

**ORDINANCE AMENDING AND RE-ENACTING MULTIPLE SECTIONS OF TITLE 10
– PLANNING AND DEVELOPMENT, CHAPTER 3. – ZONING, THE CODE OF
ORDINANCES CITY OF HARRISONBURG, VIRGINIA**

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

Section 10-3-24. Definitions

Add and Amend the following definition as shown:

Assisted living facility: ~~Residential facilities with ninety (90) percent occupancy by persons sixty (60) years or more of age that provide rooms, meals, personal care and supervision of self-administered medication.~~ A congregate residential facility licensed by the Department of Social Services of the Commonwealth of Virginia which provides or coordinates personal health care services, 24-hour supervision, and assistance (scheduled and unscheduled) for the maintenance or care of four or more adults who are aged or infirm or who have disabilities and who are cared for in a primarily residential setting. This does not include inpatient substance use disorder treatment facility or institutional care facility.

Medical ~~C~~linic: An establishment where patients, who are not lodged overnight, are admitted for examination and treatment by individuals who are ~~one (1) or more physicians~~ practicing medical disciplines such as internal or general medicine, dentistry, optometry, audiology, ~~or~~ psychiatric treatment, and other medical disciplines as determined by the Zoning Administrator.

Family: Includes:

- (a) An individual, or two (2) or more persons related by blood, marriage, adoption, foster care, or guardianship; or
- (b) A group of up to eight (8) persons with mental illness, intellectual disability or developmental disability who are residing with one (1) or more resident counselor(s) or other staff person(s) in a facility which is licensed by the Department of Behavioral Health and Developmental Services of the Commonwealth of Virginia. For the purposes of ~~the Zoning Ordinance~~ this definition, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia or its successor; or
- (c) A group of up to eight (8) aged, infirm, or disabled persons who are residing with one (1) or more resident counselor(s) or other staff person(s) in a facility licensed by the Virginia Department of Social Services of the Commonwealth of Virginia; or
- (d) A recovery residence, as defined, provided it has no more than eight (8) adults and any number of minor dependents of those residents.

A family is distinguished from a group occupying a boardinghouse, rooming house, or hotel as herein defined.

Hospital: A facility licensed by the Department of Health of the Commonwealth of Virginia in which the primary function is the provision of diagnosis, of treatment, and of medical and nursing services, surgical or nonsurgical, for two or more nonrelated individuals, including hospitals known by varying nomenclature or designation such as children's hospitals, sanatoriums,

sanitariums and general, acute, rehabilitation, chronic disease, short-term, long-term, outpatient surgical, and inpatient or outpatient maternity hospitals.

Inpatient substance use disorder treatment facility: A facility licensed by the Department of Behavioral Health and Developmental Services of the Commonwealth of Virginia that provides living, sleeping, and sanitation accommodation for substance use disorder treatment service delivered on a 24-hour per day basis in an alcohol or drug rehabilitation facility or an intermediate care facility.

Institutional care facility: A facility that provides living, sleeping, and sanitation accommodations in coordination with the provision of social, rehabilitative and/or medical services in a protective living environment for persons residing voluntarily or by court placement; including, but not limited to, nursing home, hospice care facilities, or psychiatric residential treatment facilities. This definition does not include inpatient substance use disorder treatment facility or assisted living facility.

~~*Nursing home:* A home for the aged, or infirm, senile, chronically ill or convalescent in which persons not of the immediate family are received, kept or provided with food, shelter, treatment and care for compensation, but not including hospitals, clinics or similar institutions.~~ A type of institutional care facility licensed by the Virginia Department of Health of the Commonwealth of Virginia in which the primary function is the provision, on a continuing basis, of nursing services and health-related services for treatment and inpatient care of two or more nonrelated individuals, including facilities known by varying nomenclature or designation such as convalescent homes, skilled nursing facilities or skilled care facilities, extended care facilities and nursing or nursing care facilities. This definition does not include inpatient substance use disorder treatment facility or assisted living facility.

Professional offices: Offices limited to personal services customarily performed by professionals such as ~~doctors, dentists,~~ architects, engineers, lawyers, accountants, real estate agents, insurance agents and brokers, who are not dependent on extensive on-site advertising.

Section 10-3-48.3. Uses Permitted by Right (R-3, Medium Density)

Amend subsection (10) as shown:

(10) ~~Hospitals, convalescent or nursing homes,~~ Assisted living facilities, institutional care facilities, funeral homes, medical offices and professional offices as defined by article F.

Section 10-3-48.4. Uses Permitted by Special Use Permit (R-3, Medium Density)

Add subsection (12) as shown:

(12) Inpatient substance use disorder treatment facility.

Section 10-3-55.4. Uses Permitted by Special Use Permit (R-5)

Amend subsection (4) as shown:

(4) Retail stores, convenience shops, personal service establishments, restaurants (excluding those with drive-through facilities), medical clinics, and business and professional offices under conditions set forth in subsections 10-3-55.6(f) and (g) and such other conditions deemed necessary by city council.

Section 10-3-56.3. Uses Permitted by Right (R-6)

Amend subsection (h) as shown:

(h) Medical clinics, ~~G~~governmental, business and professional offices and financial institutions.

Section 10-3-57.3. Uses Permitted by Right (R-7)

Amend subsection (j) as shown:

(j) Medical clinics, ~~G~~governmental, business and professional offices and financial institutions.

Section 10-3-58.4. Uses Permitted by Right (MX-U)

Amend subsection (8) as shown:

(8) Medical clinics, ~~G~~governmental, business and professional offices and financial institutions.

Section 10-3-78. Uses Permitted by Right (B-1A)

Amend subsection (2) as shown:

(2) Medical clinics, ~~G~~governmental, business and professional offices and financial institutions.

Section 10-3-84. Uses Permitted by Right (B-1)

Amend subsection (2) as shown:

(2) Medical clinics, ~~G~~governmental, business and professional offices and financial institutions.

Section 10-3-90. Uses Permitted by Right (B-2)

Amend and add subsections (2) and (21) as shown:

(2) Medical clinics, ~~G~~governmental, business and professional offices and financial institutions.

(21) Hospitals.

Section 10-3-91. Uses Permitted by Special Use Permit (B-2)

Add subsections (19) as shown:

(19) Inpatient substance use disorder treatment facility.

Section 10-3-97. Uses Permitted by Special Use Permit (M-1)

Amend subsection (3) as shown:

(3) Medical clinics, ~~B~~business and professional offices.

Section 10-3-186. Uses Permitted by Right (R-P Overlay)

Amend subsection (1) as shown:

(1) Medical clinics and ~~P~~professional offices

The remainder of each Section is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the _____ day of _____, 202___. Adopted and approved this _____ day of _____, 202__.

MAYOR

ATTESTE:

CITY CLERK