



November 25, 2025 City Council Meeting

## Title

Zoning Ordinance Amendment, Inpatient Substance Use Disorder Treatment Facility, Hospitals, and Other Related Terms — Planning Commission and Adam Fletcher, Community Development

## Summary

|                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
|---------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Zoning Ordinance Sections | Amend Sections 10-3-24, 10-3-48.3, 10-3-48.4, 10-3-55.4, 10-3-56.3, 10-3-57.3, 10-3-58.4, 10-3-78, 10-3-84, 10-3-90, 10-3-91, 10-3-97, and 10-3-186                                                                                                                                                                                                                                                                                                                                                                                               |
| Purpose                   | <ul style="list-style-type: none"><li>• To add a new term and definition for a use known as an “Inpatient Substance Use Disorder Treatment Facility” and to allow it by special use permit in both the R-3, Medium Density Residential District and B-2, General Business District.</li><li>• To add a definition for “Hospitals” and to allow it by right in the B-2, General Business District.</li><li>• To make amendments to other related terms.</li><li>• To amend zoning district regulations to reflect new and amended terms.</li></ul> |
| Applicant                 | City of Harrisonburg                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                              |
| Planning Commission       | October 8, 2025 (Original Public Hearing)<br>October 30, 2025 (Motion to Initiate Zoning Ordinance Amendment)<br>November 13, 2025 (Public Hearing)                                                                                                                                                                                                                                                                                                                                                                                               |
| City Council              | November 25, 2025 (First Reading/Public Hearing)<br>Anticipated December 10, 2025 (Second Reading)                                                                                                                                                                                                                                                                                                                                                                                                                                                |

## Recommendation

Option 1. Staff and Planning Commission (5-0) recommend approval of the Zoning Ordinance amendments.

## Fiscal Impact

N/A

## Context & Analysis

On October 8, 2025, Planning Commission held a public hearing to consider Zoning Ordinance (ZO) amendments associated with inpatient substance use disorder treatment facilities, hospitals, and other related terms. Planning Commission recommended approval (6-0) of the ZO

amendments. After the public hearing, staff learned that § 15.2-2286(A)(7) of the Code of Virginia, requires, among other things, that ZO amendments and rezonings: “*be initiated (i) by resolution of the governing body; (ii) by motion of the local planning commission; or (iii) by petition of the owner, contract purchaser with the owner's written consent, or the owner's agent therefor, of the property which is the subject of the proposed zoning map amendment.*” The proposed ZO amendment related to inpatient substance use disorder facilities had not been initiated by any of the aforementioned methods but was initiated by city staff because staff was previously unaware of the requirement. Once aware, a special meeting was called for October 30, 2025 where staff requested, a motion from Planning Commission to direct staff to prepare a draft ordinance for public hearing and recommendation related to inpatient substance use disorder treatment facilities, hospitals, and other related terms.

Currently, inpatient substance use disorder treatment facility uses are allowed by right in the R-3, Medium Density Residential District within a broadly-categorized group of medical-related uses per Section 10-3-48.3 (10). Specifically, subsection (10) allows for the following by right: “*Hospitals, convalescent or nursing homes, funeral homes, medical offices and professional offices as defined by article F.*” Staff is proposing to amend the Zoning Ordinance by defining “inpatient substance use disorder treatment facility” and separating it from other medical uses and only allowing it by special use permit (SUP) in both the R-3 district and the B-2, General Business District. Making these amendments would provide the community an opportunity to assess potential impacts of a desired location and how the use could affect other community services.

The entirety of the proposed ZO amendment is provided within the attached document titled “Current Ordinance Reflecting Recommended Amendments.” For ease of reference, the proposed definition of “inpatient substance use disorder treatment facility” is shown below:

*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.*

If the ZO amendments are approved as drafted, individuals wanting to establish a new inpatient substance use disorder facility must receive City Council’s approval of a SUP to locate on an R-3 or B-2 zoned property and would continue to not be permitted in any other zoning district.

On September 15, 2025, a building permit application was filed for an inpatient substance use disorder treatment facility on property zoned R-3. Because the use is currently allowed by right, the applicant may gain vested rights to operate, making the facility a lawful nonconforming use if this ordinance amendment is adopted. A nonconforming use may continue to operate, but any future expansion of the facility would require a SUP. There are no other inpatient substance use disorder treatment facilities in Harrisonburg.

Note that there are several outpatient substance use disorder treatment facilities operating in the City within the B-1 and B-2 districts. Outpatient substance use disorder treatment facilities are part-time programs that do not provide overnight services meaning that patients receive treatment while also being able to return home, to work, and/or school. At an inpatient substance use disorder treatment facility, patients stay at the treatment facility where they receive 24-hour support and care. Typical inpatient substance use disorder treatment programs run anywhere from several weeks to several months.

While drafting the amendments for inpatient substance use disorder treatment facilities, it was clear that further amendments were needed to the ZO. Thus, in addition to the aforementioned amendments, staff is proposing the following:

- To add a definition for “hospital” and, due to the intense nature of such a use, remove the ability to locate a hospital in the R-3 district and to only allow it by right within the B-2 district.
- To add a definition and create a new use for “institutional care facility.”
- To add clarity and consistency with Virginia Code definitions by modifying the following existing ZO definitions: “Assisted Living Facility,”<sup>1</sup> “Family,” “Nursing Home,”<sup>2</sup> and “Professional Offices.”
- To change the term “Clinic” to “Medical clinic” and modify that definition. Along with amending the definition, changes would be made to allow medical clinics as a by right use in the R-6, Low Density Mixed Residential Planned Community District; the R-7, Medium Density Mixed Residential Planned Community District; the MX-U, Mixed Use Planned Community District; the B-1A, Local Business District; the B-1, Central Business District; and the R-P, Residential-Professional District (Overlay). Furthermore, the modification would add the ability for medical clinics by SUP in both the R-5, High Density Residential District and the M-1, General Industrial District.
- To change the term “Medical offices” to “Medical clinics” in the R-3, Medium Density Residential District.

No changes are proposed to other district regulations including the other R-3 district, which is known as R-3, Multiple Dwelling Residential District. As indicated at the beginning of Article J., the R-3, Multiple Dwelling Residential District regulations are only applicable to multi-family developments with engineered comprehensive site plans approved before August 14, 2010.

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<sup>1</sup> Assisted living facility, <https://law.lis.virginia.gov/admincode/title22/agency40/chapter73/section10/> and <https://www.dss.virginia.gov/facility/alf.cgi>.

<sup>2</sup> Nursing home, <https://law.lis.virginia.gov/vacode/32.1-123/> and <https://www.vdh.virginia.gov/licensure-and-certification/division-of-long-term-care-services/>

If the proposed ZO amendments are approved, the table below summarizes in which zoning districts the aforementioned uses would be allowed and whether they are permitted by right or with an approved SUP.

|                                                            | <b>R-1,<br/>R-2,<br/>R-4,<br/>R-8,<br/>UR</b> | <b>R-3,<br/>Medium</b> | <b>R-5</b> | <b>R-6 &amp;<br/>R-7</b> | <b>UR with<br/>R-P<br/>overlay</b> | <b>MX-U<br/>&amp;<br/>B-1A</b> | <b>B-1</b> | <b>B-2</b> | <b>M-1</b> |
|------------------------------------------------------------|-----------------------------------------------|------------------------|------------|--------------------------|------------------------------------|--------------------------------|------------|------------|------------|
| <b>Assisted living facility</b>                            | -                                             | by right               | -          | -                        | -                                  | -                              | -          | -          | -          |
| <b>Hospital</b>                                            | -                                             | -                      | -          | -                        | -                                  | -                              | -          | by right   | -          |
| <b>Inpatient substance use disorder treatment facility</b> | -                                             | SUP                    | -          | -                        | -                                  | -                              | -          | SUP        | -          |
| <b>Institutional care facility</b>                         | -                                             | by right               | -          | -                        | -                                  | -                              | -          | -          | -          |
| <b>Medical clinic</b>                                      | -                                             | by right               | SUP        | by right                 | by right                           | by right                       | by right   | by right   | SUP        |
| <b>Professional office</b>                                 | -                                             | by right               | SUP        | by right                 | by right                           | by right                       | by right   | by right   | SUP        |

### *Conclusion*

Staff believes that Planning Commission and City Council should consider inpatient substance use disorder treatment facilities on a case-by-case basis so that the location and potential impacts can be evaluated. Staff recommends approval of the Zoning Ordinance amendments as proposed.

### **Options**

1. Approve the Zoning Ordinance amendments.
2. Approve the Zoning Ordinance amendments with modifications.
3. Deny the Zoning Ordinance amendments.

### **Attachments**

- Extract from Planning Commission – November 13, 2025
- Extract from Planning Commission – Special Meeting – October 30, 2025
- Extract from Planning Commission – October 8, 2025
- Current Ordinance Reflecting Recommended Amendments