



May 12, 2026 City Council Meeting

Title

Consider an Ordinance Amendment for administrative issuance of Encroachment Licenses in downtown — Adam Fletcher, Community Development

Summary

Ordinance Sections	Amend Title 10. – Planning and Development to add Chapter 9. Encroachments
Purpose	• To establish a process for administrative issuance of encroachment licenses in the B-1 Central Business District, including Downtown Outdoor Dining licenses. • To authorize the Director of Community Development or their designee to review, issue, and enforce encroachment licenses. • To provide that encroachment licenses are revocable by the Director and/or City Council.
Applicant	City of Harrisonburg
City Council	May 12, 2026

Recommendation

Option 1. Recommend approval of the ordinance amendment.

Fiscal Impact

N/A

Context & Analysis

Currently, the City allows downtown outdoor dining on public street and sidewalk rights-of-way through review and approval by City Council. The process includes review of applications by city departments. Downtown outdoor dining that is accessory and incidental to lawfully existing dining establishments in the B-1 Central Business District may be located on public property immediately adjacent to the dining establishment, provided that adequate space is maintained for pedestrian circulation and other code requirements are met.

The City provides a separate process for encroachments into the public right-of-way or onto City-owned property through review and approval by City Council. This process includes review of applications by city departments. Active encroachment licenses include signs, awnings, planters, canopies, and ATMs.

The proposed ordinance amendment would streamline and combine the two processes and provide for the administrative review and approval of encroachments and downtown outdoor dining in the B-1. The ordinance amendment would authorize the Director of Community Development or their designee to issue encroachment licenses. Encroachments into the public right-of-way or city-owned property outside of the B-1 are rare and would continue to be reviewed by City Council.

The types of encroachment that may be authorized within the B-1 through this process include permanent structures such as signs, awnings, ATMs or other wall-mounted fixtures; non-permanent fixtures, such as planters; and outdoor dining facilities, including tables, chairs, railings, umbrellas, and similar movable furnishings. Other requests in the B-1 that do not fall within the parameters of this ordinance would continue to be reviewed by City Council. One example of a past request that would not be covered by this ordinance includes the improvements made to the Newman Avenue public street right-of-way along the Keezell Building at 122 South Main Street (where Münch restaurant is located).

For encroachments covered by this ordinance, applicants will be required to provide plans or drawings illustrating the encroachment, a description of the materials and installation methods, and any other reasonable information requested by staff. If granted, licenses will be subject to standard conditions regarding location of the encroachment, maintenance, and compliance with any other applicable regulations. Additional conditions may be applied related to public safety, accessibility, and other matters. In addition, the licensee must maintain liability insurance, naming the City as an additional insured, and provide evidence of such insurance. Licenses are not transferable and may be revoked by staff for noncompliance or at the discretion of City Council.

Staff believe that the proposed ordinance will provide a more efficient process for reviewing and approving encroachments and outdoor dining in the B-1, while maintaining public safety, accessibility, and protecting the public right-of-way. Streamlining the process for outdoor dining and similar sidewalk and streetscape features adjacent to existing establishments should help support downtown vitality.

Staff recommends approval of the ordinance amendment, as proposed.

Options

1. Approve the ordinance amendment.
2. Approve the ordinance amendment with modifications.
3. Deny the ordinance amendments.

Attachments

- Proposed Ordinance