An Ordinance is a set of laws, standards, procedures, and an official map as implementing regulations.
- Zoning divides the City into districts including:
 - Uniform sets of permitted, administrative, special, accessory, temporary, and prohibited uses.
 - Consistent dimensional standards (height, setbacks, lot size).
 - Development standards (landscaping, signs, parking, building and site design).



Zoning Basics | What Zoning and Subdivision Regs Can Address

- Land Use on Private Property
- Building Placement, Design, Height
- Parking
- Landscaping
- Signs
- Sidewalk, Street Width, Easement, and Open Space Dedication and Standards
- Procedures for Obtaining Approvals
- Nonconformities
- Enforcement

Zoning Basics | What Zoning and Subdivision Regs **Do Not** Address

- Property Tax Assessments or Tax Rates
- Annexation Plans
- Building Structural Safety (electrical, mechanical, HVAC)
- Public Works Projects
- Street or Sidewalk Repair
- Dilapidated Structures

Comprehensive Plan | Goals, Objectives, and Strategies



Vision Statement:
The City of
Harrisonburg –
where citizens are
inspired to work
together to create a
great place to live,
to raise a family, to
learn, to work and
to prosper.

Comprehensive Plan | Selected Objectives

- Create positive images of the City through landscaping and design improvements at the City's gateways, along major travel corridors, in residential neighborhoods, and in commercial and industrial areas.
- Encourage areas with a mix of uses (residential and nonresidential) and areas with different housing types and lot sizes in locations identified in the Land Use Guide.



Landscaped Residential Streetscape



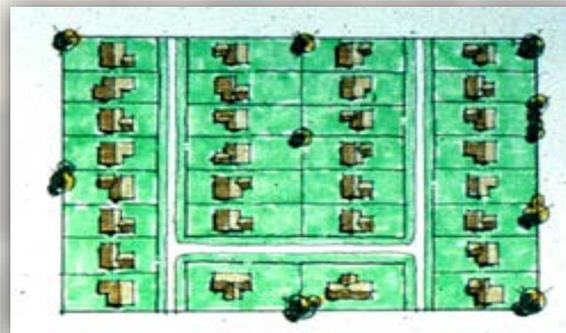
Characteristics of a Major Mixed Use Development
Zoning and Subdivision Update

Comprehensive Plan | Selected Objectives

- Support stewardship of the natural world and enable sustainable development.
- Preserve, expand, and manage networks of natural habitat corridors, green spaces, and forested areas that are accessible and usable by all community members.
- Protect and increase tree canopy cover in the City.



Subdivision Without Clustering of Lots that is “Borrowing” Open Space From Adjacent Property



Comprehensive Plan | Selected Objectives

- Adapt to new trends and demands while ensuring that new development and redevelopment of residential, commercial, and industrial properties will be compatible with adjacent existing uses and with planned land uses of surrounding parcels.

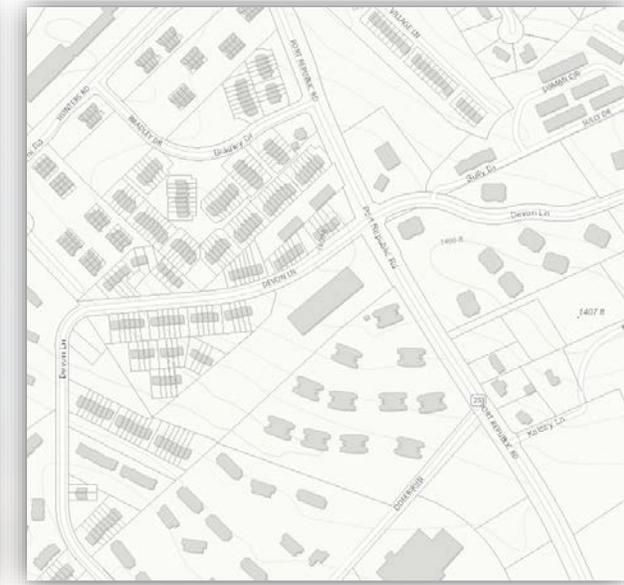


Auto Sales and Townhouse With Minimal Buffer



Comprehensive Plan | Selected Objectives

- To improve the ability of people and goods to move efficiently and safely throughout the City, while considering existing and future needs of people and planned land uses.



High Connectivity and Low Connectivity



Multiple Curb Cuts Along Neff Ave.

Zoning and Subdivision Update

Stakeholder Interviews | Introduction

• Interviewees

- Developers, Engineers, Attorneys, Architects, Builders
- Residential Developers and Real Estate Professionals
- Business Owners and Commercial Property Managers
- People who live in Harrisonburg
- Environmental Advocates
- Providers of Social Services
- Education Professionals

• Staff Technical Team and Ordinance Advisory Committee

• Key Questions

- What's Working Well?
- What is Not Working Well?
- What is the Development Review Process Like?



Stakeholder: Anyone involved in or with an interest in a process or outcome (land development)

Stakeholder Interviews | Recurring Themes

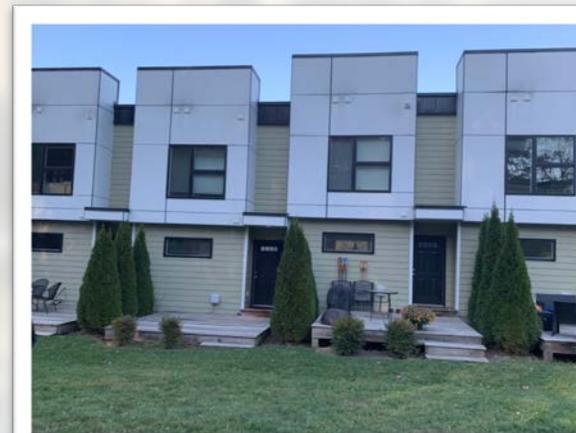
- Student Housing
 - Built, heavily used, use declines, then becomes lower-income housing but without the support infrastructure needed for lower income populations
 - Impacts on neighboring properties
- Creation of Multi-Modal, Mixed-Use Environments
 - Very few, if any areas of town are truly mixed use and open to all travelers
 - Interest in form-based codes
- Affordable Housing
 - Cannot get off the ground
 - What can Zoning and Subdivision Ordinances do to make affordable housing a reality?



Student Housing



Older Mixed-use



Infill Housing

Zoning and Subdivision Update

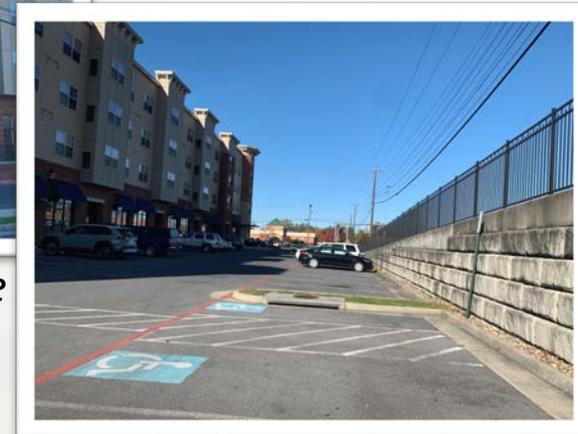
Stakeholder Interviews | Recurring Themes

- **Densification**
 - The City cannot annex any additional land; have to grow denser and upwards, rather than out.
 - How to accomplish this with good design and development that aligns with the Comprehensive Plan?
- **Parking**
 - City needs to modernize and right-size its parking requirements.
 - Explore parking maximums and more opportunities for parking credits / reductions.
- **Timeliness of Review**
 - Ordinances should have more Administrative / Staff authority to make decisions.
 - Look for other opportunities to improve efficiency.

“Are we making smart land use choices as undeveloped land becomes more limited and are we finding creative ways to balance density with livability in a small-city setting?” –
Comprehensive Plan

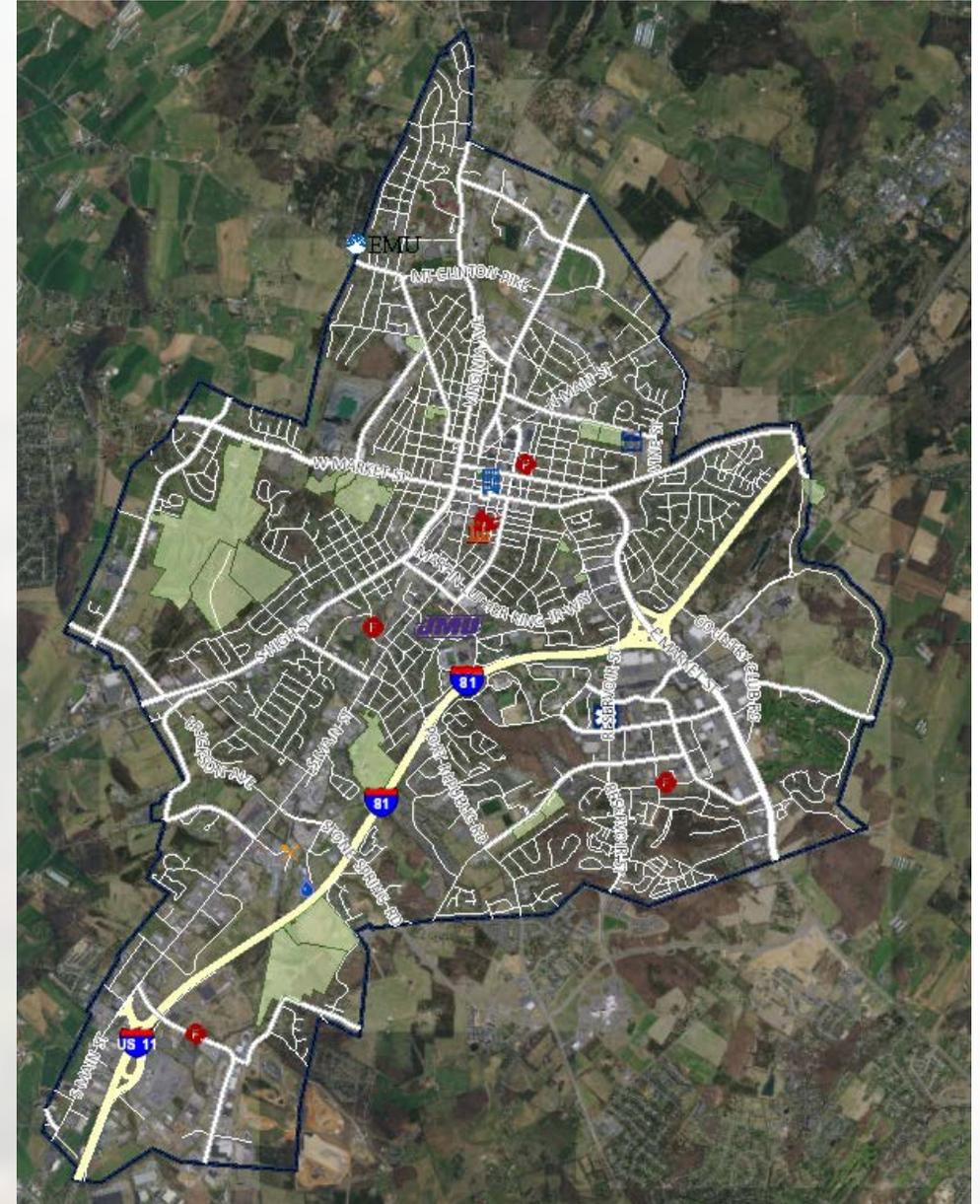


Parking for new mixed-use



Online Survey | Demographic Results

- Multiple Choice Results: <https://bit.ly/38vyhly>
- Open Ended Results: <https://bit.ly/35gVt50>
- Question 1: Most respondents live and work in Harrisonburg with a significant number owning rental property in the City.
- Question 2: Sunset Heights and Old Town have most respondents.



Online Survey | Multiple Choice Results

- Question 3: In existing single-family developed areas, allow infill for more single-family, along with accessory dwelling units and possibly conversion to duplex, under compatibility standards.
- Question 4: General preference that single-family detached housing should take up the majority of residential land area in the future.
- Question 5: Most important features for neighborhood commercial: Parking in the rear, small-scale signs, and pedestrian orientation of buildings.



*Single-family infill
off of Chicago
Avenue*



Features of neighborhood commercial

Online Survey | Multiple Choice Results

- Question 6: Relax home occupation standards
- Question 7: Most important topics for new Ordinances to cover are: improving pedestrian and vehicular circulation, sustainable development, and mix of housing types and lot sizes
- Question 8: Generally agree that higher density residential development in exchange for amenities / facilities such as open space and civic gathering areas



Mix of housing types



*Infill Development
with Open Space
and Gathering Area*

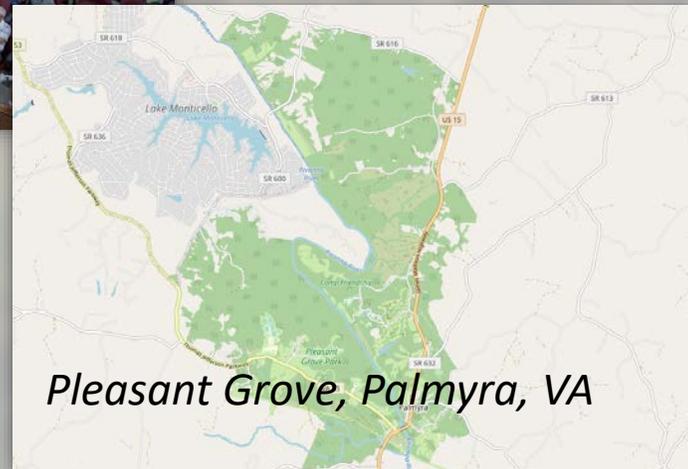
Online Survey | Open-Ended Results

- Question 9: What development or area in Harrisonburg or in another community do you like and why do you like it?

IX Art Park, Charlottesville, VA



Clarendon, Arlington, VA



Pleasant Grove, Palmyra, VA



Downtown Mall, Charlottesville, VA

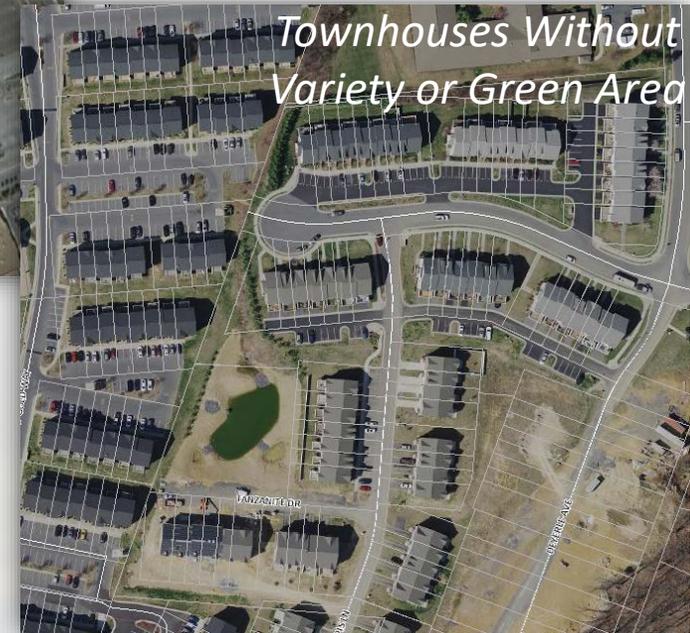
Online Survey | Open-Ended Results

- Question 9: What development or area in Harrisonburg or in another community do you like and why do you like it?



Online Survey | Open-Ended Results

- Question 10: What development or area in Harrisonburg or another community do you dislike?



Topics | Critique

- Plan Implementation and Best Practices
 - Land Uses and Form
 - Zoning Districts
 - Parking
 - Housing
- Legal Matters
- Procedural Streamlining
- User-Friendliness
- Structure of New Ordinance

Land Uses and Form | Create a Consolidated Use Matrix

Sec. 10-3-39. - Uses permitted by right.

The following uses are permitted by right:

- (1) Any use permitted by right in the R-1 single-family residential district.
- (2) Duplex dwelling units with limitations as required by area and dimensional regulations (section 10-3-41 below).
- (3) Accessory buildings and uses clearly incidental to the above. (Refer to section 10-3-114, Accessory Buildings.)
- (4) Public uses.
- (5) Small cell facilities. Wireless telecommunications facilities are further regulated by Article CC.

(Ord. of 4-23-96; Ord. of 10-28-97; Ord. of 12-15-98; Ord. of 2-22-2000; Ord. of 2-24-09(2); Ord. of 5-22-18(3))

Sec. 10-3-40. - Uses permitted only by special use permit.

[The following uses are permitted by special use permit only:]

- (1) Child day care centers.
- (2) Adult day care centers.
- (3) Cemeteries. (Please note that this is currently a use permitted by right.)
- (4) Private clubs and golf courses.
- (5) Community buildings.
- (6) Major family day home.
- (7) Occupancy, other than permitted by right, of not more than four (4) persons (except such occupancy may be superseded by building regulations), provided one (1) off-street parking space per tenant is provided on site.
- (8) Short-term rentals, as further regulated by article DD.
- (9) Concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells. Telecommunications towers are not permitted, except towers primarily erected for the use of the Harrisonburg-Rockingham Emergency Communications Center up to two hundred (200) feet in height. Wireless telecommunications facilities are further regulated by article CC.
- (10) Walls and fences greater than the height otherwise permitted, under such conditions as are deemed necessary by the city council.
- (11) Reducing required parking areas to permit fewer than the required number of vehicle parking spaces for any use, provided that an amount of open space equal to the amount of space that would have been used for the required number of vehicle parking spaces is left available for parking in the event that, at the discretion of the city council, it is needed at some time in the future. Open space used for this purpose shall be so noted in the deed and shall not be used to meet any conflicting requirements of the zoning ordinance.
- (12) Public uses which deviate from the requirements of title 10, chapter 3.

(Ord. of 4-23-96; Ord. of 12-15-98; Ord. of 1-12-99; Ord. of 2-22-00; Ord. of 7-26-05; Ord. of 4-26-11(2); Ord. of 1-8-13(2); Ord. of 9-23-14(2); Ord. of 7-28-15(5); Ord. of 3-28-17(3); Ord. of 8-22-17(4); Ord. of 3-26-19(1))

Table 03.06.3, Permitted Uses by District

Use Category	Specific Use ¹	Residential		Mixed-Use				Commercial, Office, and Industrial					Use-Specific Standard		
		RR	SR	SU	CMU	DTC	DTR	TUMU	TUR	AUC	SO	SI		LI	GI
Restaurant	Restaurant, Drive-In or Drive-Through	--	--	--	--	--	--	--	--	L	L	--	--	--	03.07.5.L
	Other Restaurant uses including: Candy or Ice Cream														
	Shop; Catering Establishment; Coffee Shop; Food Delivery; Restaurant, Sit-Down	--	--	--	L	L	L	L	C	L	L	--	--	--	03.07.5.L
	Mobile Food Vending Service	--	--	--	L	L	L	L	--	L	L	--	--	--	03.07.8.D
Retail Repair, Sales, and Service	Mobile Retail Vending Service	--	--	--	L	L	L	L	--	L	L	--	--	--	03.07.8.E
	Package Liquor	--	--	--	L	L	L	L	C	L	--	--	--	--	03.07.5.K
	Pawn Shop	--	--	--	C	L	L	--	--	L	--	--	--	--	03.07.5.J
	Temporary Vendor	--	--	--	L	L	L	L	--	L	L	--	--	--	03.07.8.F
	All Repair-Oriented Uses	--	--	L	P	P	P	P	L	P	--	--	--	--	03.07.5.I
	All other Sales-Oriented Uses	--	--	L	P	P	P	P	L	P	--	--	--	--	03.07.5.I
	All Service-Oriented Uses	--	--	--	--	--	--	--	--	--	--	--	--	--	03.07.5.I
	Boat or Recreation Storage									P	P	--	--	--	N/A
	Mini-Warehouse									P	P	--	--	--	03.07.5.H
	Sexually Oriented Business	Sexually-Oriented Sec. 09.27.3									--	L	L	--	--
Vehicle Sales and Service	Fuel Sales (Retail)									L	--	--	--	--	03.07.5.G
	Vehicle Sales, Rent									P	P	--	--	--	N/A
	Vehicle Repair, Ma									L	L	--	--	--	03.07.5.N
	Vehicle Service, Mi									P	P	--	--	--	03.07.5.N
Industrial	Other Vehicle Sales including: Car Wash of Manufactured H									P	P	--	--	--	N/A
	Homes, Portable B Trailers; Truck Stop														
	Heavy Industrial, L Intense uses includ														
Heavy Industrial	Manufacture, Asse of Goods listed in S														
	Heavy Industrial, N														



Sales-Oriented Uses means a subset of uses in the **Retail Repair, Sales, and Service** category of uses that is engaged in selling goods or merchandise to the general public for personal or household consumption and rendering services incidental to the sale of such goods.

Sales-oriented examples:

Selling, leasing or renting consumer, home, and business goods including, but not limited to: alcoholic beverages; animal fee City of HARRISONBURG, VIRGI... art supplies; **automobile and motorcycle parts and accessories**; baked goods (retail); bicycles; books; building supplies; cameras; carpet and floor coverings; clothing; collectibles; computers; convenience goods; crafts; electronic equipment; electronic and mixed media; fabric; flowers; furniture; garden supplies; gifts or novelties; groceries; hardware; home improvement supplies; household products; jewelry; luggage; medical supplies; musical instruments; office supplies; pawned items; pets, pet supplies; pharmaceuticals; photographic supplies; picture frames; plants; postal supplies (non-governmental); printed materials; produce; school or teacher supplies; second-hand goods

Land Uses and Form | Rely on Use Categories

- Group Land Uses Together in Categories.
- Treat Like Uses the Same.
- Remove Inconsistencies.
 - Duplex
 - Duplex Dwelling Units
 - Duplex Dwellings

Proposed Use Categories	Existing Principal Uses from Current Zoning Ordinance
Residential and Agricultural	
Agricultural and Animal Related Use Category	Inside kennels for boarding
Household Living Use Category	Single-family detached dwellings, Single-family attached dwellings (townhouse dwellings of two (2) to eight (8) dwelling units), Nonowner-occupied single-family dwellings, Duplex dwelling units, Attached townhouses of not more than eight (8) units, Multiple-family dwellings, Manufactured homes in a manufactured home park
Group Living Use Category	Operational facilities of volunteer rescue squads may provide nontransient housing, for up to four (4) active members of the organization, so long as each individual resides at the facility no more than twenty-four (24) cumulative months
Civic and Institutional	
Community Amenities Use Category	Charitable or benevolent institutions; Civic, educational, charitable, scientific, religious, and philanthropic uses for a public or nonprofit institutional organization; public libraries; community buildings; Governmental, business and professional offices and financial institutions; Public uses;
Day Care Use Category	Adult day care centers; child day care centers; Major family day home
Educational Facilities Use Category	College and university buildings and functions, which are either owned or leased by such institutions, and which may include fraternities and sororities; Training facilities and vocational schools; Public schools or a private school having a function substantially the same as a public school;

Land Uses and Form | Don't Micromanage Land Uses

- One Row for a Multitude of Uses.
- Shortens the Use Table.
- Less Emphasis on the Use Taking Place inside the Building
- More Emphasis On Building Design and Form

Table 03.06.3, Permitted Uses by District

Use Category	Specific Use ¹	Residential		Mixed-Use				Commercial, Office, and Industrial					Use-Specific Standard		
		RR	SR	SU	CMU	DTC	DTR	TUMU	TUR	AUC	SO	SI		LI	GI
Restaurant	Restaurant, Drive-In or Drive-Through	--	--	--	--	--	--	--	--	L	L	--	--	--	03.07.5.L
	Other Restaurant uses including: Candy or Ice Cream Shop; Catering Establishment; Coffee Shop; Food Delivery; Restaurant, Sit-Down	--	--	--	L	L	L	L	C	L	L	--	--	--	03.07.5.L
Retail Repair, Sales, and Service	Mobile Food Vending Service	--	--	--	L	L	L	L	--	L	L	--	--	--	03.07.8.D
	Mobile Retail Vending Service	--	--	--	L	L	L	L	--	L	L	--	--	--	03.07.8.E
	Package Liquor	--	--	--	L	L	L	L	C	L	--	--	--	--	03.07.5.K
	Pawn Shop	--	--	--	C	L	L	--	--	L	--	--	--	--	03.07.5.J
	Temporary Vendor	--	--	--	L	L	L	L	--	L	L	--	--	--	03.07.8.F
	All Repair-Oriented Uses	--	--	L	P	P	P	P	L	P	--	--	--	--	03.07.5.I
Self-Service Storage	All other Sales-Oriented Uses	--	--	L	P	P	P	P	L	P	--	--	--	--	03.07.5.I
	Boat or Recreation Storage	--	--	--	--	--	--	--	--	--	--	--	--	--	03.07.5.I
Sexually Oriented Business	Mini-Warehouse	--	--	--	--	--	--	--	--	--	--	--	--	--	N/A
	Sexually-Oriented Sec. 09.27.3	--	--	--	--	--	--	--	--	--	L	L	--	--	03.07.5.M
Vehicle Sales and Service	Fuel Sales (Retail)	--	--	--	--	--	--	--	--	L	--	--	--	--	03.07.5.G
	Vehicle Sales, Rent	--	--	--	--	--	--	--	--	P	P	--	--	--	N/A
	Vehicle Repair, Ma	--	--	--	--	--	--	--	--	L	L	--	--	--	03.07.5.N
	Vehicle Service, Mi	--	--	--	--	--	--	--	--	P	P	--	--	--	03.07.5.N
Industrial	Other Vehicle Sales including: Car Wash of Manufactured Homes, Portable B Trailers; Truck Stop	--	--	--	--	--	--	--	--	P	P	--	--	--	N/A
	Heavy Industrial, L Intense uses include Manufacture, Asse of Goods listed in	--	--	--	--	--	--	--	--	--	C	L	--	--	03.07.6.A
Heavy Industrial	Heavy Industrial, N	--	--	--	--	--	--	--	--	--	--	--	--	--	

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Land Uses and Form | Concentrate on Design and Form

- Building Design, Form, Placement, and Orientation
- Maximum Setbacks
- Building Frontages
- Orientation of Features

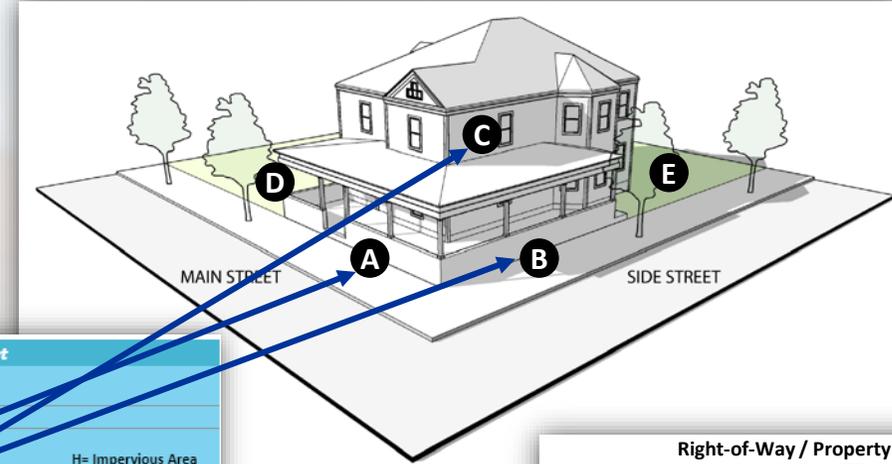
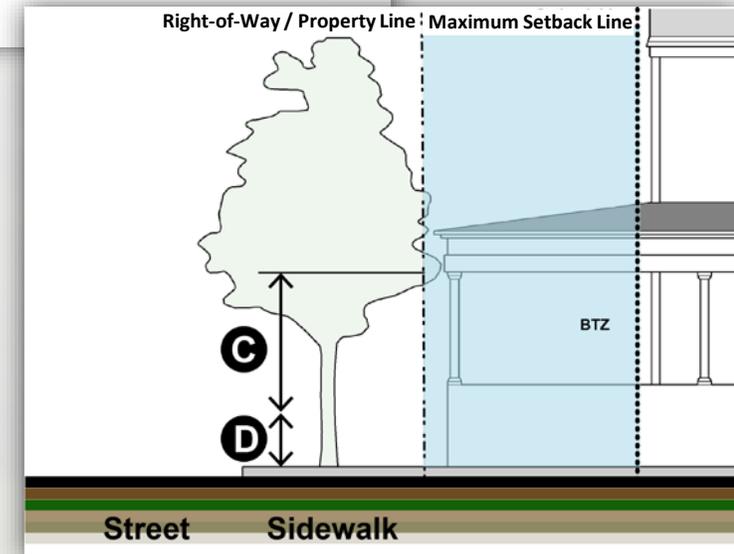


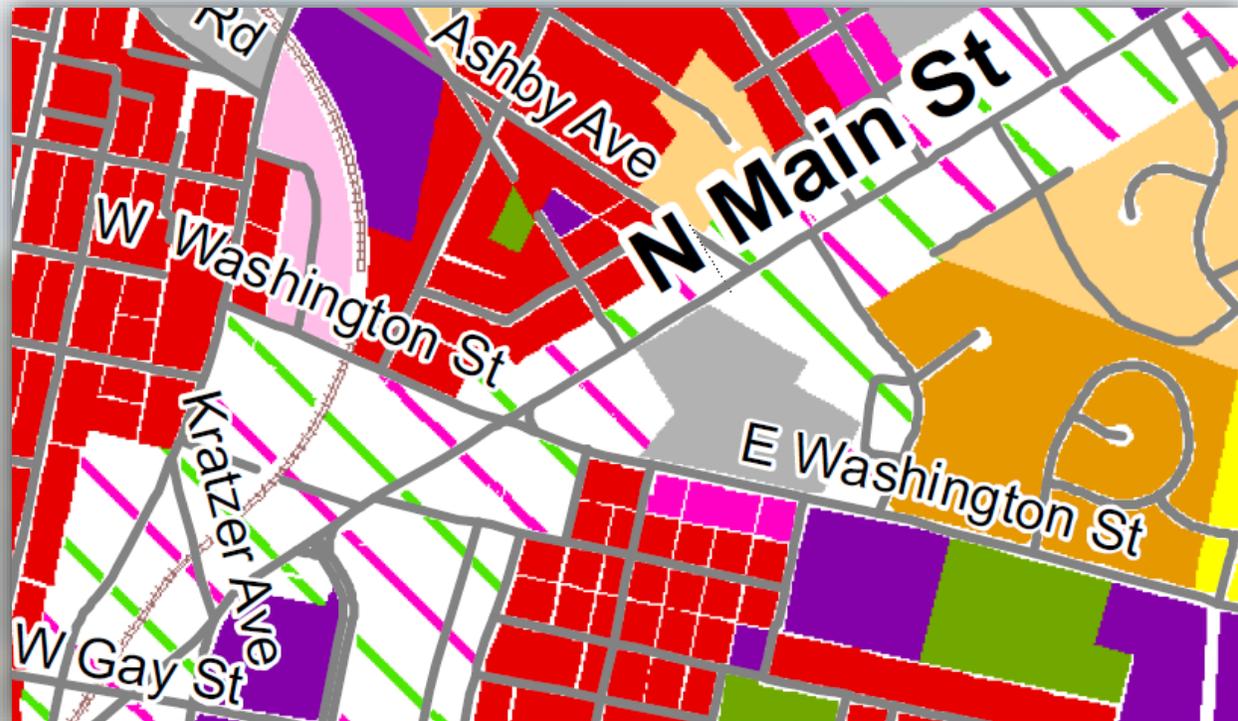
Table 04.10.2, Building Placement and Massing Standards by District

Dimensional Standards^{1,2}
Units are in feet unless otherwise stated.

Character District	A= Front Street Setback B= Side Street Setback		C= Interior Side Setback	D= Rear Setback	E= Street-Facing Garage Door Setback	F= Building Width Along Front Street Lot Line (percentage of lot width along a front property line)	G= Building Width Along Side Street Lot Line (percentage of lot width along a non-interior side property line)	H= Impervious Area (percentage of total lot area)	I= Total Building Height (stories or feet, as indicated)	
	A	B ³	C	D	E ⁴	F	G	H ^{5,6}	I ⁷	
Rural Residential (RR)	Min.	Lesser of (1) 50 ft. or (2) 80% of context average	Lesser of (1) 40 ft. or (2) 80% of context average	25 ft.	25 ft.	Same as front street setback	N/A	N/A	N/A	1 story
	Max.	N/A	N/A	N/A	N/A	Same as front street setback	N/A	N/A	15%	Greater of (1) 35 ft. or (2) 110% of context average
Suburban Residential (SR)	Min.	Lesser of (1) 25 ft. or (2) 100% of context average	Lesser of (1) 15 ft. or (2) 100% of context average	Lesser of (1) 15 ft. or (2) 100% of context average	Lesser of (1) 25 ft. or (2) 100% of context average	Same as front street setback	N/A	N/A	N/A	1 story
										Greater



Land Uses and Form | Washington & Main

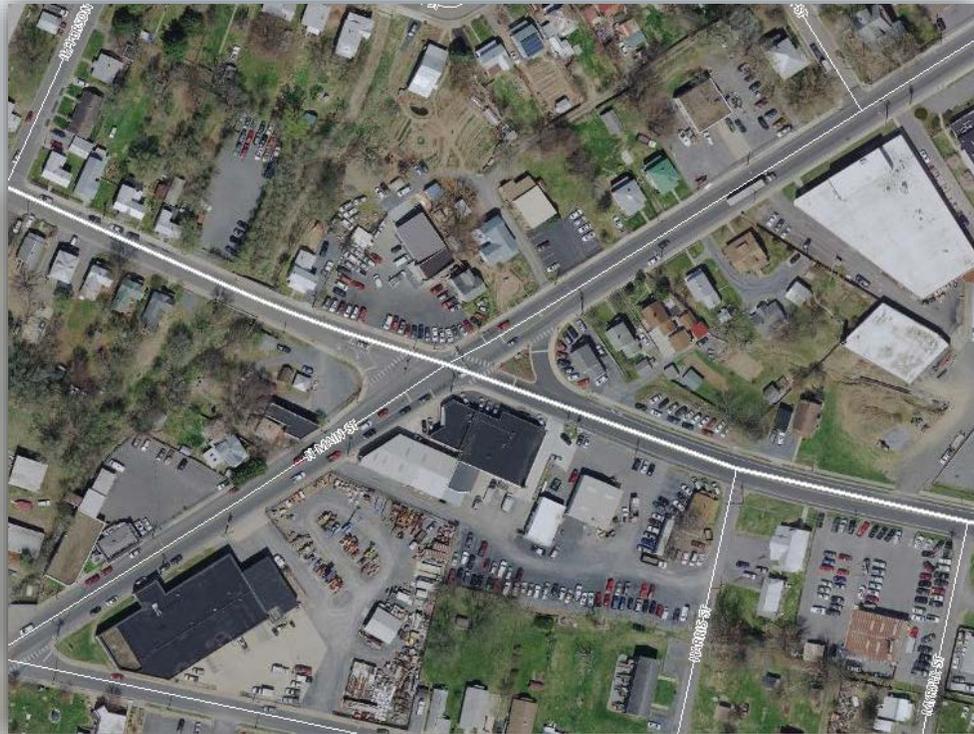


*Future Land Use Guide – Mixed Use:
Single Building, Parcel, or Entire Neighborhoods
Quality Architecture & Strategic Green Spaces
All Housing Types*



*Figure Ground Drawing – Building Locations in
Relation to Property Lines*

Land Uses and Form | Washington & Main



Aerial Photo



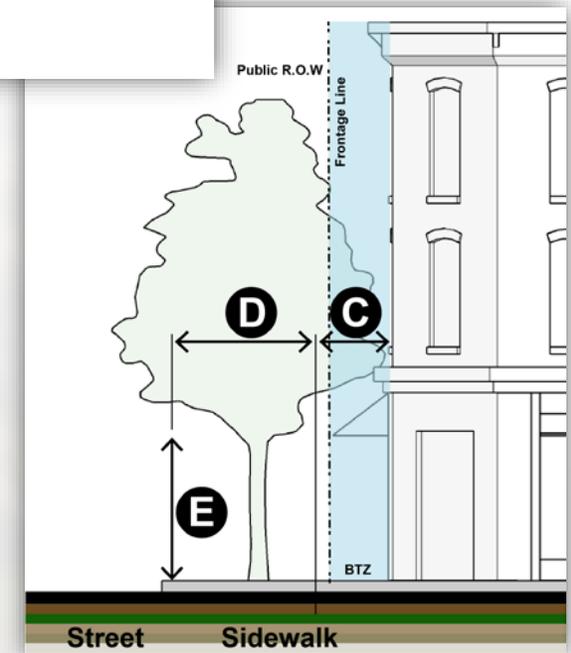
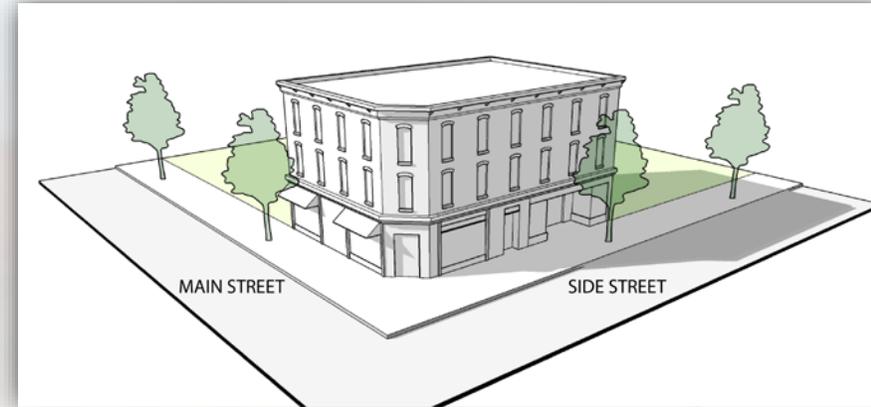
Street Views

Zoning and Subdivision Update



Land Uses and Form | Washington & Main

- Mixed Use Zoning District
 - Definition: Development in which a combination of residential and commercial uses (e.g., residential-over-retail), or several classifications of commercial uses (e.g., office and retail), are located on the same parcel or in the same building . Pedestrian-orientation, buildings close to the street, and civic, hardscape, or landscaped spaces as anchors are important characteristics
- Reworked / Combined District
 - Accommodates horizontal and vertical mixed use of varying use types by-right
 - Design standards and comprehensive site plan review are essential
 - Minimum Site and Building Areas
 - Building Types
 - Minimum Building Heights in Addition to Maximum
 - Massing, Scaling, and Transitions
 - Landscape, Hardscape, and Civic Spaces
 - On-Street and Structured Parking and Concealed Off-Street Parking



Zoning Districts | Consolidation

- “Future Land Use Designation” based on Comprehensive Plan
- “Proposed New Districts” shows updated zoning based on Land Use Designations.
- “Development Types” in Residential and Mixed-Use Districts allow a land owner flexibility and the public certainty.
- “Current Districts” shows the City’s current zoning districts and how they correspond to the Future Land Use Designations, Proposed New Districts, and Development Types.
- 18 current districts to a fewer number of districts

Zoning District Consolidation Table			
Future Land Use Designation	Proposed New Districts	Development Type	Current Districts
Residential Districts			
Low Density Residential	RL, Low-Density Residential	Conventional	R-1, R-6, R-4
Low Density Mixed Residential		Cluster	
Neighborhood Residential	EN, Established Neighborhood	Infill	R-8, UR
Medium Density Residential	RM, Medium-Density Residential	Conventional	R-2, R-3, R-6, R-7
Medium Density Mixed Residential		Mixed Use	
High Density Residential	RH, High-Density Residential	Conventional	R-3, R-5
Mixed-Use Districts			
Mixed Use	MU, Mixed-Use	Mixed Use	B-1, MX-U, R-P ¹
Traditional Neighborhood Development	TN, Traditional Neighborhood	Mixed Use	UR, MX-U
Nonresidential Zoning Districts			
Commercial	AUC, Auto-Urban Commercial	Nonresidential	B-2, B-2C, M-1
Limited Commercial	NC, Neighborhood Commercial		B-1A
Governmental/ Quasi-Governmental	PI, Public Institutional		I-1 ¹ or Most Districts
Institutional			
Industrial	GI, General Industrial		B-2, M-1
Other			
Conservation, Recreation, and Open Space	REC, Recreation	Open Space	Not Applicable
N/A	FPOD, Floodplain Overlay Zoning District	Floodplain	Floodplain Zoning District

Notes:



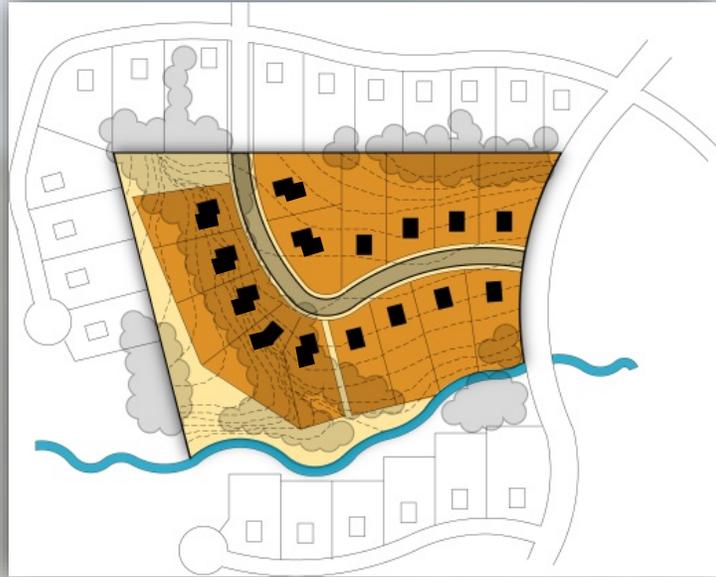
EXAMPLE

Zoning Districts | Development Types Sample

MR, Medium-Density Residential	Lot Area (Square Feet)	Minimum Common Open or Civic Space	Density (Units per Acre)	Permitted Housing Types
Conventional Development Type	5,000 S-F-D 2,000 S-F-A/Duplex	5% 15%	6.5 13.5	Single-Family Detached, Duplex, Single-Family Attached
Mixed Use Development Type	N/A	20%	20	Same as Above plus Multiplex and Townhouse And Limited Commercial

- Consolidation of R-2, R-3, R-4, R-6, and R-7
- Based on Medium Density Residential and Medium Density Mixed Residential in Comprehensive Plan
- S-F-D = Single-Family Detached; S-F-A = Single-Family Attached
- Plan recommends 15 - 20 units per acre
- Consider no minimum lot area for Mixed Use Development Type
- Standards for Limited Commercial control impacts, scale, building footprint, etc.
- Multiplex is a single residential structure with 3 to 4 separate dwelling units

Zoning Districts | Development Types Sample



Conventional
6.5 – 13.5 Units per Acre with
5 – 15% Open / Civic Space
Single-Family Detached and
Duplex



*Mixed Use (Horizontal or
Vertical)*
Up to 20 Units per Acre with
20% Open / Civic Space

Residential 
Commercial 



Other Issues to Address | Land Uses and Zoning Districts

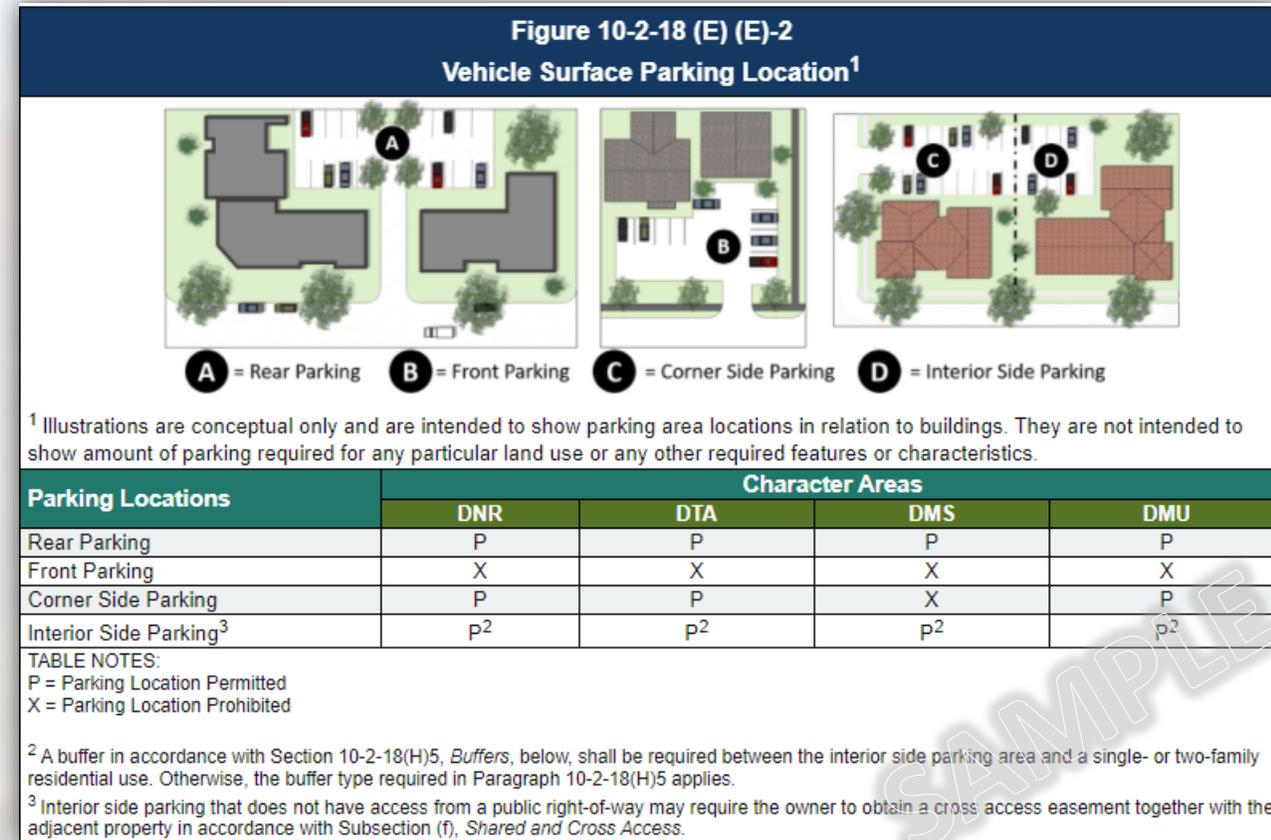
- Ensure All Land Uses and Use Categories Have Definitions and Update Existing Definitions
- Provide Details for Specific Accessory Use Regulations, Such as Considering Accessory Dwelling Use Regulations
- Repair Inconsistencies Within the Ordinances and Between Them
- Modernize Home Occupation Requirements
- Other Ways of Helping to Enable Businesses and Organizations to Prosper During COVID-19



*Relaxation of Temporary Signs
May be One Way to Mitigate
COVID-19 Impacts*
Zoning and Subdivision Update

Parking | Parking Reform

- Planning Basis
 - Strategy 4.1.2 – Design of Parking
 - Strategy 4.1.3 – Placement of Parking (front, side, rear)
 - Strategy 4.4.1 – Exploration of Parking Maxs.
 - Strategy 4.4.1 – More Parking Reductions
- Considerations for Right-Sizing
 - Use / Density
 - Structure vs. Surface
 - Alternatives to Off-Street
 - On-street parking
 - Proximity to fixed bus route
 - Shared Parking



Parking | Parking Reform

- Require or Incentivize Structured Parking with Activity on the First Floor
- Tuck-Under, Stand-Alone, Activated, and Integrated
- Incentivize Structured Parking with FAR / Density Bonuses
- Allow Activated and Integrated More Widely
- Restrict Stand-Alone to Fewer Districts



Table 04.11.4.F-2, Parking Structure Type Descriptions and Standards

Descriptions	Standards	Image
Tuck-under parking consists of a single row of covered parking spaces beneath a building.	Access to tuck-under parking shall be provided by a drive aisle in a parking lot or alley unless front-facing tuck-under parking is present in the context area as established in Sec. 09.28.2, <i>Identifying the Context</i> . Tuck-under parking may be combined with other parking types and is particularly appropriate for properties that slope away from the street right-of-way. In the mixed-use character districts, tuck-under parking shall be oriented toward an alley.	
Stand-alone parking structures are freestanding structures located in the center of a larger block.	Access to stand-alone structures shall be provided from an alley or from a primary thoroughfare or secondary thoroughfare where no alley is present. Stand-alone structures shall be separated from adjacent buildings by a minimum of 20 feet to provide sufficient light and privacy for adjacent structures. This separation may accommodate an alley and/or rear yards.	
Activated structures are parking structures with retail uses at the base that are oriented solely toward the street.	Liner buildings associated with activated structures may be directly attached or detached by a minimal fire separation distance. Access to activated structures shall be provided from an alley or from a primary thoroughfare or secondary thoroughfare where no alley is present.	
Integrated structures are parking structures located within an occupied building.	Integrated structures may be fully or partially integrated with the surrounding building. Access to an integrated structure shall be provided directly from an alley or a secondary thoroughfare, where present. Integrated structures may provide direct access into the building on each floor.	

Table 04.11.4.F-1, Permitted Parking Structure Types

Character Districts	Parking Structure Types				
	Tuck-Under	Stand-Alone ¹	Activated	Integrated	Rooftop
RR, SR, SU, TUR	♦	--	--	♦	--
SO, RP, REC	♦	--	--	♦	♦
AUC, SI, LI, GI	♦	♦	♦	♦	♦
Mixed-Use Districts other than TUR	♦	--	♦	♦	♦

NOTES:
♦ = Permitted; -- = Not permitted

¹ For purposes of this Division 11, *Parking, Loading, and Circulation*, accessory detached garages for dwellings are not considered "Stand-Alone" parking structures. Standards related to accessory detached garages for dwellings are established in Sec. 04.08.4, *Accessory Structures*.

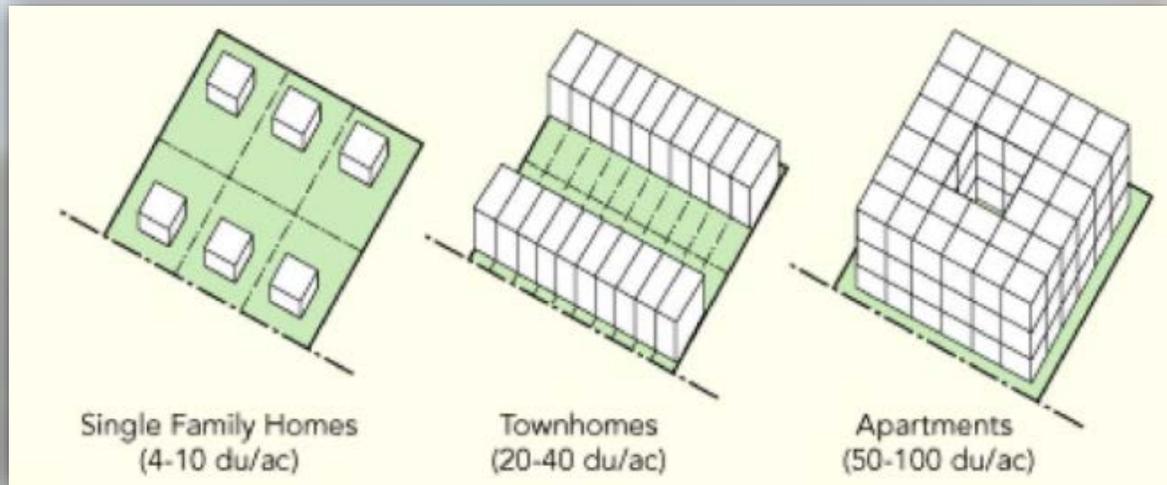
Parking | Parking Reform

- Align Parking Ratios with Permitted Land Uses
- Consider Maximum Parking Requirements for Certain Districts, Uses, and / or Building Sizes
 - Current B-1 District is Exempt from Parking
 - Cap at 120% (More? Less?) of minimum requirement
 - 2,000 SF Restaurant – Min 20 spaces; Max 24 spaces
- Consider First 2,000 (or More) Square Feet of a Nonresidential or Mixed Structure Does Not Require Parking
 - 3,000 SF Restaurant – Min 10 spaces; Max 12 spaces
- Consider Exempting Certain Changes in Use From Increased Parking Requirements



Housing | Infill / Affordability

- What Can Zoning do to Help With Obtaining More Affordable Housing?



Additional Density

APPROVED

Streamlined Review

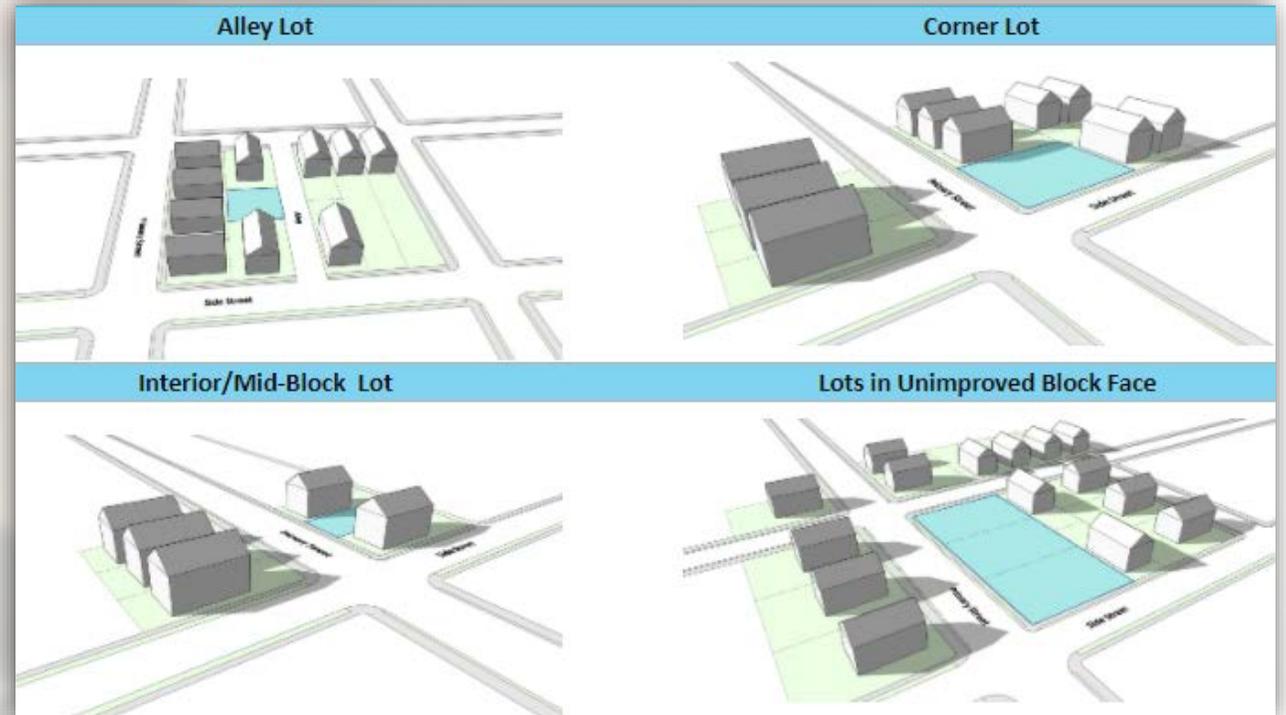
Housing | Infill / Affordability

- R-1 Zoning
 - Main Permitted Use is Single-Family Detached
 - Minimum Lot Area – 10,000 square feet
 - Minimum Lot Width – 80 feet
- 3 Nonconforming Lots of Record
 - 3,800 square feet each
 - 20 feet in width each
 - 11,400 square feet / 60 feet
- Consider Allowing Smaller Lots, Replatting to Bring Closer to Compliance, or Even Bonus Housing Types for Nonconforming Lots of Record
 - 2 Smaller Single-Family Lots?
 - 1 Duplex With “Look Alike” Design Standards?
 - 3 Rotated 75’ Wide x 50’ Deep Lots?



Housing | Infill / Affordability

- Broaden the Context for Infill
 - Currently Zoning Ordinance has Setback Averaging Based on Average Setback of Block or Average Setback of Two Nearest Structures on Same Side of Street.
- What if the Minimum Lot Size and Building Height was also Based on this Context?
- Result is Incremental Densification, even if the Zoning Ordinance does not Typically Allow Such Lot Sizes and Heights.



Context of Vacant Corner Lots, Instead of Being Based on Two Adjacent Lots or Block Face, Could be based on Two Tiers of Lots and Across Street

Housing | Students / Multifamily

- Frequently Mentioned in Stakeholder Interviews and Survey
- Considerations
 - Set the lot area per unit high to limit density and limit overall site acreage for multifamily.
 - Set locational standards: larger multifamily only permitted in commercial districts with a separation requirement from lower density residential.
 - Increase site design / amenity requirements so they become more attractive to non-student families.
 - Student Housing Overlay District – Enforcement?
- Outside of Zoning
 - Explore a rental inspection program for life and safety to maintain standards.
 - Investigate whether unit layouts that have larger kitchens and fewer bathrooms are feasible so they are reusable by families later.



Legal Matters | RLUIPA

- Religious and Institutionalized Persons Act
 - Local Governments Cannot Treat Different Places of Worship Differently. (City in Compliance)
 - Local Governments Must Even-Handedly Treat Places of Worship and Secular Places for Public Assembly. (Parking)
 - Group into “Public Assembly” Use Category
- Clean Up Language
 - Churches
 - Churches or Other Places of Worship
 - Religious, Educational, Charitable and Benevolent Uses



Zoning and Subdivision Update

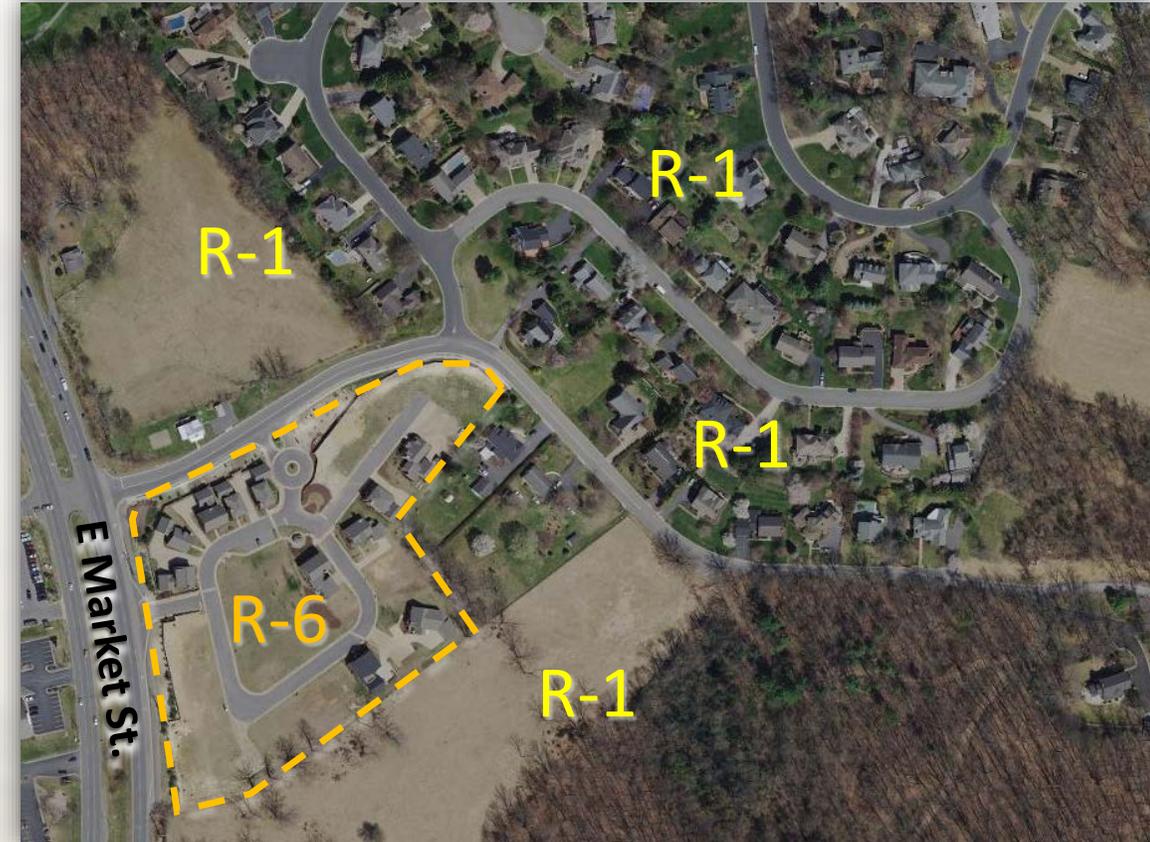
Legal Matters | Reed vs. Gilbert

- Supreme Court Case
 - With Some Exceptions, Cities Cannot Regulate Signs Based on Content or Purpose
- Current Sign Regulations Appear Content Neutral – ½ the Battle!
 - ONE Exception, “Entry/Exit Sign”
 - Reclassify as Incidental
 - Provide Allowance for Such Signs
- In Survey, Decreasing Sign Size was More Popular Than Increasing



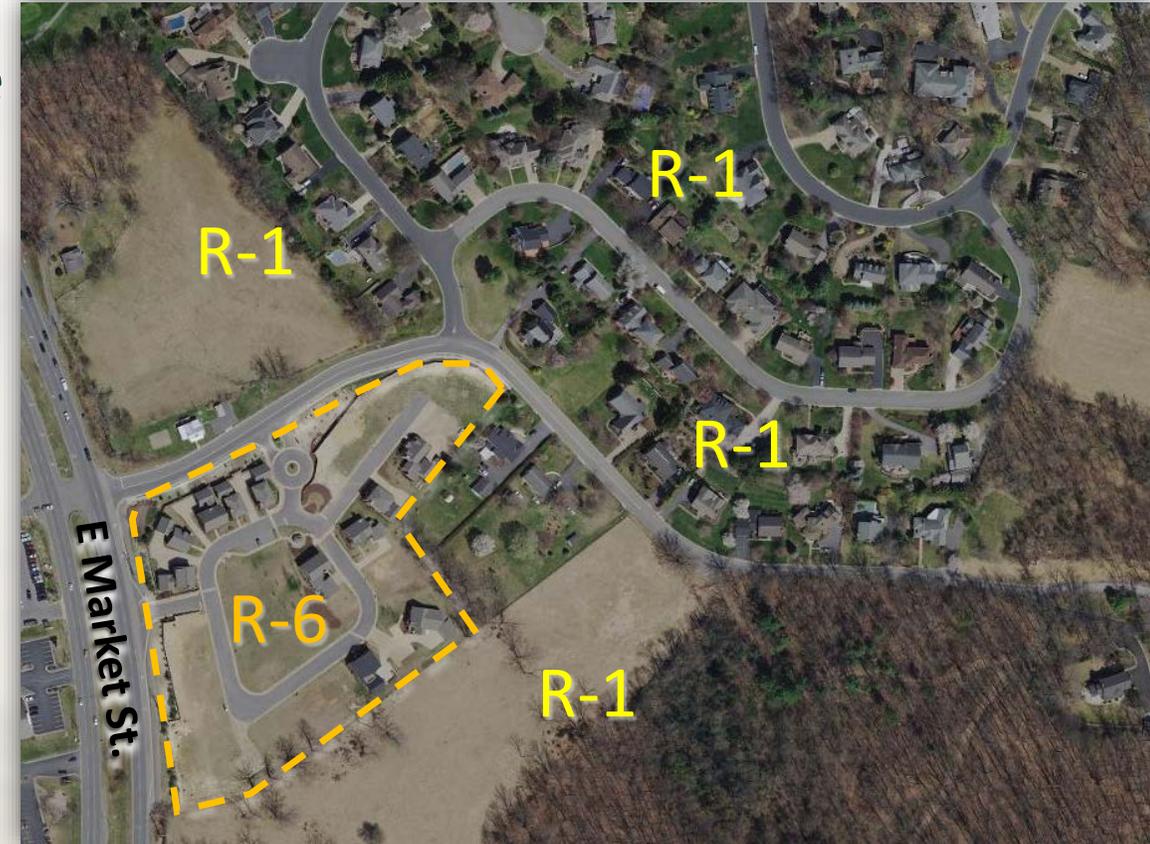
Procedural Streamlining | Consolidation of Districts

- R-6, Low Density Mixed Planned Community
 - Single-Family Detached is Main Use
 - 6 Units per Acre
 - 15% Common Open Space or Park
 - Lot Area, Width, and Setbacks: Open Ended
- R-1, Single-Family Residential
 - Single-Family Detached is Main Use
 - ~ 3.5 Units per Acre
 - Lot Area: 10,000 SF
 - Lot Width 80 feet
 - No Open Space



Procedural Streamlining | Consolidation of Districts

- Eliminate the R-1 and R-6 districts and create of today's R-1 and R-6 districts.
- Weave in Objective Development and Compatibility Standards.
- Implements the Low Density Residential and Low Density Mixed Residential in Comprehensive Plan.
- Consolidating Districts is Ultimate Streamlining Because no Rezoning is Needed in the First Place.
- Saves Developer in Time, Uncertainty, Soft Costs.
- Provides Predictability to the Public and is One More Step Toward Affordability



Procedural Streamlining | Increased Administrative Authority & Review Clarity

- Consider Administrative Adjustments
 - Allow the Zoning Administrator to allow a 5 to 10% adjustment to certain numerical standards in Ordinances.
 - Subject to Criteria related to Impact of Surroundings, Consistency with Purposes of Ordinances and of Zoning District, Does not Relate to a Condition of Approval or a Proffer.
 - Appealable to Board of Zoning Appeals.
 - Setbacks, Building Heights, Other Standards.
- Allow for Alternative Compliance for Landscaping
 - Apply to Space Limitations or Physical Constraints of Lot
 - Plans Provide Equal or Better Means of Meeting Purpose
 - Plans May Incorporate Low-Impact Development Features as Mitigation

*Low-Impact
Development
Features: Cistern
and Swale*



Procedural Streamlining | Increased Administrative Authority & Review

Clarity

- Consolidate Common Review Procedures for Zoning and Subdivision into a Single Article
- Shows Purpose of Procedure
- Expiration
- What Review Bodies Make Recommendation and Which Take Final Action
- Types of Public Notice Required (if any)
- Cross-Reference to Associated Standards

Table 07.20.2-1, Summary of Procedures

Development Application (Reference)	Submittal Timing	Expiration ¹	Review Responsibilities		Public Notice ²	Applicable Standards ³
			Recommendation	Final Action		
LEGISLATIVE APPLICATIONS: Require final decisions that establish or change the way the use, design, or development of land will occur on a site-specific, City-wide, or intermediate scale. Elected and appointed administrative bodies make final decisions based on general considerations of fostering and preserving the public health, safety, and general welfare, including the City's fiscal well-being. Such final decisions are characterized by the exercise of broad discretion.						
Landmark and Historic Overlay Designation (Sec. 07.22.1)	Prior to a structure, area, or site being designated as a Landmark or part of a Historic Preservation Overlay Zone. Application Deadline: 15 business days prior to the public hearing.	None	1st: BOARD 2nd: PC	CC	Pu: 15 M: 15 Po: 15	--
Master Development Plan (Sec. 07.22.2)	Prior to any other development activity for a project taking place within a <u>cluster</u> , <u>planned</u> , or <u>tiny house neighborhood</u> type.	180 days	Administrator	PC	N/A	Sec. 04.08.2, Cluster, Planned, and Tiny House Neighborhoods
NDC Text Amendment (Sec. 07.22.3)	N/A	None	1st: Administrator 2nd: PC	CC	Pu: 7/21 ⁴	--
District Map Amendment (Sec. 07.22.4)	Prior to establishing or expanding a building type or use prohibited in the current character district	None	1st: Administrator 2nd: PC	CC ⁵	Pu: 7/21 ⁴ M: 14 ⁷ Po: 14	--
Development Plan (Sec. 07.22.5)	Accompanying all applications for a character map amendment to the SU, AUC, SO, or Industrial character districts, except for single- or two-unit dwellings	180	1st: Administrator 2nd: PC	CC ⁵	Pu: 7/21 ⁴ M: 14 ⁷ Po: 14	--
QUASI-JUDICIAL APPLICATIONS: Require final decisions that establish the way design or development will occur on specific sites in manners that either vary from the standards of this NDC or that are contested by an aggrieved party. Such final decisions are characterized by exercise of discretion.						
Appeal of Administrative Decision (Sec. 07.23.1)	Within 30 days after an appellant or their agent received notice or the action of the official that is the subject of the appeal	N/A	Administrator	BOARD	Pu: 7 M: 7	--
Nonconforming Uses: Sec. 05.16.1, Uses						--



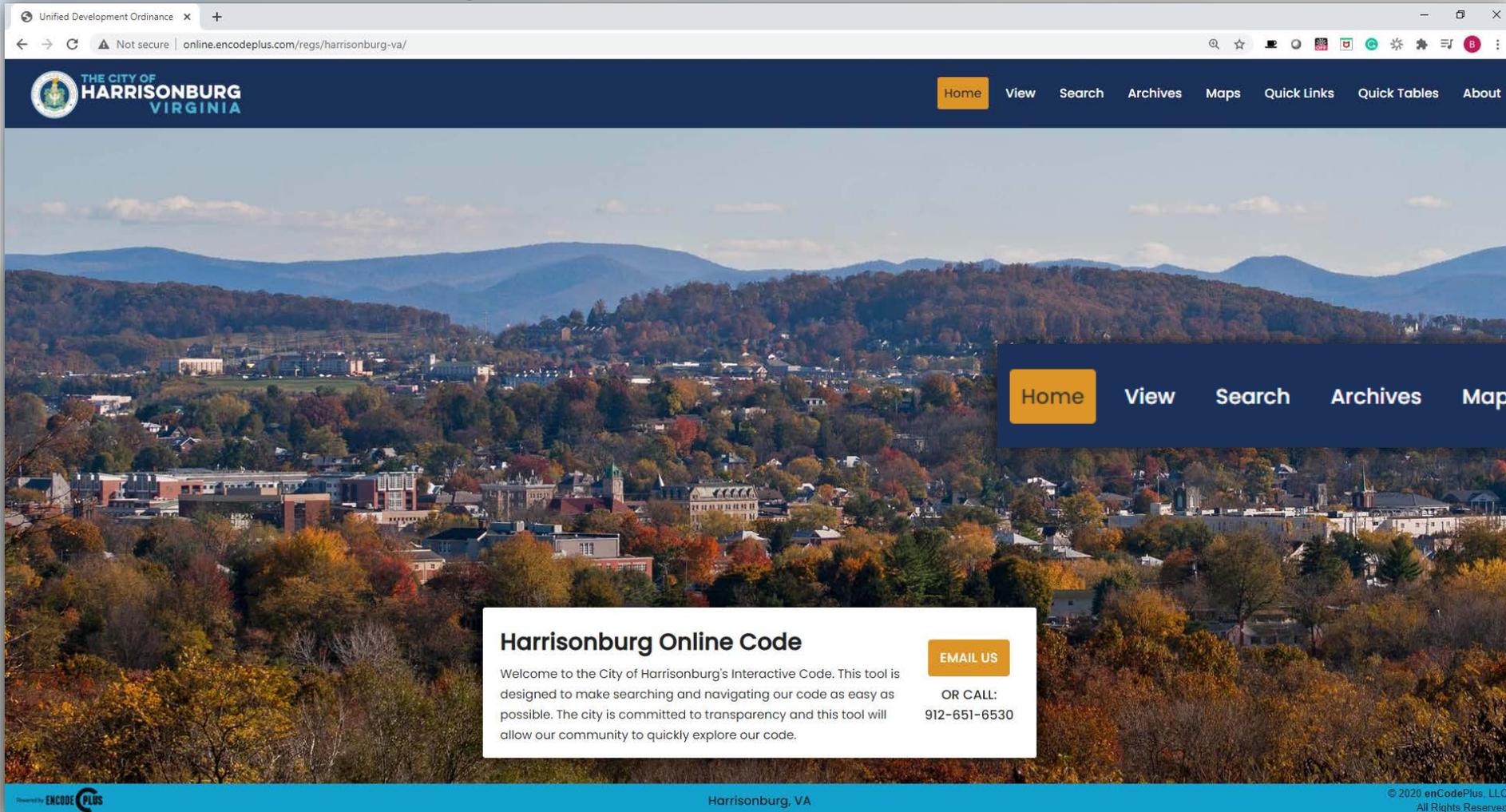
User Friendliness | Content

- Keep Standards out of Definitions and the Names of Uses.
- Consolidate and Simplify Names of Uses.
- Keep Standards with Standards and Procedures with Procedures.
- Assign Review and Decision Responsibilities to Actual Bodies or Staff Positions, Rather than “the City”.

*“Vehicles, recreation equipment, trailers, over the road tractors, their trailers, heavy equipment, manufactured homes, industrialized buildings, or agricultural equipment sales or storage served by a permanent building facility unless already incidental to an existing building. No vehicle salvage, storage of inoperable vehicles, or sale of junk is allowed unless a special use permit is approved allowing a junk yard.” **Could be Simplified***

*“**Home occupation:** ...there **is no advertising on the premises, and no other display or storage** or variation from the residential character of the premises...**no person outside the family is employed ...**”*

User Friendliness | Platform



The Ordinances aren't just hosted on the City's website – They ARE a website

User Friendliness | Platform

Neighborhood Development Code (NDC)

Table of Contents

- Neighborhood Development Code
 - How to Use this NDC
 - Article 158.01 General Provisions
 - Article 158.02 Character Districts
 - Article 158.03 Land Use Standards
 - Article 158.04 Development Design Standards
 - Division 08 General
 - Division 09 Lots
 - Division 10 Building Design, Elements, and Utilities
 - Division 11 Parking, Loading, and Circulation
 - Sec. 04.11.1 Applicability and Exemptions
 - Sec. 04.11.2 General Provisions
 - Sec. 04.11.3 Required Parking Ratios
 - Sec. 04.11.4 Parking Design and Use
 - Subsec. 04.11.4.A Joint Access
 - Subsec. 04.11.4.B Vehicular Access Point Spacing
 - Subsec. 04.11.4.C Driveway Location and Width
 - Subsec. 04.11.4.D ADA Parking
 - Subsec. 04.11.4.E Vehicular Surface Parking
 - Subsec. 04.11.4.F Vehicular Structured Parking
 - Subsec. 04.11.4.G Bicycle Parking
 - Subsec. 04.11.4.H Loading
 - Subsec. 04.11.4.I Stacking
 - Sec. 04.11.5 Special Studies
 - Sec. 04.11.6 Credits and Reductions
 - Division 12 Landscaping, Fencing, and Buffering
 - Division 13 Signs
 - Division 14 Environment
 - Article 158.05 Nonconformities
 - Article 158.06 Administration
 - Article 158.07 Development Review Procedures
 - Article 158.08 Enforcement, Penalties, and Remedies
 - Article 158.09 Definitions and Calculations
 - Appendix A - Historic Covington Design Guidelines
 - Appendix B - 12th Street Design Guidelines
 - Amendment History Table

125 feet apart.

4. Spacing of Signalized Access Points.

- Distance.* Access points that warrant signalization shall be spaced a minimum distance of 0.25 miles apart. The exact location of the signal light shall be determined by a traffic engineering study, which shall at least account for the following variables:
 - Safety of pedestrians and cyclists;
 - Minimization of potential collisions; and
 - Roadway geometrics;
- Turning.* Turning movements shall prioritize safety of pedestrians and cyclists.

5. Intersection Alignment. The centerline of all vehicular access points shall intersect as nearly at a 90-degree angle as possible, but in no case may the angle of intersection be less than 75 degrees or greater than 105 degrees, as depicted in Figure 04.11.4.B, *Prohibited Access Angles*, unless approved by the Planning Commission or Administrator, whichever is applicable, due to certain exceptional conditions including, but not limited to, steep topography, adjacent or nearby historic properties that could be negatively impacted, or public utilities that would be severely impacted by the construction.

Figure 04.11.4.B, Prohibited Access Angles

6. Spacing of Unsignalized Access Points.

- All developments shall meet the requirements of Article 8, *Access Control Regulations*, of the Kenton County Subdivision Regulations. The design of all roadway elements shall be in compliance with Section 4.1, *Streets*, of the Kenton County Subdivision Regulations.
- Modifications to the access management requirements of this Article may be granted following the procedures in the Sections 3.8, *Minor Deviations by Staff*, and 3.9, *Waivers to the Regulations*, of the Kenton County Subdivision Regulations.

Effective on: 10/15/2020

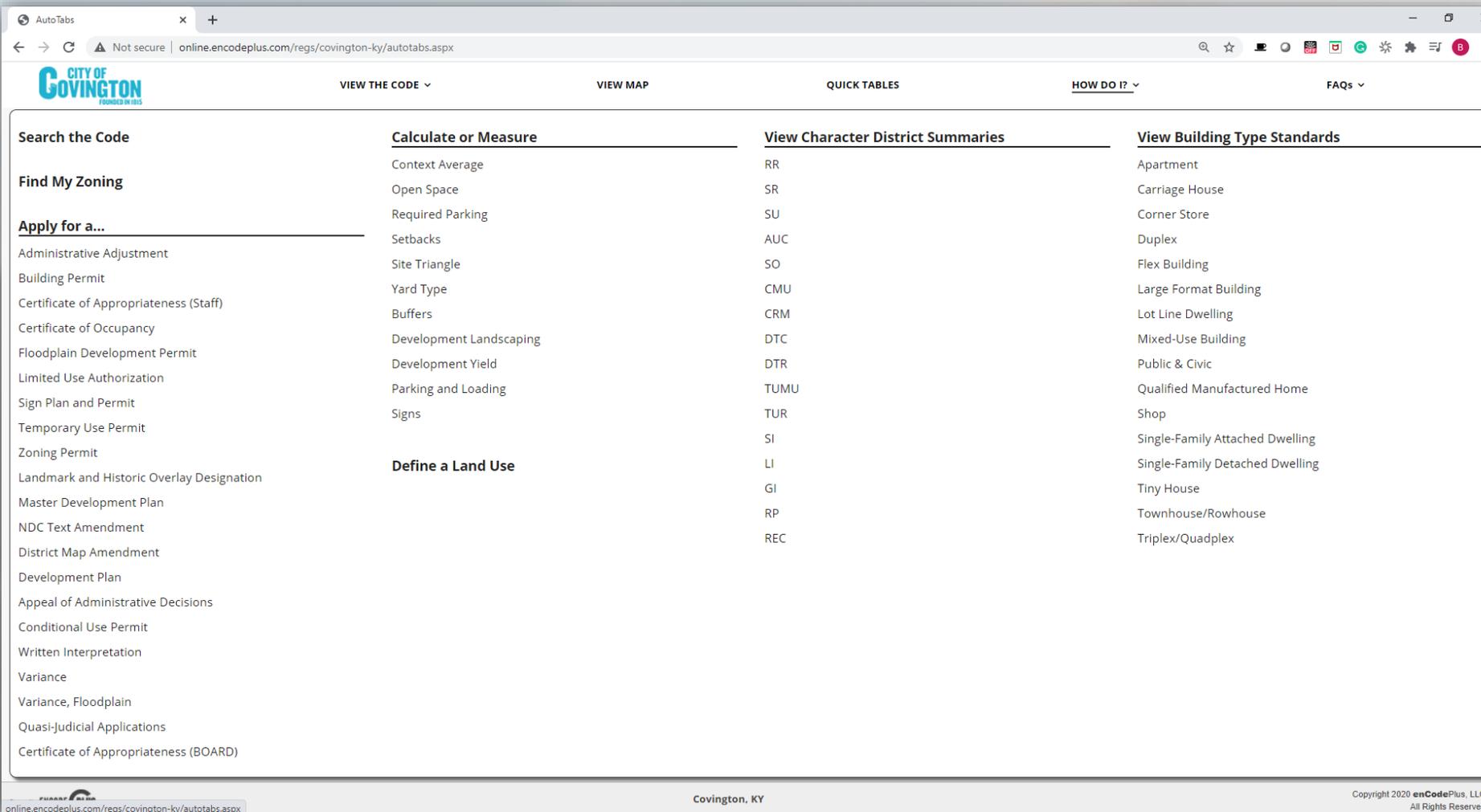
Covington, KY

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- Navigation
- Search
- Clickable Cross-References
- Definition Pop-Ups
- Numerous Illustrations and Tables

User Friendliness | Platform

- Mega-Menus
- Calculate or Measure
 - Sight Triangle
 - Sign Area / Height
 - & More
- Building and Frontage Types
- Direct Links to Application Procedures



Structure of New Ordinances | Annotated Outline

ZONING ORDINANCE

Article A – General Provisions

Jurisdiction of Ordinance
Purpose Statements
Applications already in Processing
Other Typical Legal Provisions

Article B – District Development Standards

Article C – Use Standards

Article D – Parking, Loading, and Stacking

Establishment of Zoning Districts
Development Standards
Lot Area and Width
Density
Building Height
Building Placement & More
Measurements and Flexibility

Structure of New Ordinances | Annotated Outline

COMMON DEVELOPMENT PROVISIONS ORDINANCE

Article A – Development Review Bodies

Establishes or References City Council, Planning Commission, Board of Zoning Appeals, Planning Director & More

Article B – Common Development Review Procedures

Provisions for Development Review Steps that are Shared Among Zoning and Subdivision Procedures including Public Notice, Conduct of Public Meetings and Hearings, Common Review Criteria & More

Article C – Definitions and Rules of Construction

Meaning of “shall” vs. “may” & More Acronyms and Abbreviations
Definitions for the Zoning and Subdivision Ordinances

Next Steps | Upcoming Materials

- Questions / Comments – Email Thanh by December 4
- District Comparison Analysis and Comparative Map of Land Use and Zoning Districts - Week of December 21
- Preliminary Draft of Module 1 for Staff Technical Team Review – Week of January 4
- Revised Draft of Module 1 for Ordinance Advisory Committee Review – Week of March 8
- In-Person / Virtual Meetings with STT and OAC – April 5 - 6

City of
HARRISONBURG, VIRGINIA

**Ordinance Diagnostic
Zoning and Subdivision Ordinance Update**

Brian Mabry, AICP, Code Practice Leader

Bret Keast, AICP, Owner / CEO

Kelli McCormick, AICP, Senior Associate

11/18/2020

