



# City of Harrisonburg, Virginia

## Planning Commission Meeting

June 10, 2015

7:00 p.m.

Regular Meeting  
409 South Main Street

- 1) **Call to order, roll call, determination of quorum, and review/approval of minutes from the May 13, 2015 regular meeting.**
- 2) **New Business**

### *Preliminary Plat – Ramblewood Subdivision*

Consider a request from John Daly to preliminarily subdivide a 12.5 +/- acre parcel into seven lots (six new single family home lots and the remaining parent tract). The request includes the preliminary dedication of a public street and temporary cul-de-sac and to deviate from the requirements of Sections 10-2-41 (a), 66, and 67 of the Subdivision Ordinance. The property is zoned R-1, Single Family Residential District, has almost 400 feet of road frontage along Ramblewood Road, and is identified as tax map parcel 97-A-7.

### *Special Use Permit – 961 Acorn Drive (Section 10-3-97 (3) Business Office in M-1)*

Public hearing to consider a request from PSJ4, LLC with representative Bill V. Neff, Sr. for a special use permit per Section 10-3-97 (3) of the Zoning Ordinance to allow for a business office within the M-1, General District. The 1.71 +/- acre property is located at 961 Acorn Drive and is identified as tax map parcel 56-C-4.

### *Zoning Ordinance Amendment – Section 10-3-97 (10) (To Allow Nontransient Dwellings with Recreational and Leisure Time Activities)*

Public hearing to consider a request from Jamison Black Marble Wildlife Preserve, LLC to amend the Zoning Ordinance to allow nontransient dwellings with recreational and leisure time activities. Recreational and leisure time activities are permitted in the M-1, General Industrial District only by special use permit Section 10-3-97 (10). Currently, no dwellings are permitted in association with this use. The amendment would add text to Section 10-3-97 (10) allowing for nontransient dwellings.

### *Special Use Permit – 1430 Red Oak Street (Recreational Use with Nontransient Dwellings)*

Public hearing to consider a request from Jamison Black Marble Wildlife Preserve, LLC for a special use permit per Section 10-3-97 (10) of the Zoning Ordinance to allow for recreational and leisure time activities with nontransient dwellings within the M-1, General Industrial District. The 16.5 +/- acre property is addressed as 1430 Red Oak Street and is identified as tax map parcel 46-C-8.

### *Zoning Ordinance Amendment – Wireless Telecommunications Facilities and Radio and Television Stations and Studios or Recording Studios in B-1*

Public hearing to consider a comprehensive Zoning Ordinance amendment associated with wireless telecommunications facilities. The amendments include modifying multiple existing sections and to add a new article to the Code. Changes to the existing Code include those needed in the Definitions section and then proceeding through the code sections of most of the zoning districts and specifying the different types of wireless telecommunications facilities that will be permitted and whether they

Staff will be available Tuesday July 7, 2015 at 4:30 p.m. for those interested in going on a field trip to view the sites for the July 8, 2015 agenda.

would be allowed by right or by special use permit. The new article includes the specifics of how wireless telecommunications facilities would be permitted within all residential districts and the MX-U district, the B-1 and B-2 districts, and the M-1 district. There are submittal and application requirements, rules for submitting annual reports for each facility, maintenance and enforcement regulations, stipulations regarding the removal of defective and abandoned facilities, and finally specifics regarding how property owners can take advantage of Section 6409 of the Spectrum Act. The Zoning Ordinance Sections to be modified include: 10-3-24, 10-3-34, 10-3-35, 10-3-40, 10-3-41, 10-3-46, 10-3-47, 10-3-48.4, 10-3-48.5, 10-3-52, 10-3-53, 10-3-55.4, 10-3-55.5, 10-3-56.4, 10-3-56.5, 10-3-57.4, 10-3-57.5, 10-3-58.4, 10-3-58.5, 10-3-84, 10-3-85, 10-3-86, 10-3-90, 10-3-91, 10-3-92, 10-3-96, 10-3-97, 10-3-98, 10-3-129, 10-3-180, and 10-3-181. The proposed new article is titled Article CC. Wireless Telecommunication Facilities with new Sections 10-3-195 through 10-3-203. In addition to the modifications associated with wireless telecommunications facilities, the Zoning Ordinance Section 10-3-84 Uses Permitted By Right within the B-1, Central Business District would also be modified by adding “radio and television stations and studios or recording studios” as an additional set of uses permitted by right, where all antennas and satellites and associated equipment shall be screened.

**3) Unfinished Business**

*None.*

**4) Public Input**

**5) Report of secretary and committees**

*Proactive Zoning*

**6) Other Matters**

*None.*

**7) Adjournment**

Staff will be available Tuesday July 7, 2015 at 4:30 p.m. for those interested in going on a field trip to view the sites for the July 8, 2015 agenda.

## MINUTES OF HARRISONBURG PLANNING COMMISSION

May 13, 2015

The Harrisonburg Planning Commission held its regular meeting on Wednesday, May 13, 2015 at 7:00 p.m. in the City Council Chambers, 409 South Main Street.

Members present: Richard Baugh, MuAwia Da'Mes, Judith Dilts, Deb Fitzgerald, and Jefferson Heatwole.

Members absent: Gil Colman and Henry Way.

Also present: Stacy Turner, Director of Planning and Community Development; Adam Fletcher, City Planner; and Alison Banks, Senior Planner/Secretary.

Chair Fitzgerald called the meeting to order and determined there was a quorum with five members in attendance. She then asked if there were any corrections, comments or a motion regarding the minutes from the April 8, 2015 Planning Commission meeting.

Dr. Dilts moved to approve the minutes as presented.

Mr. Da'Mes seconded the motion.

All members voted in favor of approving the April 2015 minutes as presented (5-0).

### New Business

None.

### Unfinished Business

#### *Discuss Staff Revisions to Proposed Wireless Telecommunications Facilities Ordinance*

Mr. Fletcher said we do not have an official presentation planned for you this evening and we were thinking that we would use this as a worksession to review the ordinance. We do have some pictures in PowerPoint to more or less help you understand what we are referring to with the exemptions for the wireless telecommunications that are public uses and to point out the reasons for doing the exemption. Along with that there are some photos representing the concerns and suggestions that some of the industry representatives had with us not allowing any height increase at all for collocations. We gave it some thought and said okay, we believe a five foot increase will be sufficient. Honestly, when you see the photos, you will probably get a good idea of why we are comfortable with five feet, and because what they are hoping to achieve with the height increase they can achieve in five feet.

I am open to suggestions as to how you may want to review this – we can go page by page or if you have a particular item you may want to start with. I do have two things that I would like to change within the draft. On page two, this is more of a housekeeping issue, at the bottom of the page under telecommunications tower definition – we used to refer to the public safety towers, however, we are now being more specific to the Harrisonburg-Rockingham Emergency Communications Center (HRECC) and I believe the description should be replaced with “towers primarily erected for the use of the Harrisonburg-Rockingham Emergency Communications Center.” Then on page three I have another minor issue under the wireless telecommunications facility definition, second sentence which states “...such facilities can consist of one or more antennas, accessory equipment, equipment cabinets,...” and I would like for it to state telecommunications towers, not simply tower. Aside from those two items, I have nothing further to change.

One of the biggest concerns that came out of the internal staff review from many of the individual departments was that they have facilities that fall under the definition of a wireless telecommunications facility. HRECC, the Public Works Department, the Public Utilities Department, and Harrisonburg Electric Commission all have things that fall under the definition of wireless telecommunications facility and they very much wanted an exemption from all of these regulations, which we completely agree with. We did not want to give them just a blanket waiver, so we chose some language that gave them no setbacks, no height limitation, etc. and wanted them to be sensitive to the environment in which they are located. They basically do this already, because most people do not even know that these things exist.

Mr. Fletcher previewed several of the different wireless telecommunications facilities that are currently in use by different departments of the City and would be exempted within Article CC. He continued, saying that some of these photos are good examples to demonstrate the microcells that private installers could be putting up as well; of course they would be required to be painted the same color as the pole that they would be attached to for camouflaging purposes.

To give you a quick synopsis of some of the concerns that came in from the industry representatives include that they would not like a special use permit process required for any wireless telecommunications at all, even in residential. They wanted to go much higher by right and felt that not allowing an increase in the height of the support structure was ridiculous (as I explained earlier we did consent to an increase of five feet). I did find it interesting that as soon as our locality showed a good understanding of the technology, the industry representatives were more willing to demonstrate what they really could do with concealing and camouflaging this type of equipment.

Mr. Fletcher then asked Planning Commission how they would like to proceed with the review of the draft ordinance.

Chair Fitzgerald said is the five feet in the height of the support structure the one area where you felt you gave the most compromise.

Mr. Fletcher said it is probably the biggest area of compromise.

Mr. Heatwole asked if the industry has seen the change regarding the five feet.

Mr. Fletcher said no, they will get the opportunity to review this again when this moves forward. I will resend all the information to all the industry representatives so that they will have it as a lead up to the public hearings.

Mr. Heatwole asked if the change to five feet took care of what the industry was saying they needed by right.

Mr. Fletcher replied that the choice of words is very important here; they do not need it, they want it. The five feet is accommodating for them.

Chair Fitzgerald asked if there was anything else staff received a push back on from the industry.

Mr. Fletcher said no. The representatives very much appreciated the distinction between camouflaged and concealed. They appreciated that we worked in the Spectrum Act 6409 applications. They did want us to go into a bit more detail on the timing of the review and the shot clock rulings, etc. We felt it was not necessary; we are so far above the reviews on that. Perhaps larger municipalities have difficulties meeting a 90-day deadline; we do not.

There was one comment as to whether or not it was an option to state that Section 6409 would only apply to the existing facilities that we have as of today. There was only one mention stating that they thought such a regulation was inconsistent with the federal regulations. The industry representatives that I have more confidence in made no mention of this inconsistency at all, if that tells us anything. I say we continue to move forward with what we have.

Chair Fitzgerald asked about the removal of the flush mounting in the definitions.

Mr. Fletcher said yes, we did remove the “flush mounting” proposed definition. The industry representatives did provide some detailed drawings regarding mountings and the separation that is needed when you mount at a certain angle and so forth. Since we would require them to collocate, they have to camouflage, and in many instances we are talking about a special use permit where we are looking at all the details; therefore, we felt we could get rid of the flush mounting definition and requirements.

Chair Fitzgerald said there is a big sense of streamlining from the previous version of the ordinance to this one.

Mr. Fletcher said yes, we did take the opportunity to combine some of the regulations that were repetitive into one section.

At this time Mr. Fletcher asked Planning Commission if they were ready to move forward with the draft ordinance.

All members of Planning Commission consented to moving forward with the Wireless Telecommunications Facilities ordinance.

Mr. Fletcher said we will put this out for staff review this month and we hope to see this next month at Planning Commission. There was one other item within the amendments regarding the addition of radio and television stations and studios within the B-1 district as a permitted use. Currently, it is not listed as a use at all. We did contact WHSV about the one ordinance amendment because it will affect them by requiring that they screen any future antenna. We did not receive any push back from them after we explained that they could keep everything that they had and would be considered non-conforming; however, they would have to screen antennas added after the ordinance amendment went into effect.

### **Public Input**

None.

### **Report of secretary and committees**

Mrs. Banks said proactive enforcement visited two areas again this month – the Industrial/Technology Park area and the Northeast area. There was one violation found in the Industrial/Technology Park area and 45 violations consisting of tall grass and weeds, inoperable vehicles, and discarded materials in the Northeast area. Next month inspectors will be in the Exit 243 area at the south end of the City.

Mr. Baugh said at City Council last night we had two matters from this body – the Parking Lot Landscaping Ordinance that Council had tabled for further input from the builder’s association; they had no further comment and the amendments were approved unanimously. Council also heard the rezoning request for proffer amendments of the Strawderman property on Port Republic Road. As you are aware, during the Planning Commission public hearing on this I had recused myself and left

the room; but for the City Council public hearing I recused myself and remained in the room and listened to the proceedings. I do not have a sense that any particular arguments were advanced to Council that were not advanced to this body, not that the presentation was any different. There probably had been personal communication with the applicant and Council Members. The four voting City Council members unanimously accepted Mr. Strawderman's argument and the neighbor's argument that this is not a real big deal because it existed previously.

Chair Fitzgerald said I can report that I attended the Rockingham County Planning Commission meeting and enjoyed very much the fascinating conversation about motor-cross. I think they had a completely full house with more than an hour of discussion on this topic alone. The input was very controversial and for me it was interesting to watch.

### **Other Matters**

Mr. Fletcher said there are multiple items for next month. The item that was tabled tonight will likely be coming back; we have the Wireless Telecommunications regulations; a special use permit on Acorn Drive for a business office in M-1; a zoning ordinance amendment together with a special use permit for residential use in M-1; and Chatham Square is coming back for a master plan amendment.

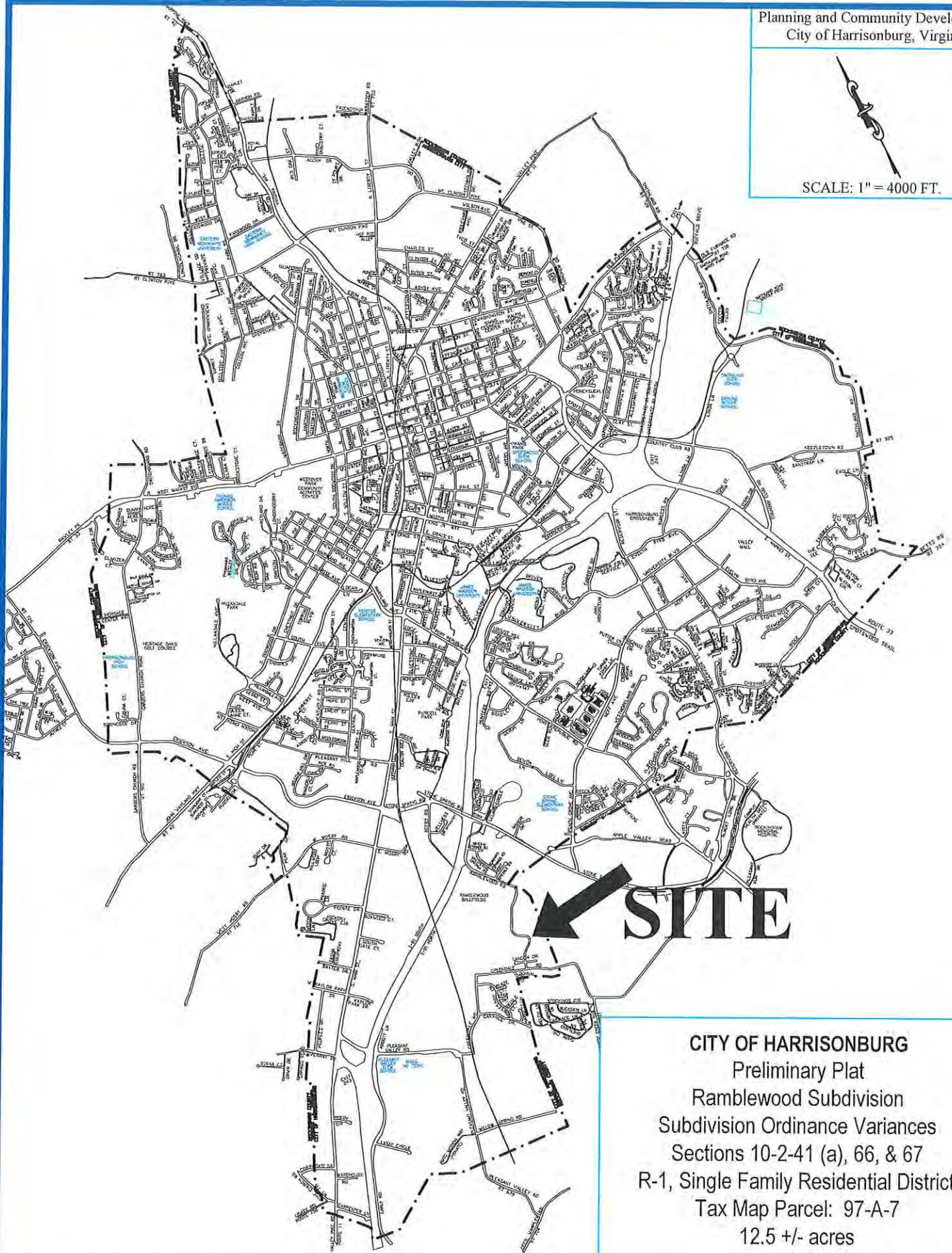
### **Adjournment**

Planning Commission adjourned at 7:25 p.m.

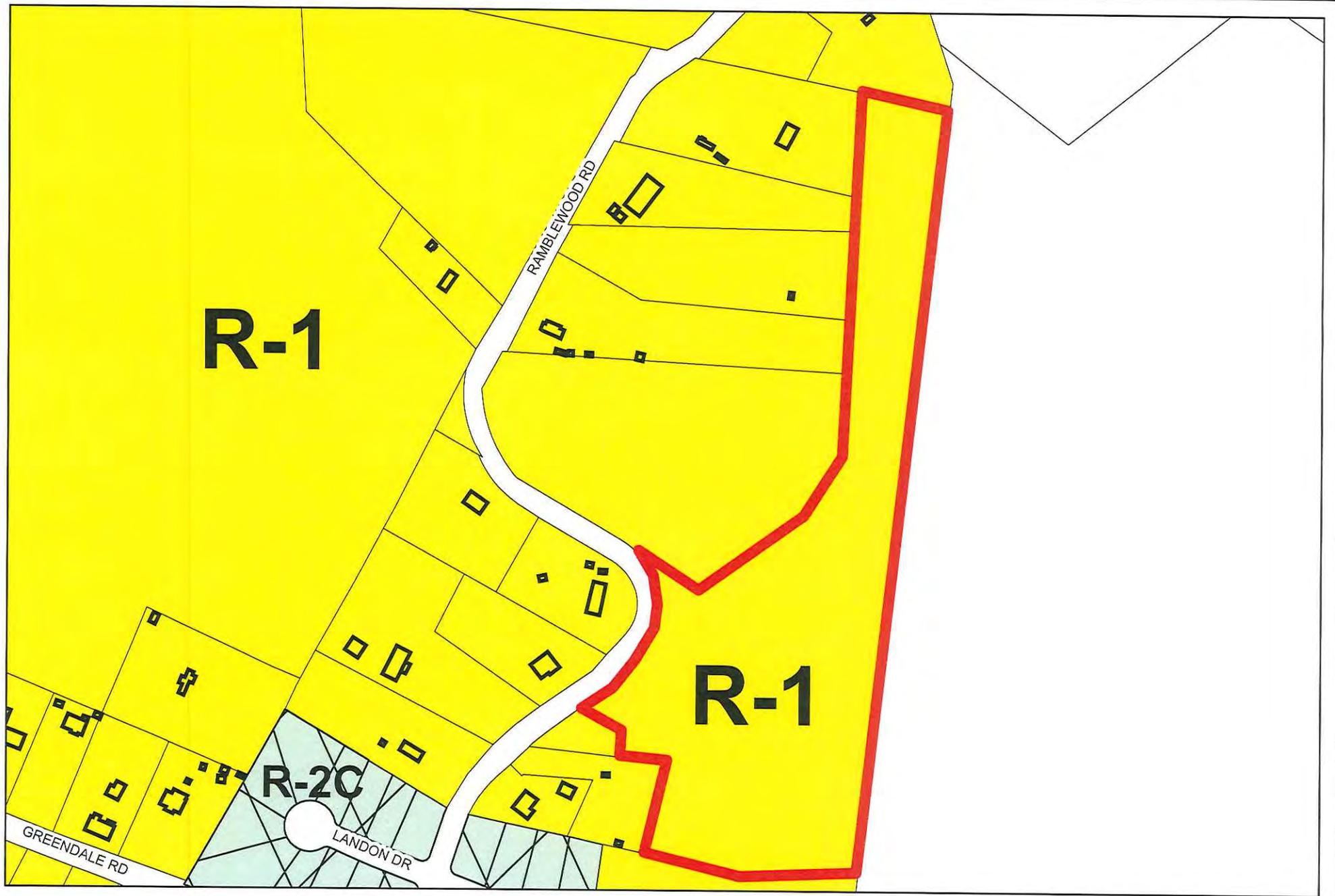
DRAFT



SCALE: 1" = 4000 FT.



**CITY OF HARRISONBURG**  
Preliminary Plat  
Ramblewood Subdivision  
Subdivision Ordinance Variances  
Sections 10-2-41 (a), 66, & 67  
R-1, Single Family Residential District  
Tax Map Parcel: 97-A-7  
12.5 +/- acres  
**LOCATION MAP**



**Preliminary Plat - Ramblewood Subdivision (TM 97-A-7)  
with variances to 10-2-41(a), 10-2-66 and 67**



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT

May 13, 2015

### PRELIMINARY PLAT – RAMBLEWOOD SUBDIVISION

#### GENERAL INFORMATION

**Applicant:** John Daly

**Tax Map:** 97-A-7

**Acreage:** 12.5 +/- acres (within the City)

**Location:** Ramblewood Road

**Request:** Consider a request to preliminarily subdivide a parcel into seven lots (six new single family home lots and the remaining parent tract.) The parcel is located along Ramblewood Road and has 12.5 +/- acres within the City and more acreage within Rockingham County. The request includes the preliminary dedication of a public street and temporary cul-de-sac (in Rockingham County) and to deviate from the requirements of Sections 10-2-41 (a), 66, and 67 of the Subdivision Ordinance.

#### LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as Low Density Mixed Residential. This designation states that these large undeveloped areas located at the edge of the City are planned for residential development containing a mix of large and small-lot single family detached dwellings and attractive green spaces. Planned “open space” (also known as “cluster”) developments are encouraged. The intent is to allow innovative residential building types and permit creative subdivision design solutions that promote neighborhood cohesiveness, walkability, connected street grids, community green spaces, and protection of environmental resources. Such innovative residential building types as zero lot-line development and patio homes will be considered as well as other new single family residential forms. The gross density of development in these areas should be in the range of 1 to 6 dwelling units per acre.

The following land uses are located on and adjacent to the property:

Site: Undeveloped property, zoned R-1

North: Single family home lots, zoned R-1

East: Agricultural use and single family home within Rockingham County, zoned A-2

South: Single family home lots, zoned R-1

West: Across Ramblewood Road, single family homes, zoned R-1

## **EVALUATION**

The applicant is requesting to preliminarily subdivide a parcel that has approximately 400 feet of street frontage along Ramblewood Road. The subject parcel is part of a large farm that has 12.5 +/- acres within the City and many more acres located within Rockingham County. The plan of development includes creating seven parcels—six single family home lots and the remaining parent tract—along with dedicating a new public street. The applicant is requesting to deviate from three sections of the Subdivision Ordinance including Sections 10-2-41 (a), 66, and 67, which means after review by Planning Commission, the request must be reviewed and approved by City Council.

The property is zoned R-1, Single Family Residential. Each of the proposed lots meet or exceed the area and dimensional requirements of the district, where minimum requirements are 10,000 square feet of lot area and lot widths and depths must be at least 80 feet and 100 feet, respectively. Each lot would have the required street frontage along the proposed public street, which would extend from Ramblewood Road approximately 590 feet to the City/County boundary. A temporary cul-de-sac would be provided just outside the City limits. The Director of Planning with Rockingham County noted that the temporary cul-de-sac complies with their ordinances. Ultimately, it is the applicants desire to extend this street to what could become an extension of Peach Grove Avenue in the County. To demonstrate the overall development plan, the applicant has submitted an early draft of what they hope to develop, which includes several new roads in the County and another phase within the City. The County portion of their property could not be developed as shown without being rezoned and then preliminarily platted.

The proposed subdivision meets all requirements of the Subdivision Ordinance except for the three sections as noted in the opening paragraph. Section 10-2-41 (a) requires proposed public streets to conform to the design standards and specifications that are outlined in the Design and Construction Standards Manual (DCSM). Specifically, this section states:

“Proposed streets shall conform to the standards and specifications outlined in the Design and Constructions Standards Manual except that variances to the standards for streets, alleys, blocks, easements, sidewalks, and all such related features may be approved on a case-by-case basis by the City Council when:

- the proposed alternative would better achieve the walkable, pedestrian and bicycle-oriented environment the City desires;
- the particular conditions of the site and surrounding street network would allow the proposed alternative without causing undue inefficiencies for service vehicles, nor an excessive reduction in pedestrian safety due to pedestrian-vehicle movement conflicts; and
- the proposed alternative would better balance the needs of pedestrians and vehicles, and better achieve the goals of the comprehensive plan.”

Specifically, the proposed design of the street does not conform to several sections of the DCSM. The deviations to the DCSM are described below.

- The proposed public street right-of-way is less than the required 50 feet minimum per DCSM 3.1.4 and Appendix F. The proposed ROW width is 36 feet.

- The proposed public sidewalk is not separated from the curb by a 2-foot grass strip per DCSM 3.1.4 and Appendix F. The proposed sidewalk would be constructed adjacent to the curb with no grass strip.
- Pavement width is not to the standard 26 or 30 foot width minimum per DCSM 3.6.4 and Appendix F. The proposed pavement width is 20 feet plus 2-foot gutters on each side (12-foot travel lanes).

Included within the packet is a letter from the applicant addressing why he believes the proposed development meets the three criteria for variance approval. In particular the applicant desires to preserve the wooded, wet retention pond area, directly south of the proposed street, to be used as a community pocket park. He feels he can achieve this by reducing the proposed street width, yet still designing the street to avoid undue inefficiencies for vehicles and pedestrians. Staff does not have concerns with the requested reduction, but because of the desired narrow pavement width no parking would be allowed along the street. The applicant has noted on the plat that “No Parking” signs would be required on both sides of the proposed street.

Along with deviating from Section 10-2-41 (a), the applicant is also requesting to deviate from Sections 10-2-66 and 67. These two sections, together, require subdividers to build all required street improvements at their expense along the entire street frontage of the parcel they are subdividing. Therefore, the applicant would be required to construct approximately 400 feet of street improvements along Ramblewood Road where the subject property borders the street. As indicated on the overall development plan included with the preliminary plat, the applicant desires to realign the existing Ramblewood Road as part of another phase for this subdivision, extending the road into the County portion of the development, ultimately tying into the extension of Peach Gove Avenue. Given the sharp curve along this portion of the existing Ramblewood Road, staff is supportive of the realignment for a new road. Rather than build improvements, staff would prefer that the applicant put forth the same financial obligations and engineering efforts toward connecting future Ramblewood Road with the existing improved Ramblewood Road to the south. The amount required would be whatever the cost is to improve existing Ramblewood Road along the applicant’s frontage. Exact details of where improvement costs need to be estimated from (i.e. from point A to point B) can be worked out during the comprehensive site plan or final plat review. The applicant will be required to submit an approved form of surety for all costs at the time of final platting for this phase.

There are several things that the applicant needs to be mindful of when proceeding with comprehensive site plan review for this phase of the development and the remaining subdivision:

- During the comprehensive site plan review the applicant will be required to provide detailed calculations to determine compliance with the Stormwater Management Regulations from the standpoints of both quantity and quality.
- As presented the proposed development is entirely within the Harrisonburg Corporate Limits, but with stated intent to expand into Rockingham County with connection to existing City water and sewer utilities. The applicant has been advised that future residential phases within Rockingham County will need to be reviewed through the Public Utilities Application process in which both Planning Commission and City Council will provide input.

- As part of an easement agreement for the existing 30-inch City waterline located within the County portion of the subject property, the City has a commitment to allow water and sewer up to 168,100 GPD. This is pending approval as noted above. The applicant needs to keep in mind that the City needs to make a small revision to the easement and should do this during or before development in the County.
- Lastly, the applicant needs to be aware that the maintenance of the proposed wooded, “pocket park” area, which currently remains on the parent tract, will need to be addressed as the subdivision develops. This would not be considered a City Park.

As required, the applicant has provided several names for the proposed street. Currently, the names are under review within the 911 addressing system. Prior to approval of the final plat an accepted name must be provided for the proposed street.

Staff is supportive of the preliminary plat with the requested variances.

Letter of request for ROW variance  
(Ramblewood Subdivision, phase 1)

This is a letter of request for street width right of way variance within the proposed "Ramblewood Subdivision" from 50' to 36' as recommended by city staff. The street width itself is requested at 24' and the elimination of the 2' grass strip between street and sidewalk. This letter is in response to Subdivision Ordinance Section 10-2-41 (a), composed of sub sections 1, 2, and 3. The reasoning for approval is outlined below in the order of the sub sections:

- (1) A primary reason for reducing the street width is to preserve the wooded area and "wet retention pond" feature directly south. This area will be used as a "pocket park" and should tie into Ramblewood Park's plan for mountain bike trails. The pocket park in Ramblewood will serve as a community trail head for mountain biking and as a connection to the planned Bluestone Trail extension. There is potential for extension of this common area through the county portion of the future subdivision to create a "green strip" leading all the way to the Stonespring bypass and city / county trail network beyond. This goal is strongly desired for its marketing potential from connecting the community to desired biking and pedestrian facilities. The 14' right of way width reduction in the first phase is critical to ensure that the key features of this trail head park are viable topographically and that the fewest existing trees are impacted as possible. These trees are well established specimens primarily consisting of Sycamore, Oak and some Ash. Residents of The Crossing and others along Ramblewood Road often take walks when the weather is good, so this park will be a great segue from the road where they can sit by the pond, picnic or simply stroll through from the very beginning when the first phase infrastructure is in place.
- (2) The subdivision layout is designed in such a way to avoid undue inefficiencies for service vehicles nor pedestrian safety. A temporary cul de sac is envisioned which meets city criteria and allows viable future extension into the county which is desired for its development potential.
- (3) The proposed alternative would better balance the needs of pedestrians and vehicles, and better achieve the goals of the comprehensive plan in several ways. First, the park will allow for pedestrians currently using Ramblewood Road to retreat into a nice area free from vehicular traffic. Second, the park will also act as a trailhead for residents wanting to access Harrisonburg's biking network (which is planning its way toward the area). Bikers presently using Ramblewood Road can detour through the park as well. Third, the second phase of city area development offers to reroute traffic from the current circulation of Ramblewood Road toward the future extension of Peachgrove for better traffic flow. This second phase is made more marketable, and therefore viable, by the benefit of the community park constructed in the first phase which is achieved by this variance request.

Thank you for your attention to this request and I sincerely hope we can work toward its realization-

John J. Daly

Date Application Received: 04-09-15

Total Paid: \$340.00 AF

# Application for Preliminary Subdivision Plat Approval

## City of Harrisonburg, Virginia

**Fee:** **w/o Variance Request** \$175.00 plus \$20.00 per lot **Plus fees for TIA reviews where applicable (see back for details)**  
**Variance Request** \$200.00 plus \$20.00 per lot

I, John Daly, hereby apply for preliminary subdivision plat approval for the following property located within the City of Harrisonburg:

### Description of Property

Title of Subdivision: Ramblewood  
Location (Street Address): 2446 Ramblewood Road Sheet: 97 Block: A Lot: 7  
Total Acreage: 12.5 acres in the city Number of Lots Proposed: 6 Zoning Classification: R-1  
Proposed Use of Property: Single family dwellings

**Property Owner's Name:** John W. Daly  
Street Address: 498-A University Blvd. Email: info@villavacations.net  
City: Harrisonburg State: Va Zip: 22801  
Telephone: Work (540)433-8387 Fax \_\_\_\_\_ Mobile (540)435-6659

**Owner's Representative (if applicable):** Architect John J. Daly  
Street Address: PO box 1706 Email: JDaly100@gmail.com  
City: Harrisonburg State: Va Zip: 22803  
Telephone: Work (540)668-7445 Fax \_\_\_\_\_ Mobile (540)209-0339

**Developer:** John W. Daly & John J. Daly  
Telephone: (540)209-0339 Email: JDaly100@gmail.com

**Surveyor/Engineer:** Blackwell Engineering  
Telephone: (540)432-9555 Email: be@blackwellengineering.com

### VARIANCES

NOTE: If a variance is requested, please provide the following information:

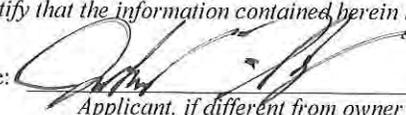
I (we) hereby apply for a variance from Section \_\_\_\_\_ of the City of Harrisonburg Subdivision Ordinance and/or Section 10-2-41(a),66,67 of the City of Harrisonburg Design and Construction Standards Manual, which require(s):

- 10-2-41(a): Proposed streets conform to the standards outlined in the Design and Construction Standards Manual except for variances judged on a case by case basis.
- 10-2-66: All utility, street and alley improvements shall be provided in accordance with standards and specifications of the city.
- 10-2-67: All improvements required to be installed by the subdivider or by this chapter shall be made at the subdivider's expense.

I (we) believe a variance should be granted based on the following "unnecessary hardship" which is peculiar to the property in question (See Section 10-2-2 of the Subdivision Ordinance):

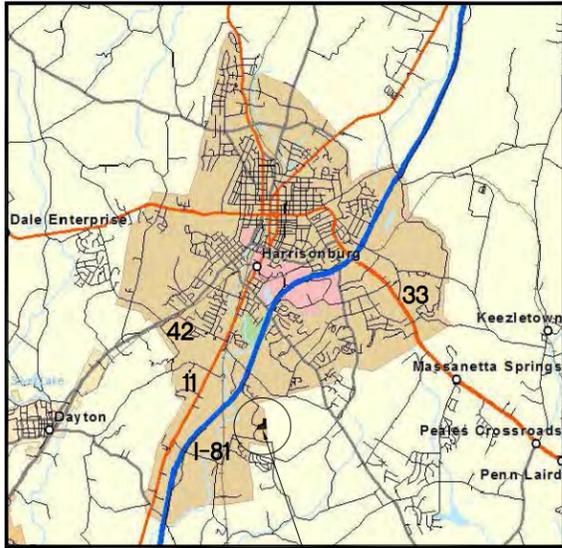
The reasoning behind the variance request to section 10-2-41(a) is outlined in a letter sent to Adam Fletcher and attached along with this document.  
10-2-66 and 67: Not many lots are feasible with this property's particular layout and the present geometry of Ramblewood Road does not allow compliance to the Design and Construction Standards Manual.  
Our overall plan addresses Ramblewood by rerouting it toward the future Peach Grove extension during the second phase of development in the city. We request to forgo improvement to the northern portion of Ramblewood adjacent to the development and focus only on the southern section, which allows for the redirection of the present road. We also request connecting the areas of improvement of Ramblewood Road between our development and The Crossing subdivision at the expense of the city for the public benefit of continuous flow between areas improvement.

**The City of Harrisonburg's preliminary plat and subdivision requirements are in the code of the City of Harrisonburg, Subdivision Ordinance Sections 10-2-1 through 10-2-86. Please read these requirements carefully.**

**Certification:** *I have read the ordinance requirements. I also certify that the information contained herein is true and accurate.*  
Signature: \_\_\_\_\_ Signature:  \_\_\_\_\_  
*Property Owner* *Applicant, if different from owner*

**See Back for Additional Application Fees Regarding TIA Reviews**

VICINITY MAP  
N.T.S.



PROPERTY  
LOCATION

**RAMBLEWOOD  
MASTER PLAN  
(PHASE 1)**

FULL SCALE: 1" = 30'  
HALF SCALE: 1" = 60'

- SITE NOTES  
-WATER / SEWER  
-STORM WATER

- SANITARY  
STORM  
WATER

EXISTING M.H.  
INVERT: 1213  
(ASSUMED)

24' ROAD, CURB TO CURB. 5'  
SIDEWALK ON EACH SIDE. 36'  
ROAD EASEMENT WITH 10' UTILITY  
EASEMENT ON SOUTH SIDE

OFFSET WATER LINE 10' FROM  
CENTER AND MAINTAIN 10'  
MINIMUM DISTANCE FROM  
SANITARY

WATER  
HOOKUP  
M.H. INVERT:  
1276

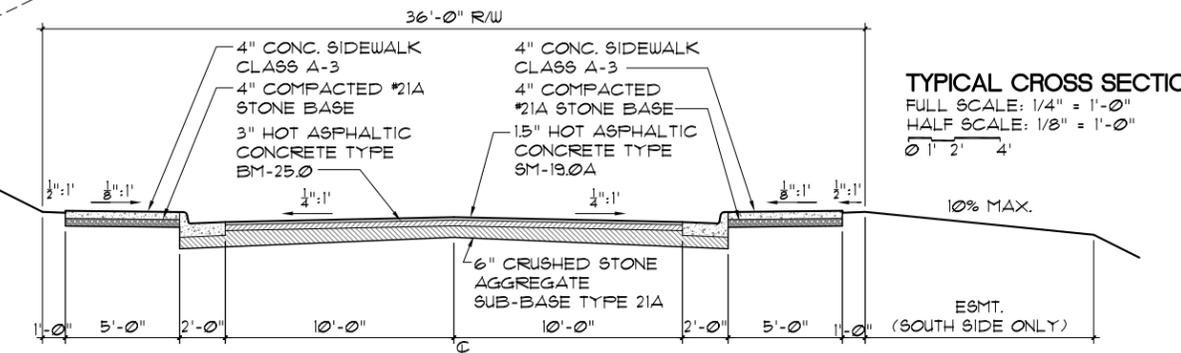
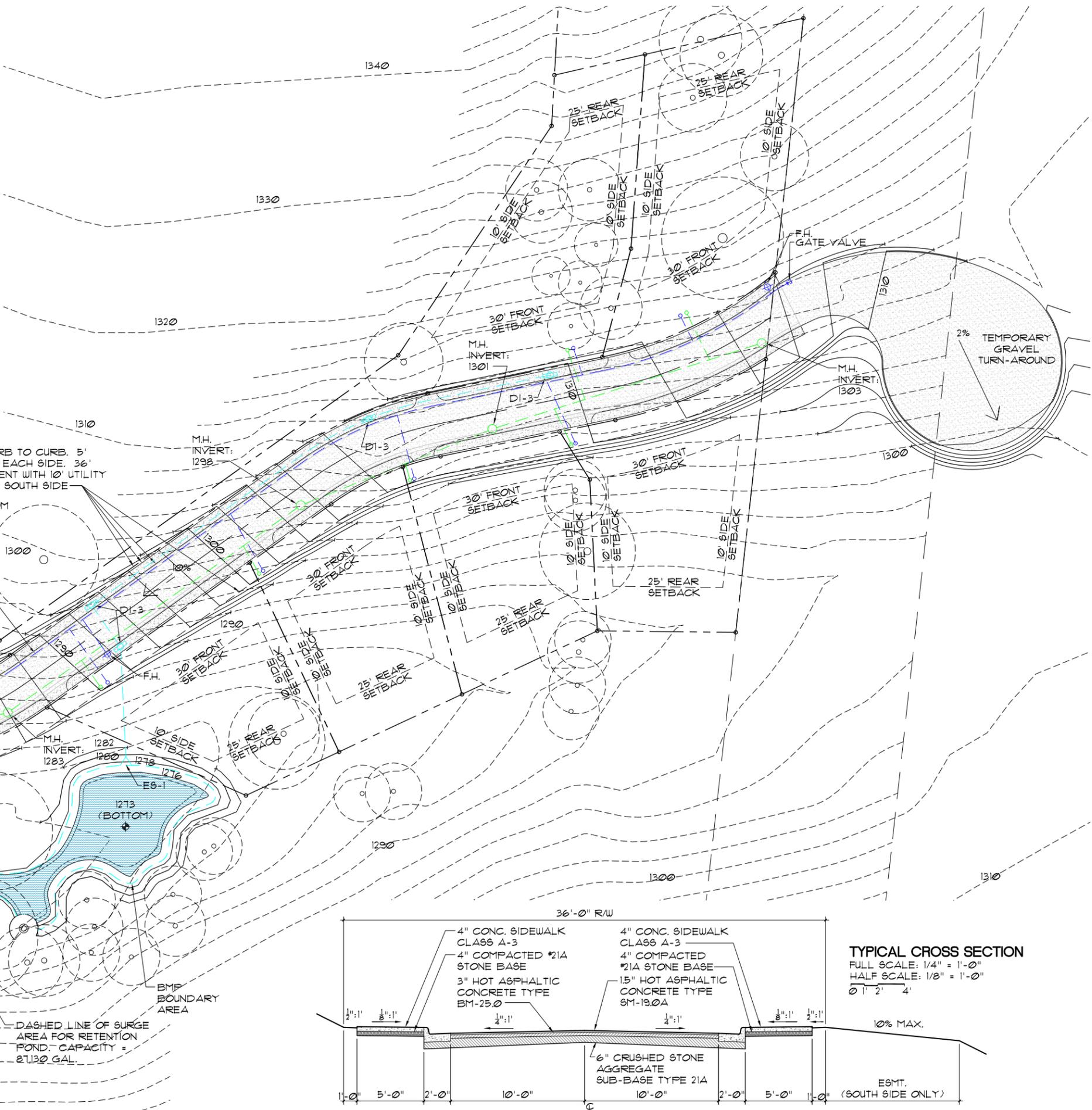
1278  
1276  
1273  
(BOTTOM)  
WET  
RETENTION  
POND

1280  
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PLOTTED: Wednesday, June 03, 2015 7:22:13 PM FILE: p:\other peoples stuff\johns stuff\daily projects\harrisonburg farm\ramblewood master plan\farm master plan.dwg

I certify that these documents were prepared or approved by me, and that I am duly licensed architect under the laws of the state of Virginia, license no. 060372015

PLANNING COMMISSION SUBMISSION 06/03/2015

**Ramblewood Subdivision**  
Ramblewood Road  
Harrisonburg Va. 22801

2/01/2020  
**MP1.1**

**architect michael l. oxman and associates ltd.**

36963 charlesown dike  
hillside, va 22057  
p.c. (540) 668-9200  
email: mlox@mla.com



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**FUTURE ROAD LAYOUT**  
 FULL SCALE: 1" = 100'  
 HALF SCALE: 1" = 200'

0 100' 200'

N

PLANNING COMMISSION SUBMISSION 06/03/2015

**Ramblewood Subdivision**  
 Ramblewood Road  
 Harrisonburg Va. 22801

2012020  
**MP1.3**

I certify that these documents were prepared or approved by me, and that I am duly licensed architect under the laws of the state of \_\_\_\_\_ license no. \_\_\_\_\_

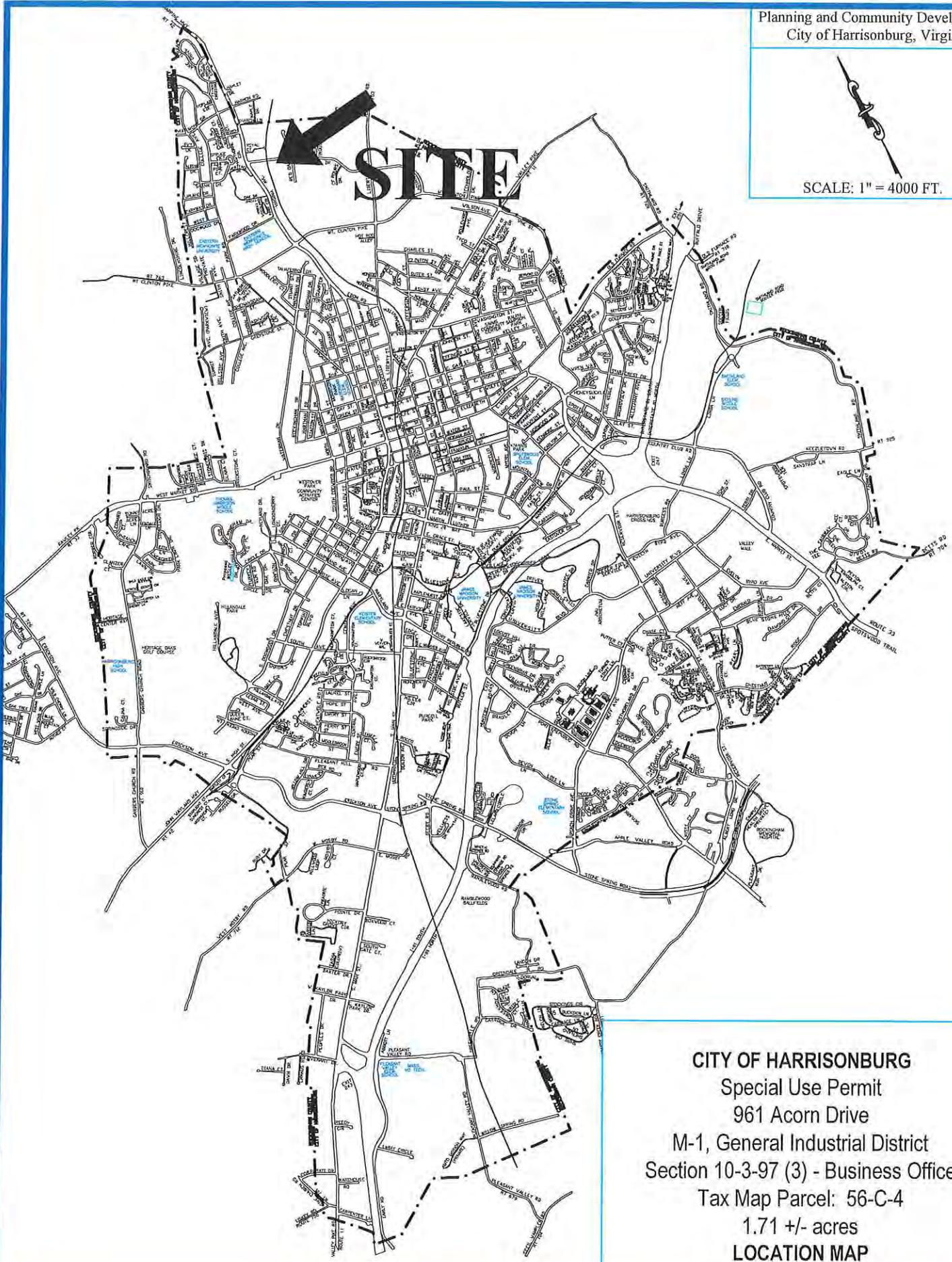
© This drawing is the property of Architect Michael L. Oxman and Associates, Ltd. and is intended for use on the project only. Any other use is strictly prohibited.

36963 charles/cou/Dike  
 hillsboro, Va 22637  
 P.O. Box 1540 668-9200  
 email: hills@eol.com

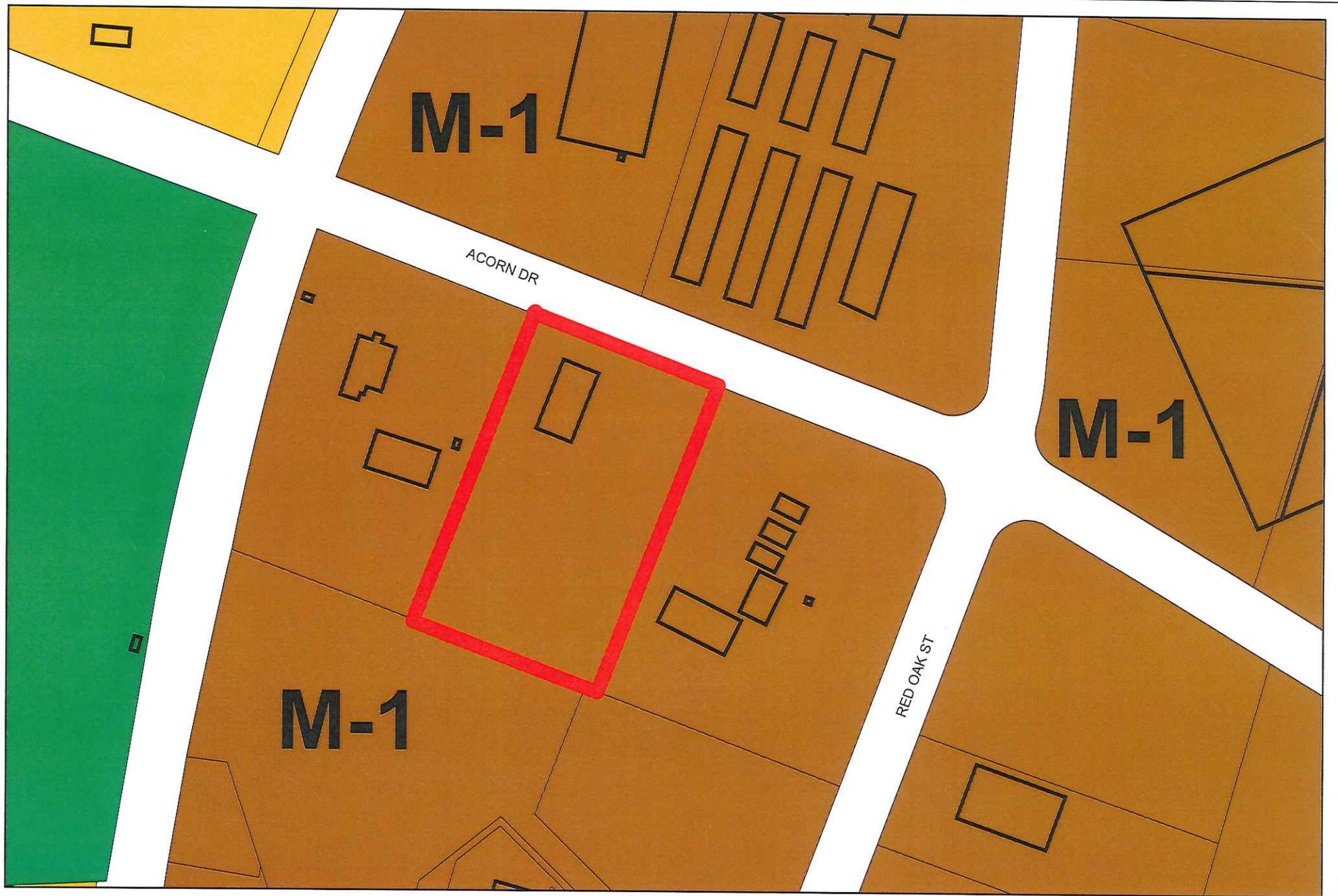
**architect michael l. oxman and associates ltd.**



SCALE: 1" = 4000 FT.



**CITY OF HARRISONBURG**  
Special Use Permit  
961 Acorn Drive  
M-1, General Industrial District  
Section 10-3-97 (3) - Business Office  
Tax Map Parcel: 56-C-4  
1.71 +/- acres  
**LOCATION MAP**



**SUP - 961 Acorn Drive  
10-3-97 (3) Business Office in M-1**



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT

June 10, 2015

### **SPECIAL USE PERMIT – 961 ACORN DRIVE (SECTION 10-3-97 (3))**

#### **GENERAL INFORMATION**

**Applicant:** PSJ4 LLC with representative Bill Neff, Sr.

**Tax Map:** 56-C-4

**Acreage:** 1.711 acres

**Location:** 961 Acorn Drive

**Request:** Public hearing to consider a special use permit per Section 10-3-97 (3) of the Zoning Ordinance to allow business and professional offices in the M-1, General Industrial District.

#### **LAND USE, ZONING, AND SITE CHARACTERISTICS**

The Comprehensive Plan designates this area as General Industrial. This designation states that these areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development and related activities.

The following land uses are located on and adjacent to the property:

**Site:** Vacant 6,700+/- sq. ft. building, zoned M-1

**North:** Across Acorn Drive, professional office, storage buildings, sports training facility, zoned M-1

**East:** Landscaping business, zoned M-1

**South:** Industrial businesses and vacant land, zoned M-1

**West:** Business office, zoned M-1

#### **EVALUATION**

The applicant is requesting a special use permit per Section 10-3-97(3) of the Zoning Ordinance to allow business and professional offices in the M-1, General Industrial District. If approved, the applicant would utilize the facility located at 961 Acorn Drive for a business office.

The site is situated in the northwest quadrant of the City, along the southern side of Acorn Drive, about 280 feet west of the intersection with Red Oak Street, in an area with a mix of small scale industrial uses, businesses, and storage facilities. Previously, the subject building had been used for industrial warehousing and associated office space; a conforming use to the Comprehensive Plan and zoning regulations.

If approved, the conversion to a business office use may require a change of use permit from building inspections and have to meet specific building code standards. The applicant should be

aware that any change back to an industrial use after its use as a business office would likely require a new change of use permit.

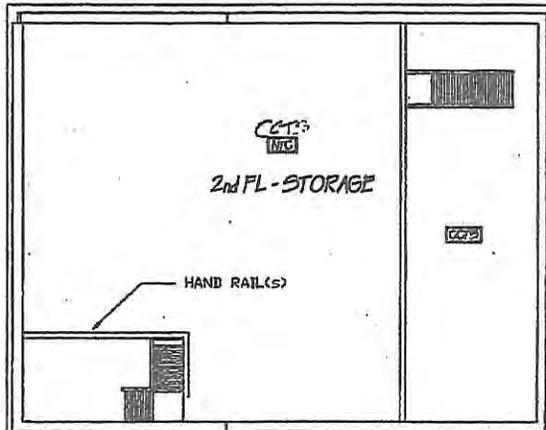
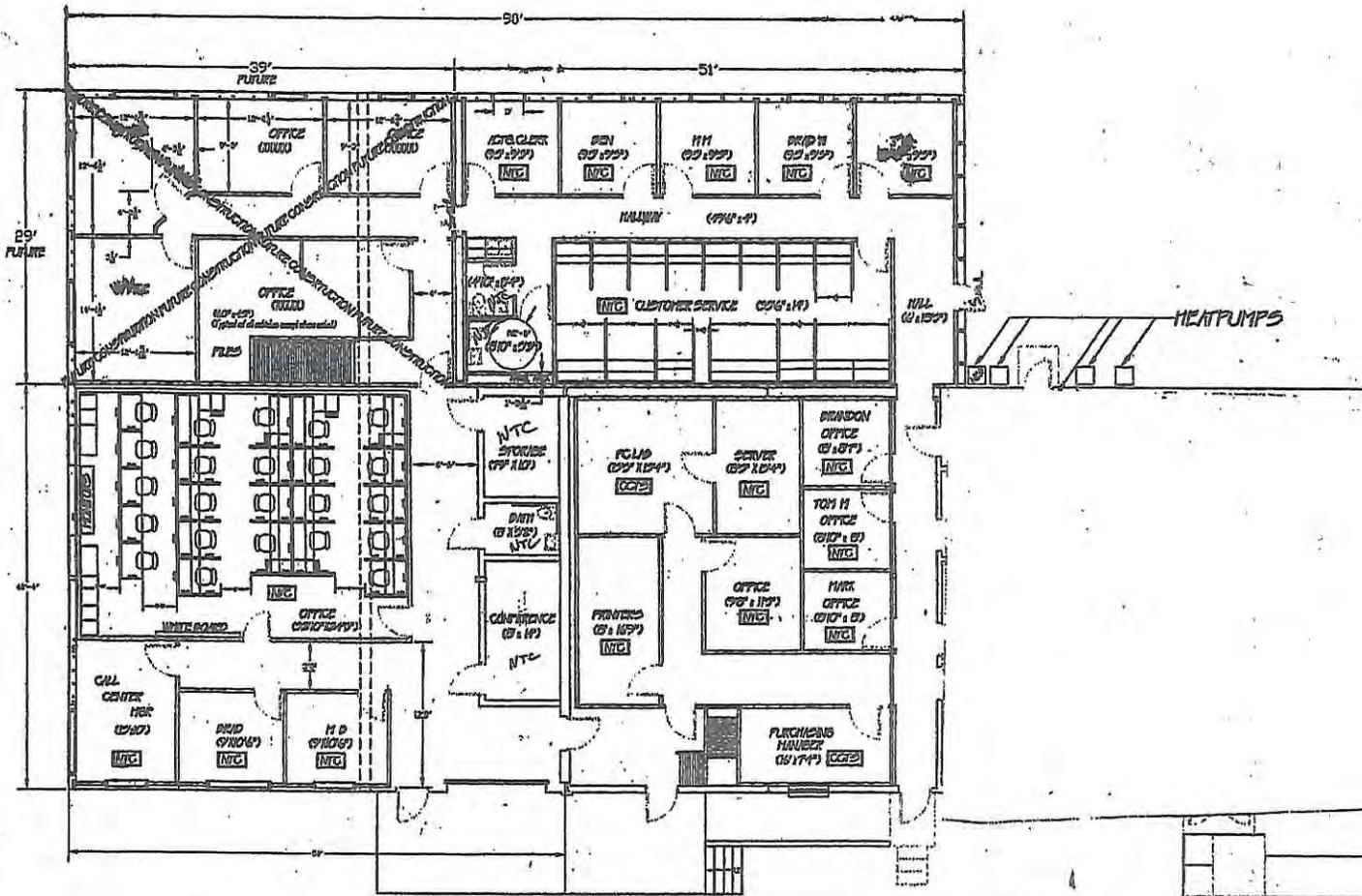
Parking for the office use would be calculated at one parking space for every 300 square feet of gross floor area. Per records available to staff the building is approximately 6,700 square feet which would require 24 parking spaces; all of which must be appropriately delineated. The applicant has noted that a portion of the parking lot will be fenced in order to secure company vehicles.

Staff has no concerns with this request and believes a business office at this location would be compatible with the existing moderate to minor industrial operations nearby. Furthermore, the same SUP has been approved along this section of Acorn Drive as the property adjacent to the west, at 971 Acorn Drive, and across the street, at 950 Acorn Drive, received approval in 2001 and 1996, respectively.

Staff recommends approving the request.



**SUP - 961 Acorn Drive**  
**10-3-97 (3) Business Office in M-1**



Date Application Received: 5-6-15

### Application for Special Use Permit City of Harrisonburg, Virginia

Fee: \$375.00 plus \$30.00 per acre

Total Paid: \$ ~~426.33~~ 435.00 *OB*

Property Owner's Name: PSJY LLC

Street Address: 238 Campbell St Email: \_\_\_\_\_

City: Harrisonburg State: VA Zip: 22801

Telephone: Work \_\_\_\_\_ Fax \_\_\_\_\_ Mobile \_\_\_\_\_

Owner's Representative: Bill V. Neff, Sr.

Street Address: 3570 N. Valley Pike Email: neffenterprises@yahoo.com

City: Harrisonburg State: VA Zip: 22802

Telephone: Work 540/434-9593 Fax 540/434-4165 Mobile 540/820-0635

#### Description of Property and Request

Location (Street Address): 961 Acorn Drive

Tax Map Number Sheet: 56 Block: C Lot: 4 Lot Area: 1.711 acres

Existing Zoning Classification: M-1

Special Use being requested: Office Use

Please provide a detailed description of the proposed (use additional pages may be attached): \_\_\_\_\_

The property will be used for office space with a small build-out to size offices. There will be a fenced area to secure vehicles.

Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

North: Acorn Mini Storage, 5445 Wengers Mill Rd Kinville VA 22834

South: Acorn Enterprises 5777 S. Bennett Way Kinville VA 22834

East: Charles S Roper, 951 Acorn Drive, Harrisonburg VA 22802

West: John & Paula Brunner, 2104 Spitzer Road, Broadway VA 22815

**Certification:** I certify that the information contained herein is true and accurate.

Signature: [Signature]  
Property Owner

#### ITEMS REQUIRED FOR SUBMISSION

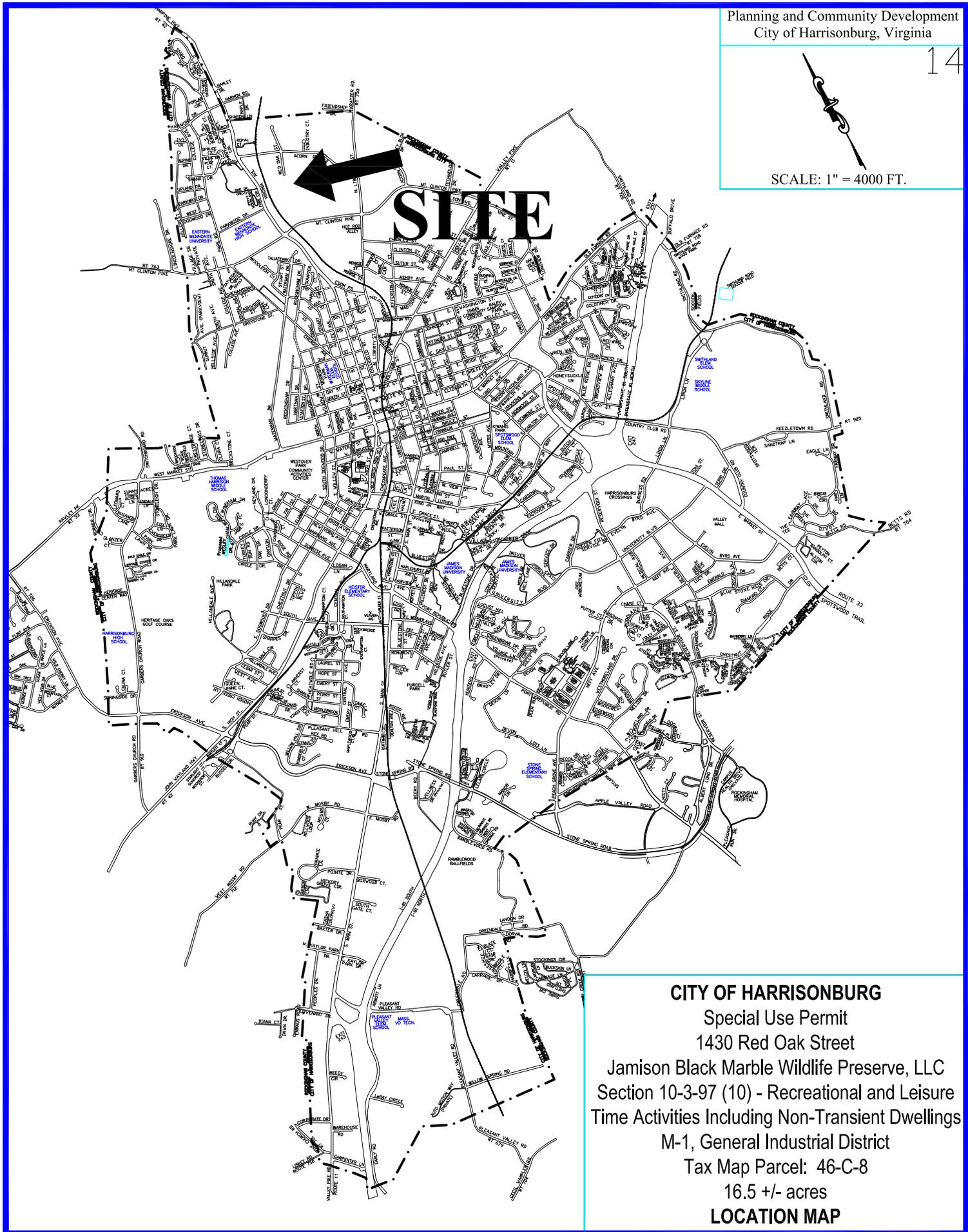
- Completed Application
- Site Plan
- Description of Proposed Use
- Adjacent Property Owners

- Fees Paid
- Property Located on Tax Map
- \_\_\_\_\_
- \_\_\_\_\_



SCALE: 1" = 4000 FT.

**SITE**



**CITY OF HARRISONBURG**

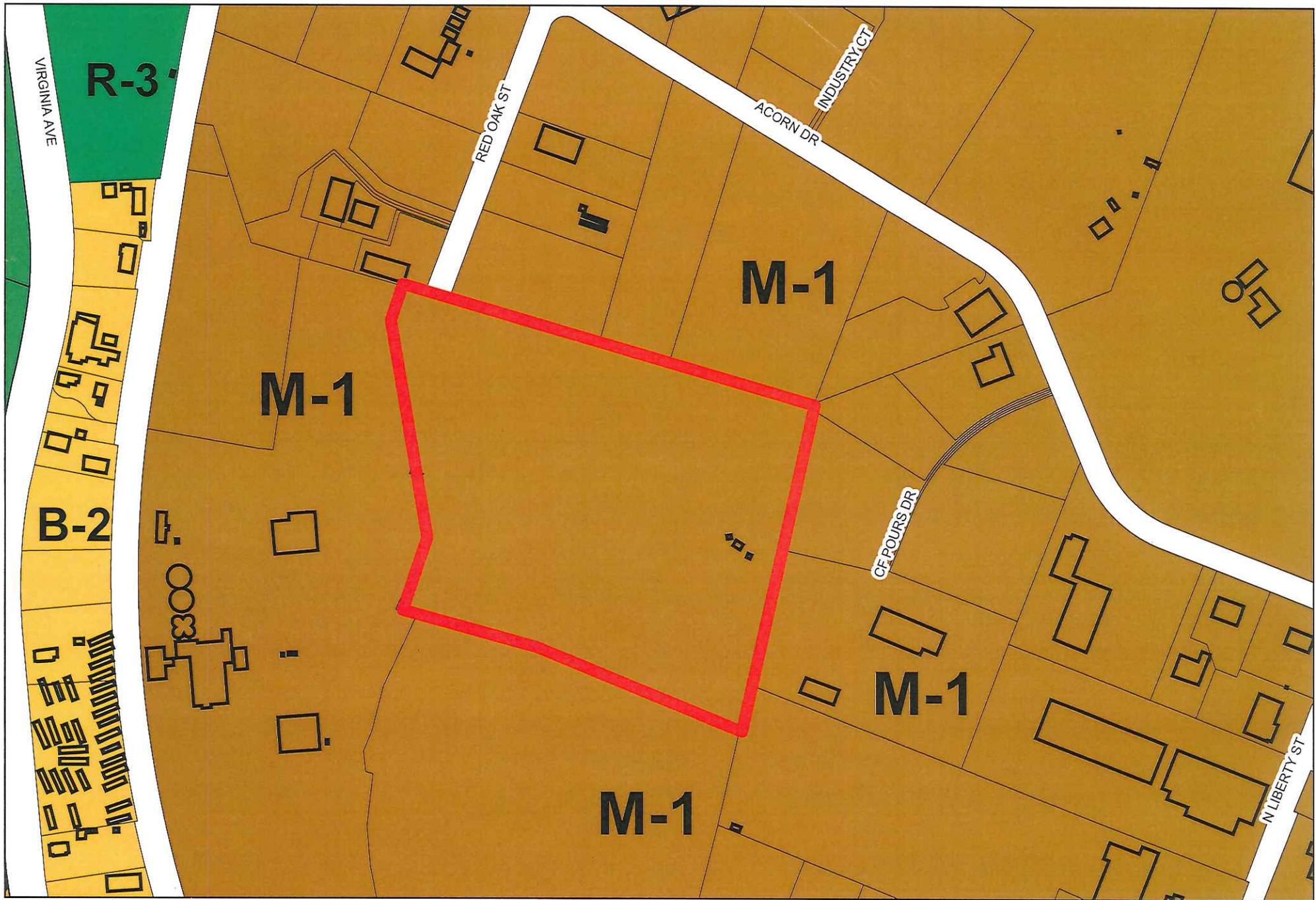
Special Use Permit  
1430 Red Oak Street

Jamison Black Marble Wildlife Preserve, LLC  
Section 10-3-97 (10) - Recreational and Leisure  
Time Activities Including Non-Transient Dwellings

M-1, General Industrial District  
Tax Map Parcel: 46-C-8

16.5 +/- acres

**LOCATION MAP**



**1430 Red Oak Street - SUP Section 10-3-97 (10)  
Rec. and Leisure Time Activities and Non-Transient Dwellings**



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT

June 10, 2015

**ZONING ORDINANCE AMENDMENT – To Allow Nontransient Dwellings with Recreational and Leisure Time Activities (Section 10-3-97 (10))**

**SPECIAL USE PERMIT – 1430 Red Oak Street (Nontransient Dwellings with Recreational and Leisure Time Activities)**

### GENERAL INFORMATION

**Applicant:** Jamison Black Marble Wildlife Preserve, LLC

**Tax Map:** 46-C-8

**Acreage:** 16.5 acres

**Location:** 1430 Red Oak Street

**Request:** Public hearing to consider a request to amend the Zoning Ordinance Section 10-3-97 (10) by adding the opportunity to have nontransient dwellings with recreational and leisure time activities uses.

Public hearing to consider a request for a special use permit per Section 10-3-97 (10) of the Zoning Ordinance to allow for recreational and leisure time activities with nontransient dwellings within the M-1, General Industrial District.

### LAND USE, ZONING, AND SITE CHARACTERISTICS

The Comprehensive Plan designates this area as General Industrial. This designation states that these areas are composed of land and structures used for light and general manufacturing, wholesaling, warehousing, high-technology, research and development and related activities.

The following land uses are located on and adjacent to the property:

**Site:** Recreational and leisure time activity special use with cabins under construction and an accessory building, zoned M-1

**North:** Industrial uses and undeveloped property, zoned M-1

**East:** Industrial uses, zoned M-1,

**South:** Undeveloped property, zoned M-1

**West:** Pilgrim's Pride industrial operations, zoned M-1

### EVALUATION

The owners of 1430 Red Oak Street—the legal owner being Jamison Black Marble Wildlife Preserve, LLC, which consists of Richard L. Blackwell III, Edmond H. Blackwell, and Gregory S. Johnson—are requesting to amend the M-1 special use permit (SUP) section of the Zoning

Ordinance (ZO) while simultaneously applying for the SUP they are requesting be amended so they can have the ability to permanently reside in dwellings on industrially zoned property. 1430 Red Oak Street is accessible from the temporary Red Oak Street cul-de-sac via a private gravel drive extending south from the cul-de-sac within the undeveloped Red Oak Street right-of-way (ROW). The undeveloped Red Oak Street ROW terminates at the subject property.

The proposed ZO amendment is to Section 10-3-97 (10), which currently allows M-1 property owners to request permission to have “recreational and leisure time activities.” The amendment would create the opportunity to have such uses while also allowing, on a case-by-case basis, nontransient dwellings. Specifically, the amendment would be as follows: (proposed text is underlined):

- (10) Recreational and leisure time activities, which may include nontransient dwelling units.

In 2009, the applicants were granted a recreational and leisure time activities SUP, which allowed them to formally utilize the property for recreational use and to build two cabins on the property to be used for shelter, which were for temporary recreational use only. At that time, the owners stated the use of the property was a retreat for themselves and their family and friends, where they could camp, picnic, swim, fish and more. They also noted that at times, and for no charge, small groups would use the property to recreate, and further that the property was closed to the general public. The SUP was approved with the following conditions:

- limiting the site to the two proposed cabins only,
- the cabins cannot be occupied on a long term basis, and
- staff shall be authorized to review any complaints received regarding the property and based on their finding may require the applicant to return to Planning Commission and City Council for a public hearing to re-examine the use of the property. Such re-evaluation may result in additional conditions being placed on the use or revocation of the special use permit.

The property owners are now interested in being able to permanently reside at 1430 Red Oak Street. As explained to the applicants, in general, there are two ways to allow their desired outcome: 1) rezone the property or 2) amend the ZO in some way to allow the use. After a great deal of discussion with the applicants, and in evaluating the different options available to them, staff suggested the text amendment approach, which the applicants ultimately decided upon as applied for in this request.

As noted above, the applicants are also simultaneously requesting approval of the SUP as proposed for modification. As their submitted application materials demonstrate, although they plan to have up to five single family detached dwellings, at this time, only two are planned to be finished in the near future. Along with the dwellings, they will have recreational and leisure time activities that include “...occasional special events for family and friends, (not for charge) and swimming and water activities.”

Although they plan to utilize water from the quarry as their water source, the applicants should understand that they could be required to connect to the City’s water infrastructure. This matter will ultimately be determined once the final decision is made to the exact location of the fire hydrant that they will be required to install. With regard to sewage, they plan to either connect to

the City's infrastructure or utilize an onsite septic system regulated by either the Virginia Department of Health or the Department of Environmental Quality. Their submitted letter also notes they plan to have chicken coops, which for this piece of property would be permissible so long as they abide by the regulations as noted in Section 15-2-24 of the City Code.

As is required for all property owners wanting to develop a parcel along an undeveloped public (paper) street, per Section 3.5.1 of the Design and Construction Standards Manual (DCSM), "[i]f an owner, developer, etc. wishes to develop any parcel of land abutting a paper street, and the parcel abuts no other publicly maintained city street, it shall be the sole responsibility of the developer to construct the street to current standards until it accesses a publicly maintained street. If there is not a minimum width of fifty (50) feet of public street right-of-way or other width as determined by the City, then it must be dedicated to the City. Design of such improvement must be adequate to ensure extension of the remainder of the street in the future." However, in this particular situation, another option for them would be to request closing the remaining undeveloped ROW of Red Oak Street while working with the adjoining property owners to the north to dedicate the necessary property around the existing temporary cul-de-sac to permanently enclose the turnaround in public street ROW. At this time, the applicants believe they will tackle the latter option. In the future, if they request closing the remaining public street ROW, as part of that application, the applicants will also have to formally request Planning Commission's consent to permanently terminate Red Oak Street as Section 10-2-41 (e) of the Subdivision Ordinance prohibits permanent dead-end streets unless permitted by Planning Commission. At this time, staff would support this street's permanent termination as there is no current need for it to continue through the subject property to connect to other public streets.

With regard to access for emergency responders, regardless of whether Red Oak Street remains in its current location or it is extended to the subject property, at minimum, a 16 feet wide all-weather surface road (with shoulder) must be provided from the termination of the public street on and through the property for a distance appropriate to serve the dwellings. Early discussions with the applicant included, at minimum, extending the road past the existing 30 feet X 30 feet cabin and past the proposed 2,950 square feet dwelling and then back toward the entrance to the property—essentially, a "loop road" following the existing gravel drive. However, depending upon the final locations of the other three planned dwellings, the 16 feet wide road as described above may need to be extended further south on the property so that emergency responders have appropriate access to the dwellings. Furthermore, to be able to construct the 16 feet wide private street as described, the applicants will be required to request a variance from the private street standards as listed in the DCSM Section 2.7. This variance can be requested either at the time they would submit a comprehensive site plan to improve/complete Red Oak Street to their property or during the street ROW closing request.

Although the applicants are already aware of this, as a reminder, aside from the 30 feet X 30 feet cabin and the accessory building, it appears portions of all of the other proposed dwellings could be partially in the floodplain. The property owners should be prepared to meet all requirements of the floodplain district.

Staff is recommending approval of both applications. First, with regard to the ZO amendment, staff does not believe affording recreational and leisure time use property owners the ability to request nontransient dwellings will negatively impact the integrity of the industrial zoning regulations. The approach is narrowly tailored to a non-industrial-like use, and because the SUP

process gives the City the ability to deny the request or stipulate approval with appropriate conditions, there should be no damaging implications. As a reminder, this is not the first time that staff has recommended in favor of an amendment to allow permanent residential uses on industrially zoned property. In 2009, the City approved a staff proposed amendment to the ZO to allow boarding and rooming houses by SUP on M-1 property. (After that amendment was approved, in March 2010, a boarding and rooming house SUP was granted to 715 North Main Street, which is zoned M-1.)

With regard to the applicants' SUP request, the subject property is likely the perfect scenario for such a use. The property is located at the end of a public street, where there is no public plan to extend the street; it is also greatly secluded; and it would have very minimal impact to the surrounding uses. Staff's support, however, does not come without the following conditions:

1. The property shall be limited to five single family detached dwellings.
2. Occupancy of each dwelling shall be limited to a family or two persons.
3. Final certificates of occupancy shall be withheld until the following items are completed or an acceptable form of surety is accepted by the City to cover the cost for such work:
  - a. Red Oak Street shall be extended from its existing location to the subject property per public street standards as specified by the DCSM; or, the undeveloped Red Oak Street ROW shall be closed and purchased and the existing cul-de-sac permanently enclosed in public street ROW.
  - b. At minimum, a 16 feet wide all-weather surface road (with shoulder) shall be constructed from the termination of the completed public street on and through the property. The distance/extent that the road must travel shall be determined by the Fire Department, when the final locations of the residential structures are determined.
  - c. A fire hydrant shall be extended onto the property and located at a location determined by the Fire Department.

ORDINANCE AMENDING AND RE-ENACTING SECTION

10-3-97

OF THE

CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-97 Uses Permitted by Special Use Permit shall be amended by modifying subsection (10) as shown:**

- (10) Recreational and leisure time activities, which may include nontransient dwelling units.

The remainder of Section 10-3-97 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2015.

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**MAYOR**

ATTESTE:

---

CLERK PRO TEMPORE

May 12, 2015

Harrisonburg City Council  
345 South Main Street  
Harrisonburg VA 22801

Ref: Proposed change of text in M-1 General Industrial District

Dear Council Members:

It is hereby requested that additional text be added to Chapter 3. Zoning, Article R. M-1 General Industrial District, Section 10-3-97. Uses permitted by special use permit., (10) "Recreational and Leisure time activities" of the City of Harrisonburg, VA Code of Ordinances to say "Recreational and Leisure time activities which **may** include non transient dwelling units."

The requested changes to the Code of Ordinances, are based on a parcel of property owned by Jamison Black Marble Wildlife Preserve, LLC, identified by tax map number: 46 C 8, zoned: M1, consisting of 16.5485 acres, located at 1430 Red Oak Street, Harrisonburg, VA 22801. The property was previously a rock quarry owned by the Jamison Black Marble Company out of Roanoke, VA and operated by The Frazier Quarry, Inc. Quarry operations began in 1949 and in the early 1970's rock removal from the pit was halted due to groundwater intrusion. Rock was hauled from the property until 1982, when Wampler Foods, Inc. purchased the property to construct a Feed Mill. The property was obtained by the current owner in November of 1998.

The old quarry pit now 65 foot deep with clean spring fed groundwater is approximately 5.5 acres and central on the property. The primary reason for the 1998 sale of the property was to environmentally preserve the property and protect the groundwater source. A six foot chain link fence with three strands of barbed wire surrounds the quarry; however this has provided little deterrence in keeping trespassers from cutting the fence, entering the property, having drunken parties and stealing or destroying private property. The only deterrent that has worked is a physical presence.

Typical industrial uses with paved parking and larger buildings are not considered the best use of this **unusual property** and may increase chances of the pollution of the groundwater.

By allowing the text change, we will be able to construct single family detached dwellings by special use within the M-1 District and by living at the quarry, be better able to manage people using the property and restrict those who are not to be there.

The names and addresses of the owners are as follows:

**Richard L. Blackwell III**  
104 Kline Court  
Bridgewater, VA 22812

**Edmond H. Blackwell**  
764 Woodland Drive  
Harrisonburg VA 22801

**Dr. Gregory S. Johnson**  
3199 Lawyer Rd  
McGaheysville, VA 22840

June 1, 2015

Adam Fletcher  
City Planner  
City of Harrisonburg  
409 South Main Street  
Harrisonburg VA 22801

Re: Jamison Black Marble Quarry

Dear Mr. Fletcher:

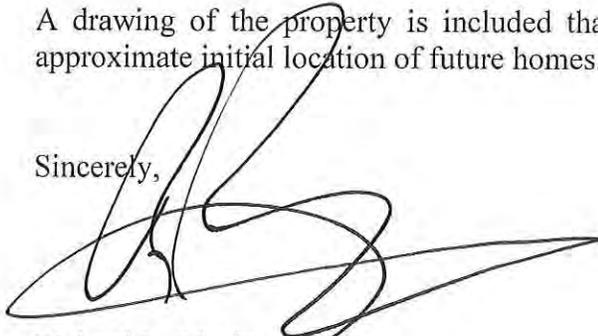
In addition to the Application for Ordinance Amendment, the Application for Special Use Permit and the letter to the City Council dated May 12, 2015, the following information is submitted concerning the proposed use of the property known as Jamison Black Marble Wildlife Preserve.

It is proposed to construct homes for the property owners, and accessory structures including, a barn, water filtration pump shed, chicken coop, and equipment sheds.

The uses associated with the site shall include: living and maintenance of site, occasional special events for family and friends, (not for charge) and swimming and water activities. All setbacks in the M1 zoning shall be observed and there is adequate space for parking if ever needed. The fence will be maintained around the property. Sewerage will either be connected to the city sewer or an alternative onsite septic system regulated by either the Virginia Department of Health or the Department of Environmental Quality. Water will be withdrawn from the quarry and filter with UV disinfection prior to use in the homes. A fire hydrant will be installed per Fire Department request.

A drawing of the property is included that shows the location of existing structures and an approximate initial location of future homes.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'Richard L. Blackwell, III'. The signature is written over the word 'Sincerely,' and extends across the width of the page.

Richard L. Blackwell, III



Date: AUG-2014  
 Scale: 1"=100'  
 Designed by: EHB  
 Drawn by: EHB  
 Checked by: EHB

Revision Dates

**BLACKWELL ENGINEERING, PLC**  
 566 East Market Street  
 Harrisonburg, Virginia 22801  
 Phone: (540) 432-9555 E-Mail: [Engineering@BEO.com](mailto:Engineering@BEO.com) Fax: (540) 434-7954



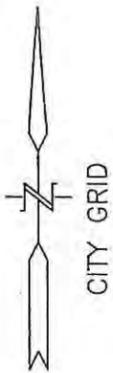
- LEGEND**
- ELECTRIC
  - METER/TRANSFORMER
  - WATER LINES
  - SANITARY LINES
  - SANITARY SEWER CLEANOUT
  - STORM SYSTEM
  - GAS LINES
  - EXISTING CONTOURS
  - PROPOSED CONTOURS
  - EXISTING PROPERTY LINE
  - SETBACK LINE
  - EASEMENT LINE
  - PROPOSED ROAD/EOP
  - EXISTING ROAD
  - CURBING: CG-2 OR CG-6
  - PROPOSED DITCH OR SWALE
  - DUMPSTER
  - HANDICAP PARKING
  - CG-12/ASPHALT RAMP
  - FIRE HYDRANT
  - WATER METER
  - EXISTING UTILITY POLE
  - PROPOSED UTILITY POLE
  - PROPOSED FENCE
  - EXISTING FENCE LINE
  - CONCRETE PAVING
  - PAVEMENT
  - LANDSCAPED OR GRASS AREA

**SITE PLAN AND SPECIAL USE PERMIT**  
 2014 MASTERPLAN  
 JAMISON BLACK MARBLE WILDLIFE PRESERVE  
 1430 RED OAK  
 HARRISONBURG, VA 22802

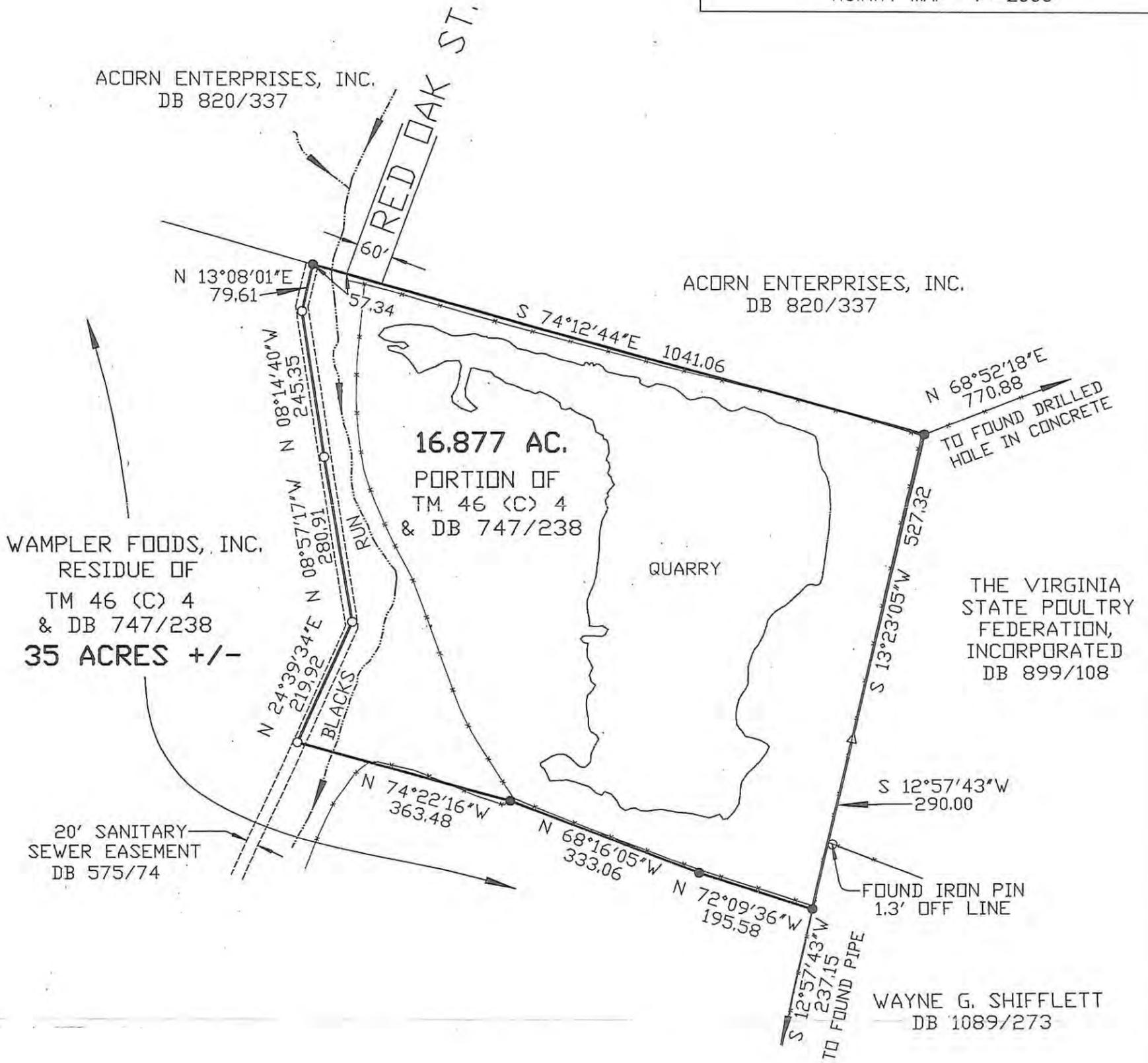
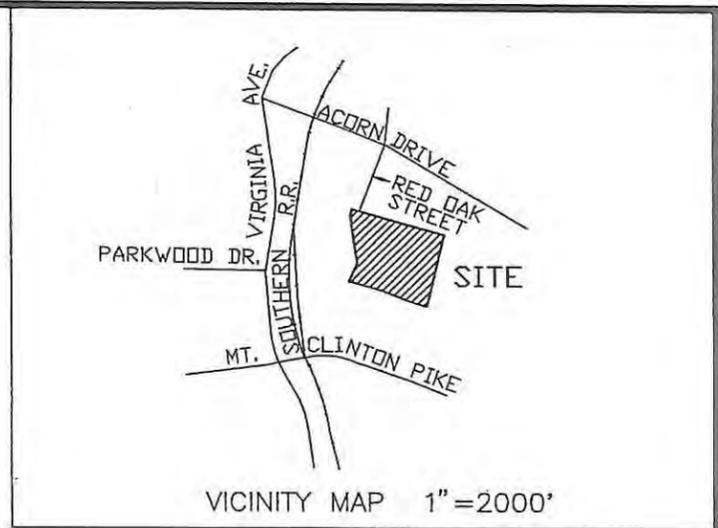
Drawing No.  
**1**  
 of 1 Sheets

Job No. 001

JANUARY 21, 1999  
SCALE: 1"=200'



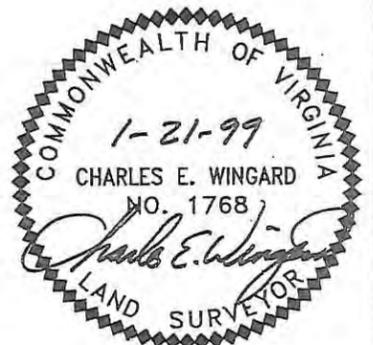
- = IRON PIN SET
- △ = FOUND PLANTED STONE
- = PUNCH HOLE SET IN MANHOLE COVER FRAME
- x- = FENCE



# DIVISION SURVEY OF A 16.877 AC. TRACT STANDING IN THE NAME OF WAMPLER FOODS, INC.

CITY OF HARRISONBURG, VIRGINIA

BENNER & ASSOC., INC.  
3061 SOUTH MAIN STREET  
HARRISONBURG, VA 22801  
540 434-0267  
REF# 011299



Date Application Received: 05-12-15

### Application for Ordinance Amendment City of Harrisonburg, Virginia

Fee: \$375.00

Total Paid: \$ 187.50 AF

*↳ difference from prev. app.*

Applicant's Name: Jamison Black Marble Wildlife Preserve, LLC

Street Address: 566 E. Market St.

Email: \_\_\_\_\_

City: Harrisonburg

State: VA

Zip: 22801

Telephone: Work 540-432-9555

Fax \_\_\_\_\_

540-434-7604

Mobile \_\_\_\_\_

Applicant's Representative: Richard Blackwell

Street Address: 566 E. Market St.

Email: \_\_\_\_\_

City: Harrisonburg

State: VA

Zip: 22801

Telephone: Work 432-9555

Fax \_\_\_\_\_

540-434-7604

Mobile 820-2964

#### Description of Amendment

Zoning Ordinance Section: 10-3-97 (10)

Proposed Text: Recreational and leisure time activities which may include nontransient, detached dwelling units.

## RECEIPT

DATE	<u>05-05-15</u>
FROM	<u>Rick Blackwell</u>
FOR RENT	<u>20 Amend / SUP</u>
FOR	<u>Five hundred Seventy two</u>
PAID	<u>217.50</u>
DUE	
ACCT.	
FOR RENT	<u>20 Amend / SUP</u>
FOR	<u>#1028</u>
PAID	<u>217.50</u>
DUE	
ACCT.	
FOR RENT	<u>20 Amend / SUP</u>
FOR	<u>#1028</u>
PAID	<u>217.50</u>
DUE	
ACCT.	

104 Kinect  
Bridgewater, VA  
\$17.50

1028

1028

Certification: I certify that the information contained herein is true and accurate

Signature: \_\_\_\_\_



*Applicant Signature*

#### ITEMS REQUIRED FOR SUBMISSION

- Completed Application
- Ordinance Text
- Letter of description

- Fees Paid

Date Application Received: 05-12-15 (revised sub. 06-01-15)

### Application for Special Use Permit City of Harrisonburg, Virginia

Fee: \$375.00 plus \$30.00 per acre

Total Paid: \$ 430.<sup>00</sup> AF  
*↳ difference from prev. app.*

Property Owner's Name: Jamison Black Marble Wildlife Preserve, LLC

Street Address: 566 East Market St Email: dawn@blackwellengineering.com

City: Harrisonburg State: VA Zip: 22801

Telephone: Work 540.432.9555 Fax 540.434.7604 Mobile \_\_\_\_\_

Owner's Representative: Richard Blackwell

Street Address: 566 E Market St Email: rick@blackwellengineering.com

City: Harrisonburg State: VA Zip: 22801

Telephone: Work 540.432.9555 Fax 540.434.7604 Mobile 540.820.7425

#### Description of Property and Request

Location (Street Address): 1430 Red Oak Street, Harrisonburg, VA 22802

Tax Map Number Sheet: 46 Block: C Lot: 8 Lot Area: \_\_\_\_\_

Existing Zoning Classification: M1

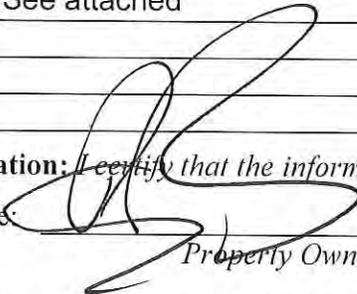
Special Use being requested: 1430 Red Oak Street, Harrisonburg, VA 22802

Please provide a detailed description of the proposed (use additional pages may be attached):  
it is proposed to construct homes for the property owners, and accessory structure including, a barn, water filtration pump shed, chicken coop and equipment sheds.

Names and Addresses of Adjacent Property Owners (Use separate sheet for additional names)

North: See attached  
South: \_\_\_\_\_  
East: \_\_\_\_\_  
West: \_\_\_\_\_

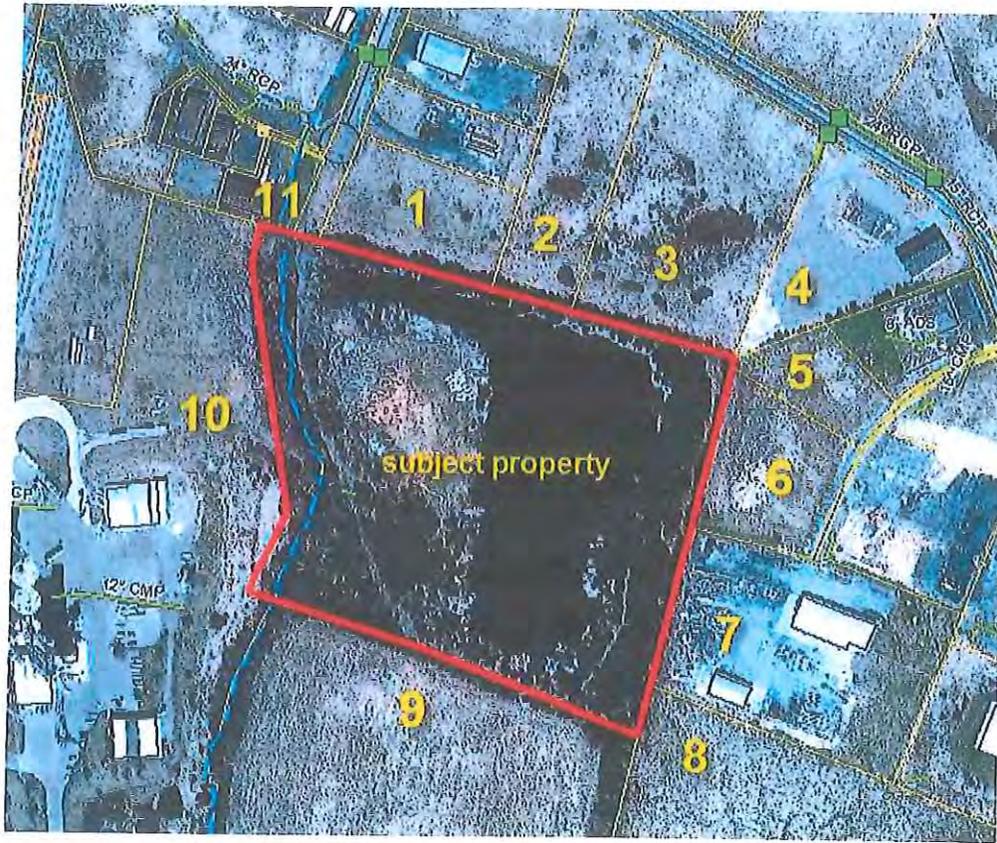
**Certification:** *I certify that the information contained herein is true and accurate.*

Signature:  \_\_\_\_\_  
*Property Owner*

#### ITEMS REQUIRED FOR SUBMISSION

- Completed Application
- Site Plan
- Description of Proposed Use
- Adjacent Property Owners

- Fees Paid
- Property Located on Tax Map
- \_\_\_\_\_
- \_\_\_\_\_



Subject Property:  
46-C-8

Jamison Black  
Marble Wildlife  
Preserve, LLC

566 East Market St.  
Harrisonburg, VA  
22801

M-1

1. Tax Map: 56-E-26  
Owner: Acorn Enterprises  
Address: 5777 Jesse Bennett Way  
Linville, VA 22834  
  
Zoning: M-1  
Usage: Undeveloped
2. Tax Map: 56-E-23  
Owner: Quarles Petroleum  
Address: 1701 Fall Hill Ave., Ste. 200  
Fredericksburg, VA 22401  
  
Zoning: M-1  
Usage: Undeveloped
3. Tax Map: 56-E-21  
Owner: Acorn Enterprises  
Address: 5777 Jesse Bennett Way  
Linville, VA 22834  
  
Zoning: M-1  
Usage: Undeveloped
4. Tax Map: 56-E-20  
Owner: CB Realty Holdings LP

- Address: 202 Okran Road  
New Holland, PA 17557
- Zoning:  
Usage:
5. Tax Map: 46-D-4B  
Owner: A&A Property Management Group, LLC  
Address: PO Box 201  
Harrisonburg, VA 22801  
Zoning: M-1  
Usage: Business
6. Tax Map: 46-D-3  
Owner: Lantz Investments, LLC  
Address: PO Box 515  
Broadway, VA 22815  
Zoning: M-1  
Usage: Business
7. Tax Map: 46-D-2  
Owner: Windsong, LLC  
Address: 1595 Blackberry Lane  
Harrisonburg, V 22802  
Zoning: M-1  
Usage: Contractor
8. Tax Map: 46-C-7  
Owner: Shifflett, Wayne G.  
Address: 1511 North Liberty Street  
Harrisonburg, VA 22802  
Zoning:  
Usage:
9. Tax Map: 46-C-4A  
Owner: Rockingham Cooperative Farm Bureau, Inc.  
Address: 101 Grace Street  
Harrisonburg, VA 22801  
Zoning: M-1  
Usage: Corn Field
10. Tax Map: 46-C-4  
Owner: Wampler Foods, Inc  
C/O Joe Nears  
Address: PO Box 93  
Pittsburg, TX 75686  
Zoning: M-1  
Usage: Feed Mill

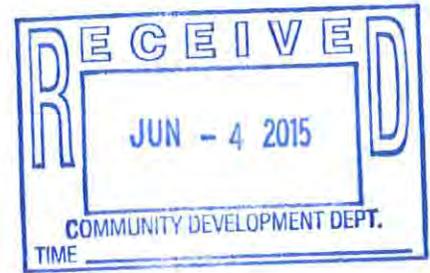
Prepared by: Blackwell Engineering  
Jamison Black Marble Wildlife Preserve

Adjacent Property Owners  
08/07/2009

11. Tax Map: 56-G-2A  
Owner: REON Properties, LLC  
Address: 1555 Red Oak Street  
Harrisonburg, VA 22802  
Zoning: M-1  
Usage: Business

## Acorn Enterprises, INC

950 Acorn Drive  
Harrisonburg, VA 22801



City of Harrisonburg, Virginia  
Department of Planning & Community Development  
Attn: Stacy Turner  
409 S. Main St,  
P.O. Box 20031  
Harrisonburg, Virginia 22801-7531

May 29, 2015

Dear Ms. Turner,

With regards to the upcoming public hearing requesting the consideration of the Special Use Permit adjacent to our land, we have no objections and we are in support of allowing recreational and leisure time activities with non-transient dwellings within the M-1, General Industrial District as requested.

Unfortunately, we will be unable to attend the public hearing; however, we want to convey our approval for the request from Jamison Black Marble Wildlife Preserve, LLC.

Sincerely,

A handwritten signature in blue ink, appearing to read "D. W. Lee", written over a horizontal line.

David W. Lee  
President  
Acorn Enterprises, INC

# **ORDINANCE AMENDMENT**

**Comprehensive Zoning Ordinance  
Amendment for Wireless  
Telecommunications Facilities and to Add  
Radio and Television Studios and  
Recording Studios to the B-1 District**



# City of Harrisonburg, Virginia

DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT

## STAFF REPORT

June 10, 2015

### ZONING ORDINANCE AMENDMENT

The comprehensive Zoning Ordinance (ZO) amendment associated with wireless telecommunications facilities is complete and, if desired, ready for adoption. In brief, the proposed amendments would allow for particular wireless facilities to be administratively reviewed and approved in the commercial and industrial districts, which will expedite the process for wireless infrastructure installation. The new regulations also create the opportunity for facilities to be located in 13 of the City's zoning districts as opposed to the current provisions, which only allows them in three.

This ordinance project began in November/December 2011 when a special use permit (SUP) was requested to construct a telecommunications tower along Reservoir Street. In short, opinions differed regarding whether the SUP should be approved as staff recommended denial and both Planning Commission (PC) and City Council (CC) had split votes through the process that ended with the SUP being approved with conditions. During this review members of both PC and CC questioned whether new or more provisions were necessary for telecommunications, which ultimately led to this considerable undertaking.

Throughout the process a few reports were completed to aid in the creation of the proposed regulations. After the Reservoir Street SUP was approved, in January 2012 staff prepared a report for PC that explained the City's zoning provisions associated with wireless telecommunications facilities. At this meeting, staff was advised to investigate the options involving updating those regulations. As staff began to explore different approaches, a second document was generated that included an inventory of the existing properties with such facilities. Eventually, both of the previously described documents became appendices to a detailed research document titled "Considering Amendments for Telecommunications" that was provided to PC in August 2013. This report was a thorough evaluation of the topic including: why the City was investigating telecommunications regulations; what authority the City had in regulating telecommunications; a section describing example regulations; and information about recent and future telecommunication practices to help understand the issues if new regulations were to be drafted. The report also included staff's recommendations for moving forward. Prior to presenting this information to PC, staff provided the document to other City departments and the other groups on the monthly development review team to receive their feedback. Moreover, staff reached out to the wireless industry (i.e. AT&T, NTelos, Shentel, Verizon Wireless, and others) to receive feedback on our understanding of not only the technology but where the industry was heading. The roles of the individuals from the wireless industry were diverse and included: the regional general attorney or other attorneys of major carriers, real estate manager, site acquisition manager, remote access network (RAN) engineer/strategic planner, leasing coordinator, and

private contractor. Overall, the industry representatives provided positive feedback about staff's thoughts and recommendations.

The research document's main objective was to question and help answer to what extent, if any, should the City Code be updated and amended to further address land use issues involving wireless telecommunications facilities. After having a month to review the report, PC discussed the issue at the September 2013 regular meeting, where there was consensus among them for staff to officially begin drafting updated wireless telecommunications regulations.

After many months of additional research and writing, in February 2015, staff presented to PC a complete draft of all the ZO amendments that would be needed to implement the new proposed regulations. PC consented to these amendments and requested staff obtain feedback on the proposed code changes from the wireless industry and the normal monthly development review team. After considering the comments and suggestions those groups submitted, staff made final revisions to the proposed regulations and presented them to PC in May 2015. At the May regular meeting, PC decided to move forward with a public hearing. As with previous versions, staff sent the final draft of the proposed ordinance amendments to the wireless industry and the normal monthly development review team. Included at the end of the staff report documents herein are the final thoughts on the proposed amendments from AT&T and Verizon Wireless.

In all, the amendments include modifying multiple existing sections and adding a new article to the ZO. Changes to the existing code include those needed in the Definitions section and then proceeding through code sections of the R-1, R-2, both R-3s, R-4, R-5, R-6, R-7, MX-U, B-1, B-2, M-1, and U-R zoning districts and specifying the different types of wireless telecommunications facilities that would be permitted and whether they would be allowed by right or by SUP. The proposed new article includes the specifics of how wireless telecommunications facilities would be permitted within all residential districts, the MX-U district, the B-1 and B-2 districts, and the M-1 district. There are submittal and application requirements, rules for submitting annual reports for each facility, maintenance and enforcement regulations, stipulations regarding the removal of defective and abandoned facilities, and specifics regarding how property owners can take advantage of Section 6409 of the Spectrum Act.

All facilities that require a SUP would, just like all other SUPs, pay the \$375 plus \$30 per acre application fee and proceed through the public hearing process with PC and CC reviews. For all facilities that are permitted to be reviewed and approved administratively, staff suggests applicants pay a \$175 review fee.

In addition to the modifications associated with wireless telecommunications facilities, the ZO Section 10-3-84 Uses Permitted By Right within the B-1, Central Business District would also be modified by adding "radio and television stations and studios or recording studios" as an additional set of uses permitted by right, where all antennas and satellites and associated equipment with those uses shall be screened. Although completely unrelated to the wireless telecommunications regulations, while reviewing the ZO to make way for the updated wireless provisions, it came to our attention that the B-1 district—the zoning district in which the WHSV property at 50 North Main Street is part of—does not explicitly list "radio and television stations and studios or recording studios" as a use permitted in that zoning district as it does in other districts. As comparison, the B-2, General Business District lists those uses as permitted by right while the M-1, General Industrial District allows them by special use permit.

To rectify this situation, staff is proposing to add “radio and television stations and studios or recording studios” as a use permitted by right within the B-1 district. However, unlike in the B-2 and M-1 zoning districts, staff believes it would be good planning and zoning practice for such uses in the City’s downtown to be further required to ensure that “all antennas and satellites and associated equipment shall be screened.” If the amendment is approved as proposed, what this means for the WHSV property is that the current arrangement of the satellite dishes and other communications equipment would be considered non-conforming because the existing equipment is not screened. The same amendment though would clearly state that television stations are legally permitted by right in the B-1 district.

Before moving forward with this amendment, staff discussed this matter with WHSV and informed them that they would not be required to screen the existing equipment and it may remain in its current configuration, but that if they desired to install additional equipment or erect a similar standalone structure that houses satellite dishes like currently exists to the rear of their property, the new antennas and satellites dishes would have to be screened. We also explained that any new radio, television, or recording studios that wanted to locate in the City’s downtown B-1 district would also be held to the same standard. After answering questions about how such facilities would need to be screened and in understanding that no action was needed by the television station, they had no further comments.

Staff recommends approving all ZO amendments associated with wireless telecommunication facilities and the amendment to add radio and television stations and studios or recording studios as described in the B-1 district.

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-24  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

That Section 10-3-24 Definitions be amended by adding and removing the definitions as shown:

Alternative support structure: With regard to wireless telecommunications, any structure currently used primarily for something other than supporting a wireless telecommunications facility.

Antenna: a whip, panel, disc, rod, dish, or similar device used for transmission or reception of telecommunications.

Base station: A wireless telecommunications facility; such facility may consist of radio transceivers; antennas; coaxial, fiber optic, or other cables; a regular and back-up power supply; and other associated electronics and technology. Such facilities are sometimes referred to as base transceiver stations. Base stations may also be structures that currently support or house any of the technology listed in this definition or other associated equipment that constitutes part of a base station in any technological configuration, including distributed antenna systems and industrial microcells.

Camouflage: With regard to wireless telecommunications facilities, a way of painting, mounting, or locating related equipment so it is not readily apparent to the casual observer. Camouflaged wireless telecommunications facilities are often collocated, utilize flush mounted antennas and related equipment, are painted to match the color of the support structure, or hidden from view by things like parapet walls. Camouflaging equipment is not equivalent to concealing equipment.

Collocate: With regard to wireless telecommunications facilities, the act of locating wireless telecommunications facilities on any existing support structure.

~~Communications tower:~~ A structure that is intended to send and/or receive radio, television and other telecommunications signals.

Concealed wireless telecommunications facility: Any wireless telecommunications facility that is integrated as an architectural feature of an existing structure or any new support structure designed so that the purpose of the facility or support structure for providing wireless telecommunications services is not readily apparent to a casual observer. Examples include but are not limited to: bell towers, clock towers, faux trees, flag poles, minarets, monuments, parapets, religious symbols, smoke stacks, steeples, or structures intended as art.

Consumer microcell: With regard to wireless telecommunications, a signal booster that is marketed and sold to the general public for use without modification. These types of devices do not require professional installation and are used for personal use by individuals to improve coverage in a home, car, boat, recreational vehicle and other related areas.

Distributed antenna systems (DAS): A wireless telecommunications facility; a system or network of spatially separated antennas connected to a common transport medium (i.e. coaxial, fiber optic, or other cable) to a signal source, such as a base station or an external antenna capable of connecting to a base station wirelessly. Such systems/networks commonly have three primary components: remote communications nodes, each having at least one antenna for transmission and/or reception; a high capacity signal transport medium, which is either underground or aerial; and a central communications hub to propagate and/or convert, process or control signals transmitted and received through the nodes. DAS may also include additional equipment such as amplifiers, remote radio heads, signal converters, power supplies, and other related equipment.

Equipment cabinet: With regard to wireless telecommunications, a cabinet, shed, shelter, or other structure, where equipment is housed to support wireless telecommunications services.

Industrial microcell: A wireless telecommunications facility; a stand alone, short range radio transceiver located in specific locations, either indoors or outdoors, where there is often low signal quality and high demand for a wireless telecommunications signal. Examples include but are not limited to industrial signal boosters, repeaters, bi-directional amplifiers, and devices specifically identified as microcells. Consumer microcells, such as femtocells, for residential or household use or mobile use (i.e. vehicular, boat, etc.) are excluded from this definition.

Macrocell: Any wireless telecommunications facility not considered a concealed wireless telecommunications facility, a consumer microcell, an industrial microcell, or a distributed antenna system.

Telecommunications: Any transmission, emission or reception of signs, signals, sounds, voice, text, images, video, data, information or intelligence of any nature by wire, radio, optical or other electromagnetic systems.

Telecommunications Tower: Any structure, except concealed wireless telecommunications facilities, designed, constructed, erected, repurposed or re-used for the sole or primary purpose of providing and supporting wireless telecommunications services. Such structures include but are not limited to guyed structures, monopole structures, lattice-type structures, and other freestanding self-supporting structures as well as decommissioned water towers and tanks, feed mills, utility towers, towers erected primarily for the use of the Harrisonburg-Rockingham Emergency Communications Center, and other decommissioned structures that were erected primarily for something other than providing and supporting wireless telecommunications services.

Temporary Wireless Telecommunications Facility: A readily movable self-contained wireless telecommunications facility used to provide provisional wireless telecommunications services. An example is a cell on wheels (cow).

Support Structure: With regard to wireless telecommunications, any structure that may support a wireless telecommunications facility including but not limited to telecommunications towers, alternative support structures, and structures that may be attached to or on top of buildings and other structures.

Wireless telecommunications facility: Any unmanned facility established for the purpose of providing wireless telecommunications services. Such facilities can consist of one or more antennas and accessory equipment, equipment cabinets, telecommunications towers, concealed wireless telecommunications facilities, distributed antenna systems, industrial microcells, base stations, or any combinations thereof. This definition does not apply to equipment for radio or television studios, facilities designed for amateur radio use, or for residential or household uses (i.e. consumer microcells, etc.).

The remainder of Section 10-3-24 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2015.

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**MAYOR**

ATTESTE:

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CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION

10-3-34

OF THE

CODE OF ORDINANCES

CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-34 Uses Permitted Only By Special Use Permit within the R-1, Single Family Residential District is amended by modifying subsection (8) as shown:**

- (8) ~~Communication facilities necessary for public safety purposes, including towers up to two hundred (200) feet in height, which may include rental of space to private communication service providers.~~ 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 200 feet in height. Wireless telecommunications facilities are further regulated by Article CC.

The remainder of Section 10-3-34 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2015.

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**MAYOR**

ATTESTE:

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CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-35  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-35 Area and dimensional regulations of the R-1, Single Family Residential District is amended by modifying the opening statement as shown:**

Except as provided in Article T, and as required in Article CC for wireless telecommunications facilities, the following area and dimensional regulations shall apply:

The remainder of Section 10-3-35 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**MAYOR**

ATTESTE:

\_\_\_\_\_  
CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-40  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-40 Uses Permitted Only By Special Use Permit within the R-2, Residential District is amended by modifying subsection (9) as shown:**

- (9) ~~Communication facilities necessary for public safety purposes, including towers up to two hundred (200) feet in height, which may include rental of space to private communication service providers.~~ 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 200 feet in height. Wireless telecommunications facilities are further regulated by Article CC.

The remainder of Section 10-3-40 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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**MAYOR**

ATTESTE:

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CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-41  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-41 Area and dimensional regulations of the R-2, Residential District is amended by modifying the opening statement as shown:**

Except as provided in Article T, and as required in Article CC for wireless telecommunications facilities, the following area and dimensional regulations shall apply:

The remainder of Section 10-3-41 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2015.

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**MAYOR**

ATTESTE:

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CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-46  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-46 Uses Permitted Only By Special Use Permit within the R-3, Multiple Dwelling Residential District is amended by modifying subsection (4) as shown:**

- (4) ~~Communication facilities necessary for public safety purposes, including towers up to two hundred (200) feet in height, which may include rental of space to private communication service providers.~~ 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 200 feet in height. Wireless telecommunications facilities are further regulated by Article CC.

The remainder of Section 10-3-46 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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**MAYOR**

ATTESTE:

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CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-47  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-47 Area and dimensional regulations of the R-3, Multiple Dwelling Residential District is amended by modifying the opening statement as shown:**

Except as provided in Article T, and as required in Article CC for wireless telecommunications facilities, the following area and dimensional regulations shall apply:

The remainder of Section 10-3-47 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**MAYOR**

ATTESTE:

\_\_\_\_\_  
CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-48.4  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-48.4 Uses Permitted Only By Special Use Permit within the R-3, Medium Density Residential District is amended by modifying subsection (4) as shown:**

- (4) ~~Communication facilities necessary for public safety purposes, including towers up to two hundred (200) feet in height, which may include rental of space to private communication service providers.~~ 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 200 feet in height. Wireless telecommunications facilities are further regulated by Article CC.

The remainder of Section 10-3-48.4 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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**MAYOR**

ATTESTE:

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CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-48.5  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-48.5 Area and dimensional regulations of the R-3, Medium Density Residential District is amended by modifying the opening statement as shown:**

Except as provided in Article T, and as required in Article CC for wireless telecommunications facilities, the following area and dimensional regulations shall apply:

The remainder of Section 10-3-48.5 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**MAYOR**

ATTESTE:

\_\_\_\_\_  
CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-52  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-52 Uses Permitted Only By Special Use Permit within the R-4, Planned Unit Residential District is amended by modifying subsection (3) as shown:**

- (3) ~~Communication facilities necessary for public safety purposes, including towers up to two hundred (200) feet in height, which may include rental of space to private communication service providers.~~ 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 200 feet in height. Wireless telecommunications facilities are further regulated by Article CC.

The remainder of Section 10-3-52 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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**MAYOR**

ATTESTE:

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CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-53  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-53 Area and dimensional regulations of the R-4, Planned Unit Residential District is amended by adding an opening statement as shown:**

Except as provide in Article T, and as required in Article CC for wireless telecommunications facilities, the following area and dimensional regulations shall apply:

The remainder of Section 10-3-53 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2015.

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**MAYOR**

ATTESTE:

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CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-55.4  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-55.4 Uses Permitted Only By Special Use Permit within the R-5, High Density Residential District is amended by adding subsection (8) as shown:**

- (8) Concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells. Telecommunications towers are not permitted, except for towers primarily erected for the use of the Harrisonburg-Rockingham Emergency Communications Center up to 200 feet in height. Wireless telecommunications facilities are further regulated by Article CC.

The remainder of Section 10-3-55.4 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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**MAYOR**

ATTESTE:

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CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-55.5  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-55.5 Area and dimensional regulations of the R-5, High Density Residential District is amended by adding an opening statement as shown:**

Except as provide in Article T, and as required in Article CC for wireless telecommunications facilities, the following area and dimensional regulations shall apply:

The remainder of Section 10-3-55.5 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**MAYOR**

ATTESTE:

\_\_\_\_\_  
CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-56.4  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-56.4 Uses Permitted Only By Special Use Permit within the R-6, Low Density Mixed Residential Planned Community District is amended by adding subsection (i) as shown:**

- (i) 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 200 feet in height. Wireless telecommunications facilities are further regulated by Article CC.

The remainder of Section 10-3-56.4 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**MAYOR**

ATTESTE:

\_\_\_\_\_  
CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-56.5  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-56.5 Area, density and dimensional regulations of the R-6, Low Density Mixed Residential Planned Community District is amended by modifying subsection (f) as shown:**

- (f) Unless otherwise specified within the master development plan, the provisions of Article T, and the regulations in Article CC for wireless telecommunications facilities, shall apply to the R-6 zoning district.

The remainder of Section 10-3-56.5 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**MAYOR**

ATTESTE:

\_\_\_\_\_  
CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-57.4  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-57.4 Uses Permitted Only By Special Use Permit within the R-7, Medium Density Mixed Residential Planned Community District is amended by adding subsection (i) as shown:**

- (i) 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 200 feet in height. Wireless telecommunications facilities are further regulated by Article CC.

The remainder of Section 10-3-57.4 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**MAYOR**

ATTESTE:

\_\_\_\_\_  
CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-57.5  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-57.5 Area, density and dimensional regulations of the R-7, Medium Density Mixed Residential Planned Community District is amended by modifying subsection (f) as shown:**

- (f) Unless otherwise specified within the master development plan, the provisions of Article T, and the regulations in Article CC for wireless telecommunications facilities, shall apply to the R-7 zoning district.

The remainder of Section 10-3-57.5 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**MAYOR**

ATTESTE:

\_\_\_\_\_  
CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-58.4  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-58.4 Uses Permitted Only By Special Use Permit within the MX-U, Mixed Use Planned Community District is amended by adding subsection (8) as shown:**

- (8) 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 200 feet in height. Wireless telecommunications facilities are further regulated by Article CC.

The remainder of Section 10-3-58.4 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**MAYOR**

ATTESTE:

\_\_\_\_\_  
CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-58.5  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-58.5 Area, density and dimensional regulations of the MX-U, Mixed Use Planned Community District is amended by modifying subsection (5) as shown:**

- (5) Unless otherwise specified within the master development plan, the provisions of Article T, and the regulations in Article CC for wireless telecommunications facilities, shall apply to the MX-U zoning district.

The remainder of Section 10-3-58.5 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**MAYOR**

ATTESTE:

\_\_\_\_\_  
CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-84  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-84 Uses Permitted By Right within the B-1, Central Business District is amended by modifying subsection (8) and adding subsection (13) as shown:**

- (8) ~~Telecommunications equipment and facilities, provided such equipment and facilities are located in an enclosed structure. Concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells. Telecommunications towers are permitted only by special use permit. Wireless telecommunications facilities are further regulated by Article CC.~~
- (13) Radio and television stations and studios or recording studios. All antennas and satellites and associated equipment shall be screened.

The remainder of Section 10-3-84 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2015.

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**MAYOR**

ATTESTE:

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CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-85  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-85 Uses Permitted Only By Special Use Permit within the B-1, Central Business District is amended by modifying subsections (2), (5), and (6) as shown:**

- (2) ~~Telecommunications equipment and facilities not located in an enclosed structure.~~ Wireless telecommunications facilities not permitted by Section 10-3-84 (8) or those not meeting the requirements of Section 10-3-197 (1). Wireless telecommunications facilities are further regulated by Article CC.
- (5) Structures, except wireless telecommunications facilities, in excess of seventy five (75) feet in height.
- (6) ~~Communication facilities necessary for public safety purposes, including towers up to two hundred (200) feet in height, which may include rental of space to private communication service providers.~~ Reserved.

The remainder of Section 10-3-85 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2015.

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**MAYOR**

ATTESTE:

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CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-86  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-86 Area and dimensional regulations of the B-1, Central Business District is amended by modifying the opening statement as shown:**

Except as provided in Article T, and as required in Article CC for wireless telecommunications facilities, the following area and dimensional regulations shall apply:

The remainder of Section 10-3-86 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**MAYOR**

ATTESTE:

\_\_\_\_\_  
CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-90  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-90 Uses Permitted By Right within the B-2, General Business District is amended by adding subsection (20) as shown:**

(20) Concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells. Telecommunications towers are permitted only by special use permit. Wireless telecommunications facilities are further regulated by Article CC.

The remainder of Section 10-3-90 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2015.

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**MAYOR**

ATTESTE:

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CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-91  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-91 Uses Permitted Only By Special Use Permit within the B-2, General Business District is amended by modifying subsections (4), (12), and (15) as shown:**

- (4) ~~Communications tower no more than one hundred twenty five (125) feet in height.~~ Wireless telecommunications facilities not permitted by Section 10-3-90 (20) or those not meeting the requirements of Section 10-3-197 (1). Wireless telecommunications facilities are further regulated by Article CC.
- (12) Structures, except wireless telecommunications facilities, in excess of seventy-five (75) feet in height.
- (15) ~~Communication facilities necessary for public safety purposes, including towers up to two hundred (200) feet in height, which may include rental of space to private communication service providers.~~ Reserved.

The remainder of Section 10-3-91 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2015.

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**MAYOR**

ATTESTE:

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CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-92  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-92 Area and dimensional regulations of the B-2, General Business District is amended by modifying the opening statement as shown:**

Except as provided in Article T, and as required in Article CC for wireless telecommunications facilities, the following area and dimensional regulations shall apply:

The remainder of Section 10-3-92 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**MAYOR**

ATTESTE:

\_\_\_\_\_  
CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-96  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-96 Uses Permitted By Right within the M-1, General Industrial District is amended by modifying subsection (15) a shown:**

- (15) ~~Communications towers~~ Wireless telecommunications facilities no more than one hundred twenty-five (125) feet in height. Wireless telecommunications facilities are further regulated by Article CC.

The remainder of Section 10-3-96 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**MAYOR**

ATTESTE:

\_\_\_\_\_  
CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-97  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-97 Uses Permitted By Special Use Permit within the M-1, General Industrial District is amended by modifying subsections (6) and (12) as shown:**

- (6) ~~Communications towers more than one hundred twenty-five (125) feet in height. Wireless telecommunications facilities not permitted by Section 10-3-96 (15) or those not meeting the requirements of Section 10-3-198 (1). Wireless telecommunications facilities are further regulated by Article CC.~~
- (12) ~~Communication facilities necessary for public safety purposes, including towers up to two hundred (200) feet in height, which may include rental of space to private communication service providers. Reserved.~~

The remainder of Section 10-3-97 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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**MAYOR**

ATTESTE:

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CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-98  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-98 Area and dimensional regulations of the M-1, General Industrial District is amended by modifying the opening statement as shown:**

Except as provided in Article T, and as required in Article CC for wireless telecommunications facilities, the following area and dimensional regulations shall apply:

The remainder of Section 10-3-98 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**MAYOR**

ATTESTE:

\_\_\_\_\_  
CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-129  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-129 Expansion or enlargement of a special use is amended as shown:  
Uses Permitted Only By Special Use Permit within the MX-U, Mixed Use Planned  
Community District is amended by adding subsection (8) as shown:**

A special use may not be enlarged or expanded unless approved by city council through the approval procedure outlined in this article, or unless the expansion or enlargement was specifically authorized in the original approval, or as otherwise permitted.

The remainder of Section 10-3-129 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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**MAYOR**

ATTESTE:

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CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-180  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-180 Uses Permitted Only By Special Use Permit within the U-R, Urban Residential District is amended by modifying subsection (7) as shown:**

- (7) ~~Communication facilities necessary for public safety purposes, including towers up to two hundred (200) feet in height, which may include rental of space to private communication service providers.~~ 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 200 feet in height. Wireless telecommunications facilities are further regulated by Article CC.

The remainder of Section 10-3-180 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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**MAYOR**

ATTESTE:

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CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING SECTION  
10-3-181  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

**That Section 10-3-181 Area and dimensional regulations of the U-R, Urban Residential District is amended by modifying the opening statement as shown:**

Except as provided in Article T, and as regulated in Article CC for wireless telecommunications facilities, the following area and dimensional regulations shall apply:

The remainder of Section 10-3-181 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the \_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_ day of \_\_\_\_\_, 2015.

\_\_\_\_\_  
**MAYOR**

ATTESTE:

\_\_\_\_\_  
CLERK PRO TEMPORE

ORDINANCE AMENDING AND RE-ENACTING  
TITLE 10 CHAPTER 3  
OF THE  
CODE OF ORDINANCES  
CITY OF HARRISONBURG, VIRGINIA

**Be it ordained by the Council of the City of  
Harrisonburg, Virginia:**

That Article CC Wireless Telecommunications Facilities be added as a new article as shown:

**Article CC. Wireless Telecommunications Facilities**

**Section 10-3-195. Purpose.**

The regulations set forth in this article are to regulate wireless telecommunications facilities as defined in Section 10-3-24 Definitions. They are to provide opportunities to supply wireless telecommunications services in the City with minimal negative impact to the community while respecting both residential and commercial neighborhoods.

With the exception of telecommunications towers primarily erected for the use of the Harrisonburg-Rockingham Emergency Communications Center as regulated by this Article, wireless telecommunications facilities considered public uses and temporary facilities needed for government-declared emergencies and disasters shall be permitted in all zoning districts at appropriate locations and heights necessary to adequately provide the service. No minimum setback requirements or maximum height regulations shall apply to such facilities, but reasonable efforts shall be made to be sensitive to the surrounding neighborhood and environment in which they are located.

**Section 10-3-196. Wireless telecommunications facilities within residential districts and the MX-U, Mixed Use Planned Community District.**

The requirements within this section apply to all wireless telecommunications facilities, except facilities as specified in Section 10-3-195, as identified in all residential districts and the MX-U district.

(1) Uses permitted by right.

- a. There are no wireless telecommunications facilities allowed by-right within any residential district or the MX-U district.

(2) Uses permitted only by special use permit.

- a. Concealed wireless telecommunications facilities.
  - i. The height of such facilities may exceed the maximum height regulation of the district in which it is located but shall be limited to the height specified in the special use permit application or as may be more strictly conditioned and approved by City Council.
  - ii. Minimum setback regulations shall be controlled by the district in which it is located or as may be more strictly conditioned and approved by City Council.
  - iii. Equipment cabinets and related structures or equipment shall be screened or camouflaged and if not collocated shall meet the requirements for accessory buildings per Section 10-3-114 or as may be more strictly conditioned and approved by City Council.
  - iv. Unless otherwise required, or as part of the intent of the facility, artificial lighting is prohibited.
  - v. No advertising of any type may be placed on the facility.
- b. Industrial microcells, distributed antenna systems (DAS), macrocells, and similar facilities
  - i. Other than associated equipment cabinets and other equipment that may be located on the ground, such facilities shall be collocated.
  - ii. The height of such equipment shall not increase the height of the utilized support structure by more than five (5) feet.
  - iii. All collocated equipment shall be camouflaged.
  - iv. Equipment cabinets and related structures or equipment not located within central communications hubs shall be screened or camouflaged and if not collocated shall meet the requirements for accessory buildings per Section 10-3-114 or as may be more strictly conditioned and approved by City Council. Central communications hubs shall be considered principal buildings and shall meet the minimum setback regulations and maximum height restrictions of the district in which they are located or as may be more strictly conditioned and approved by City Council.
  - v. Unless otherwise required, artificial lighting is prohibited.
  - vi. No advertising of any type may be placed on the facility.
- c. Telecommunications towers primarily erected for the use of the Harrisonburg-Rockingham Emergency Communications Center, which may include rental of space for private wireless telecommunications providers.
  - i. The facility shall be no taller than 200 feet in height.
  - ii. Minimum setback regulations shall be controlled by the district in which it is located or as may be more strictly conditioned and approved by City Council.
  - iii. Equipment cabinets and related structures or equipment shall be screened or camouflaged and shall meet the requirements for accessory buildings

per Section 10-3-114 or as may be more strictly conditioned and approved by City Council.

- iv. Unless otherwise required, artificial lighting is prohibited.
- v. No advertising of any type may be placed on the facility.

**Section 10-3-197. Wireless telecommunications facilities within the B-1, Central Business District and the B-2, General Business District.**

The requirements within this section apply to all wireless telecommunications facilities, except facilities as specified in Section 10-3-195, as identified in the B-1 and B-2 districts.

(1) Uses permitted by-right.

- a. Concealed wireless telecommunications facilities.
  - i. The height of such facilities shall be controlled by the maximum height regulation of the district in which they are located.
  - ii. Minimum setback regulations shall be controlled by the district in which they are located.
  - iii. Equipment cabinets and related structures or equipment shall be screened or camouflaged and if not collocated shall meet the requirements for accessory buildings per Section 10-3-114.
  - iv. Unless otherwise required, or as part of the intent of facilities, artificial lighting is prohibited.
  - v. No advertising of any type may be placed on the facility.
- b. Industrial microcells, distributed antenna systems (DAS), macrocells, and similar facilities
  - i. Other than associated equipment cabinets and other structures or equipment that may be located on the ground, such facilities shall be collocated.
  - ii. The height of such facilities shall not increase the height of the utilized support structure by more than five (5) feet.
  - iii. All collocated equipment shall be camouflaged.
  - iv. Equipment cabinets and related structures or equipment not located within central communications hubs shall be screened or camouflaged and if not collocated shall meet the requirements for accessory buildings per Section 10-3-114. Central communications hubs shall be considered principal buildings and shall meet the minimum setback regulations and maximum height restrictions of the district in which they are located or as may be more strictly conditioned and approved by City Council.
  - v. Unless otherwise required, artificial lighting is prohibited.
  - vi. No advertising of any type may be placed on the facility.

(2) Uses permitted only by special use permit.

- a. Wireless telecommunications facilities not permitted by, or not meeting the requirements within, Section 10-3-197 (1), including minimum setback regulations and maximum height restrictions. (Wireless telecommunications facilities exceeding seventy-five (75) feet in height do not need a separate special use permit as allowed by Section 10-3-85 (5) of the B-1 district or Section 10-3-91 (12) of the B-2 district.)
  - i. All regulating details of the facility (i.e. type, height, setbacks, etc.) shall be as specified in the special use permit application or as may be more strictly conditioned and approved by City Council.
  - ii. If installing a telecommunications tower, it shall be designed for more than one (1) accommodation. (This rule does not apply to telecommunications towers primarily erected for the use of the Harrisonburg-Rockingham Emergency Communications Center.)
  - iii. Support structures shall be designed to collapse upon themselves or to collapse within the smallest possible area should structural failure occur. The applicant shall submit written certification and supporting documentation from a structural engineer to this effect.

**Section 10-3-198. Wireless telecommunications facilities within the M-1, General Industrial District.**

The requirements within this section apply to all wireless telecommunications facilities, except facilities as specified in Section 10-3-195, as identified in the M-1 district.

(1) Uses permitted by right.

- a. Any wireless telecommunications facility.
  - i. Facilities shall not exceed one hundred twenty-five (125) feet in height.
  - ii. Support structures shall meet the minimum setback regulations of the M-1 district.
  - iii. Telecommunications towers shall be designed for more than one (1) accommodation. (This rule does not apply to telecommunications towers primarily erected for the use of the Harrisonburg-Rockingham Emergency Communications Center.)
  - iv. Support structures shall be designed to collapse upon themselves or to collapse within the smallest possible area should structural failure occur. The applicant shall submit written certification and supporting documentation from a structural engineer to this effect.
  - v. Equipment cabinets and related structures or equipment not located within central communications hubs shall be screened or camouflaged and shall meet the requirements for accessory buildings per Section 10-3-114. Central communications hubs shall meet the minimum setback regulations and maximum height restrictions of the M-1 district.
  - vi. Unless otherwise required, or as part of the intent of a concealed wireless telecommunications facility, artificial lighting is prohibited.
  - vii. No advertising of any type may be placed on the facility.

- (2) Uses permitted only by special use permit.
- a. Wireless telecommunications facilities not permitted by, or not meeting the requirements within, Section 10-3-198 (1), including minimum setback regulations and maximum height restrictions. (Wireless telecommunications facilities exceeding seventy-five (75) feet in height do not need a separate special use permit as allowed by Section 10-3-97 (11) of the M-1 district.)
    - i. All regulating details of the facility (i.e. type, height, setbacks, etc.) shall be as specified in the special use permit application or as may be more strictly conditioned and approved by City Council.
    - ii. Support structures shall be designed to collapse upon themselves or to collapse within the smallest possible area should structural failure occur. The applicant shall submit written certification and supporting documentation from a structural engineer to this effect.

**Section 10-3-199. Submittal requirements and other application requirements.**

- (1) All applicants desiring to install wireless telecommunications facilities allowed by-right shall supply information as required by Section 10-3-10 of this chapter as well as the following. Note that building permits and sub-trade permits may be required.
- a. Name, address, telephone numbers, and email addresses of the property owner, the applicant, and the ultimate owner of the facility.
  - b. Documentation from the property owner consenting to both the installation of the facility and the terms of Sections 10-3-200, 10-3-201, and 10-3-202.
  - c. If erecting a new telecommunications tower or concealed wireless telecommunications facility, a physical survey of the property must be submitted.
  - d. Location map and elevation drawings of the proposed facility prepared and certified by a professional engineer indicating:
    - i. location, type, and height of all structures associated with the facility,
    - ii. facility's planned capacity (i.e. collocation potential/number of accommodations)
    - iii. on-site and abutting land uses,
    - iv. means of access,
    - v. support structure's setbacks from property lines, and
    - vi. all applicable American National Standards Institute (ANSI) technical and structural codes.
  - e. Screening plan (i.e. fence type and/or vegetation to be planted). See definition of "screening" within Section 10-3-24.

- f. Photo simulations of the proposed facility.
  - g. If camouflaging, an explanation of how the facility will be camouflaged.
  - h. Evidence that the applicant has contacted the Emergency Communications Center (ECC) and verified the installation of the proposed equipment will not interfere with the ECC's operations.
- (2) Applicants desiring to install wireless telecommunications facilities allowed only by special use permit shall reference the requirements for special use permits per Article V of this Title. Applicants shall submit as part of their special use permit application all information as described in 10-3-199 (1) as well as the following:
- a. A listing of all property owners within one quarter (1/4) mile from the subject property. These property owners shall be notified along with the property owners notified as required by Section 15.2-2204 of the Code of Virginia. (Staff may assist in supplying this list.)
  - b. A description of how the proposed facility fits into the applicant's telecommunications network.
  - c. An explanation as to why the particularly proposed wireless telecommunications facility is needed to meet the desired results as opposed to installing a facility allowed by right that may provide the same results.
  - d. An explanation or evidence demonstrating that no existing support structure or building can accommodate the applicant's proposed facility or evidence that the applicant has made diligent good faith efforts to negotiate collocation on an existing support structure or building in the area needing service or improved service.
  - e. If requesting to install a new telecommunications tower, concealed wireless telecommunications facility, or to increase the allowable height of a facility above that permitted by-right, a balloon test shall be performed. The special use permit application shall not be considered complete until the test is performed and staff has visually witnessed the test. The applicant shall contact the Department of Planning and Community Development to schedule a date and time when the balloon test will be conducted. If inclement weather prevents the scheduled test, a new schedule shall be established. The test shall consist of raising at least one (1) balloon from the site to a height equal to the proposed facility. Proposed collocated facilities which increase the height of existing support structures shall not be required to perform a balloon test.

**Section 10-3-200. Reporting of wireless telecommunications facilities.**

For each wireless telecommunications facility, the property owner on which a facility is located shall be responsible for ensuring a report is submitted to the Zoning Administrator once a year, no later than June 30, stating, at minimum, the following:

- (1) Name, address, telephone numbers, and email addresses of the property owner and, if applicable, the owner of the support structure.
- (2) The support structure's (including alternative support structures) location (latitude and longitude), street address, height, and structure type.
- (3) The current user status of the facility including the name and contact information of each active tenant/wireless service provider leasing space from the site. If vacant/collocation space is available, the report shall indicate such information and explain the facility's available accommodations.
- (4) An explanation or listing of each tenant's/wireless service provider's equipment identifying at least the type and number of all antennae, equipment cabinets, and any other supporting equipment. The location of such equipment shall also be described or illustrated.

**Section 10-3-201. Maintenance of wireless telecommunication facility sites; enforcement.**

- (1) All required screening, landscaping, camouflaging, concealment mechanisms, and other features shall be maintained, repaired, or replaced.
- (2) Enforcement and penalties due to violations of any section of this Article shall be as otherwise stated in this Title.

**Section 10-3-202. Removal of defective or abandoned wireless telecommunications facilities.**

- (1) Any component of a wireless telecommunications facility that is found to be defective or unsafe shall be repaired immediately by the owner or operator to comply with federal, state, and local safety standards or removed within thirty (30) days upon receipt of written notice.
- (2) A wireless telecommunications facility that is not operated for a continuous period of twenty-four (24) months shall be considered abandoned. The owner of the property on which the facility is located shall be notified in writing and given ninety (90) days from the receipt of the written notice to remove the facility and all associated components and equipment and return the site to its condition prior to construction of the facility or to a seeded or sodded condition.

Upon receipt of the notice, the first thirty (30) days of the ninety (90) day rectification period shall be the amount of time the property owner has to demonstrate the facility has not been abandoned. If the property owner fails to prove the facility is actively operating,

the owner shall have the remaining sixty (60) days to remove the facility. If the facility is not removed within the allotted time, the City may cause the facility to be removed at the property owner's expense.

**Section 10-3-203. Utilization of Section 6409 Wireless Facilities Deployment of the Spectrum Act being part of the Middle Class Tax Relief and Job Creation Act of 2012.**

The permissions granted by the Spectrum Act Section 6409 Wireless Facilities Deployment (Section 6409) shall be applicable only to wireless telecommunications facilities deemed to be an eligible facility in existence prior to the original enactment of this Article. Modifications shall not substantially change eligible facilities.

To make modifications to a wireless telecommunications facility per the permissions of Section 6409, the property owner shall submit the following information:

- (5) Name, address, telephone numbers, and email addresses of the property owner, the applicant, and the owner of the facility proposed for modification.
- (6) Evidence that the wireless telecommunications facility is an eligible facility that existed prior to the original enactment of this Article.
- (7) Location map and elevation drawings of the existing facility and the proposed modifications prepared and certified by a professional engineer. The information shall include all existing equipment from all providers and, if applicable, all equipment owned and operated by railroad companies. (The information provided for the existing eligible facility may be used as the baseline of facts regarding the site's characteristics if it is the facility's first utilization of Section 6409 and shall be used to prevent abuse of the legislation.)
- (8) Submit a letter describing the request. The letter, and additional application submissions as required above, must clearly demonstrate the proposed modification would not substantially change the existing eligible facility. Substantial changes are made if any one of the following occurs:
  - (a) for towers outside of public rights-of-way, it increases the height by more than twenty (20) feet or ten (10) percent, whichever is greater; for those towers in the rights-of-way and for all wireless telecommunication facilities, it increases the height of the facility by more than ten (10) percent or ten (10) feet, whichever is greater;
  - (b) for towers outside of public rights-of-way, it protrudes from the edge of the tower more than twenty (20) feet, or more than the width of the tower structure at the level of the appurtenance, whichever is greater; for those towers in the rights-of-way and for all wireless telecommunications facilities, it protrudes from the edge of the support structure more than six feet;

- (c) it involves installation of more than the standard number of new equipment cabinets for the technology involved, but not to exceed four cabinets;
- (d) it entails any excavation or deployment outside the current site of the wireless telecommunications facility;
- (e) it would defeat the existing concealment elements of the wireless telecommunications facility; or
- (f) it does not comply with conditions associated with the prior approval of the tower or base station unless the non-compliance is due to an increase in height, increase in width, addition of cabinets, or new excavation that does not exceed the corresponding “substantial change” thresholds.

This ordinance shall be effective from the \_\_\_\_\_ day of \_\_\_\_\_, 2015.  
Adopted and approved this \_\_\_\_\_ day of \_\_\_\_\_, 2015.

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**MAYOR**

ATTESTE:

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CLERK PRO TEMPORE



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Philip S. Shapiro  
General Attorney

Law Department – Second Floor  
Oakton, Virginia 22185  
Tel: 703-272-1478  
Fax: 832-213-0278  
E-Mail: [ps8412@att.com](mailto:ps8412@att.com)

June 3, 2015

By U.S. Mail and  
By E-Mail to: [AdamF@harrisonburgva.gov](mailto:AdamF@harrisonburgva.gov)

Mr. Adam Fletcher  
City Planner  
City of Harrisonburg  
409 South Main Street  
Harrisonburg, Virginia 22801

Re: AT&T Comments Regarding Telecommunications Ordinance

Dear Mr. Fletcher:

AT&T submits the following comments regarding the proposed revisions to the City of Harrisonburg's wireless telecommunications facilities ordinance.

Throughout the proposal there are attempts to favor particular forms of wireless technology over others. For example, under proposed amendments to Sections 10-3-34(8), 10-3-40(9), 10-3-46(4), 10-3-48.4(4), 10-3-52(3), 10-3-55.4(8), 10-3-56.4(i), 10-3-58.4(8), 10-3-180(7) special exceptions will be permitted for "Concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells ... [but t]elecommunications towers [will not be] ... permitted" Overall, the revised ordinance will only allow for towers to be built if primarily for the use of the Harrisonburg-Rockingham Emergency Communications Center. In sum, then, the construction of telecommunications towers for any other primary purpose will be prohibited in all residential districts, including those that are urban or mixed use.

An additional technological preference is also seen Section 10-3-85, under which concealed wireless telecommunications facilities, industrial microcells, distributed antenna systems, and macrocells will be permitted by right but telecommunications towers will be permitted only by special-use permit. While AT&T welcomes a change that will enable several technologies to be installed as a matter of right, the result would be preference given to certain technologies over others.

Although Federal law reserves certain powers to municipalities with regard to wireless facilities, wireless technology is solely within the prevue of the Federal Communications Commission. As the United States Court of Appeals for the Second Circuit has made clear "... the provisions setting forth a preference for "alternate technologies" are also preempted because they interfere with the federal government's regulation of technical and operational

aspects of wireless telecommunications technology, a field that is occupied by federal law.” *New York SMSA Ltd. Partnership v. Town of Clarkstown*, 612 F.3d 97, 105 (CA2 2010). Telecommunications towers must be on equal footing with the other technologies in all of the above proposed regulatory changes.

Proposed Section 10-3-203 also appears to be inconsistent with, and preempted by, Federal law. A municipality may not limit the application of Section 6409(a) of the Middle Class Tax Relief and Job Creation Act of 2012 (which is codified as 47 U.S.C. §1455(a)), to eligible facilities constructed prior to the enactment of this current proposal. It is suggested that this entire section be removed since Section 6409(a) will be controlling law as to all eligible facilities regardless of when constructed.

Should you have any questions or require any additional information, please contact Aaron Schwartz, at 908-234-6381, or Ann Beck, at 314-235-4099.

Respectfully,

A handwritten signature in black ink, appearing to read "Philip S. Shapiro". The signature is written in a cursive style with some loops and flourishes.

---

Philip S. Shapiro



TO: Adam Fletcher, City Planner;  
Planning Commission  
Harrisonburg, VA

FROM: Lori H. Schweller *LHS*

DATE: June 3, 2015

RE: Comments to the Proposed Wireless Telecommunications Facilities  
Regulations, dated May 15, 2015

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Verizon Wireless appreciates the opportunity to comment on the draft Wireless Telecommunications Facilities Regulations (the "Ordinance"). Our March 13, 2015 comments to the February 17, 2015 draft were carefully considered in the preparation of this revision. We commend Mr. Fletcher and the Commission on the draft. Verizon Wireless fully supports the proposed Ordinance and looks forward to its adoption by the City Council.

We have a few final comments:

### **Wireless Telecommunications Facilities**

#### Section 10-3-196 Residential and Mixed Use Districts

##### (2) Uses permitted by SUP

(b) Since microcells and DAS antennas affixed to the tops of light poles or building rooftops will be camouflaged or concealed and **subject to applicable conditions of a special use permit**, we suggest that the permitted height above the attachment structure be considered on a case by case basis; an extension greater than five feet may be appropriate in a given circumstance.

Also, if concealed within an architectural element or smaller than a certain size, consider permitting them by right as they will be either not visible at all or smaller than many attachments to poles and rooftops permitted without zoning approvals.

# MEMORANDUM

Section 10-3-203: Section 6409 Applications.

We noted in our earlier memorandum that the FCC 14-153 Ruling sets out a timeline for local governments to review and process Section 6409 applications and suggested including the review and approval timeline in the Ordinance. We also suggested including the timelines and relevant definitions from the FCC Declaratory Ruling 09-99 (the "Shot Clock") in the Ordinance. Mr. Fletcher has explained that these 60-, 90-, and 150-day timelines are not needed in the Ordinance as the City responds to wireless facility requests within days or weeks. We applaud this responsiveness and, of course, recognize that the timelines are in place whether set out in the Ordinance or not. We suggest that, in the future, if the volume of applications were to make inclusion of the federal timelines more pertinent, we hope that the City will consider an amendment to include them in the Ordinance to assist applicants and staff to work together to achieve the necessary deadlines.

## June 2015, Proactive-Zoning Report

For the month of May 2015, the proactive-zoning program inspected the **Exit 243** section of the city. The violations related to signage. The proactive-zoning program for July 2015, will be directed toward the **Fairway Hills** section of the City.

MONTH	SECTOR	5 <sup>th</sup> CYCLE VIOLATIONS	CORRECTED	2 <sup>nd</sup> CYCLE	3 <sup>rd</sup> CYCLE	4 <sup>th</sup> CYCLE
March 2015	Wyndham Woods	0	0	0	4	2
March 2015	Northfield	19	19	6	19	13
April 2015	Purcell Park	6	5	6	5	8
April 2015	Parkview	11	10	7	16	5
May 2015	Ind./Tech Park	1	1	1	0	0
May 2015	Northeast	45	28	45	63	29
June 2015	Exit 243	11		0	1	1
July 2015	Fairway Hills			0	0	2
August 2015	Smithland Rd.			4	0	2
September 2015	N. Main St.			4	4	10
October 2015	Liberty St.			4	18	11
November 2015	Westover			8	17	13
December 2015	Garbers Church			2	1	9
January 2016	Spotswood Acres			4	1	8
February 2016	Jefferson St.			22	35	21
March 2016	Forest Hills/JMU			1	1	1
April 2016	S. Main St.			0	2	5
May 2016	Hillandale			5	17	11
June 2016	Maplehurst/JMU			5	2	0
July 2016	Long Ave/Norwood			28	17	11
August 2016	Greystone			10	13	9
September 2016	Greendale/SE			2	5	1
October 2016	Ramblewood			8	1	11
November 2016	Stone Spring Village/JMU			10	0	2
December 2016	Sunset Heights			29	10	2
January 2017	Reherd Acres			12	9	10
February 2017	RT 33 West			16	6	13
March 2017	Chicago Ave			22	29	4
April 2017	Pleasant Hill			13	17	9
May 2017	Avalon Woods			26	11	36
June 2017	Waterman Elementary			61	18	15
July 2017	Keister Elem			5	8	7
August 2017	500-600 S. Main			30	16	4
September 2017	Court Square			3	2	5
October 2017	Bluestone Hills & Valley Mall			33	31	27
November 2017	Preston Heights			3	1	7