



CITY OF HARRISONBURG COMMUNITY DEVELOPMENT

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October 22, 2025

**TO THE MEMBERS OF CITY COUNCIL
CITY OF HARRISONBURG, VIRGINIA**

SUBJECT: *Consider a request from City of Harrisonburg to amend the Zoning Ordinance to add a new term "Inpatient Substance Use Disorder Treatment Facility" and other related changes*

**EXTRACT FROM THE DRAFT MINUTES OF HARRISONBURG PLANNING
COMMISSION MEETING HELD ON: October 8, 2025**

Chair Baugh read the request and asked staff to review.

At this point in the meeting, Mr. Fletcher joined the meeting.

Ms. Dang said 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 such 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 currently 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 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 special use permit. 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,"¹ "Family," "Nursing Home,"² 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

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

² 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/>

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.

If approved as presented, the list of uses permitted by right within Section 10-3-48.3 (10) of the R-3 district's regulations would be amended as follows:

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

Due to how the public notice for this request was described, at this time, the terminology "medical office" as shown above in Section 10-3-48.3 (10) will not be changed to "medical clinic" as is planned. If City Council approves the requested ZO amendments, then staff will initiate a new ZO amendment request to amend Section 10-3-48.3 (10) to state the following so that the use of the terminology "medical clinic" is consistent throughout the ZO:

Assisted living facilities, institutional care facilities, funeral homes, ~~medical offices~~ medical clinics, and professional offices as defined by article F.

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.

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.

	R-1, R-2, R-4, R-8, UR	R-3, Medi um	R-5	R-6 & R-7	UR with R-P overla y	MX-U & B- 1A	B-1	B-2	M-1
Assisted living facility	-	by right	-	-	-	-	-	-	-
Hospital	-	-	-	-	-	-	-	by right	-
Inpatient substance use disorder treatment facility	-	SUP	-	-	-	-	-	SUP	-
Institutional care facility	-	by right	-	-	-	-	-	-	-

Medical clinic/ Medical office	-	by right	SUP	by right	by right	by right	by right	by right	SUP
Professional office	-	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.

Councilmember Dent said seems to me there might be a word missing, let me know if this is true. With the paragraph beginning “on September 15, 2025, a building permit” should that not be a “building permit application was filed.”

Ms. Dang said yes that would be more clear. A building permit has not yet been issued.

Commissioner Seitz said you made the statement that no types of these facilities exist in the City currently. Would Community Services Board’s Arbor House be classified as one of these facilities?

Ms. Dang said I reached out to them because I had that same question. As I understand it, and from talking with them and also checking on a Virginia Licensing website for such facilities, they do have an inpatient facility, but it is for mental health not substance use disorders. They also treat people for outpatient services for substance use disorders.

Commissioner Seitz said it is interesting because Augusta County is getting ready to put into place an expanded version of what Arbor House was ten years ago. I do not know if it would classify under this. I do know that it is in going into an industrial park, and yet there was still a lot of public comment about it.

Chair Baugh asked if there were any more questions for staff. Hearing none, he opened the public hearing and invited anyone in the room or on the phone wishing to speak to the request.

Panayotis Giannakouros, a City resident, called in to speak to the request. He said on this item, we have a question of magnitudes again. Something like this was raised with... I do not know if this will cover the same kind of treatment centers. I think that we should be concerned about, with uses like this, is the people who are treated should have full and equal dignity throughout the City. We should not be thinking about who is in these care centers. Something that could be an issue is that we now are potentially having an economic motive to use housing space in a certain way and we might want to think about the impact that this would have on the quantity of available housing. Now this relates to the moral panic that was stoked some time ago around short-term rentals. At the time, I testified, repeatedly, that there was no economic driver for them. Then outside consultants did a study and, lo and behold, we do not have a short-term rental problem. Just as I said we would not. In this case, we might consider the impact on the amount of housing. That

should be what guides thinking about these properties and not, as one of the Commissioners pointed out, there should be strong push back against discrimination for the people being treated. So just that distinction and thinking about magnitudes is something that we have not been doing in the past, and I hope we will be doing better in the future. Thank you.

Chair Baugh closed the public hearing and opened the matter for discussion.

Vice Chair Porter said first of all I appreciate the proactivity of staff in bringing this forward. This is actually a circumstance where the staffs' actions are safeguarding the community's right to be able to speak out on these types of issues. If this were allowed as a by right circumstance, that would not be the case. I am an advocate for these types of treatment facilities and the fact that we need them in our community. There is not enough treatment available for people that have needs for this. However, I will also say that not all facilities are created equal. It could be a ten bed facility. It could be a hundred bed facility. It could have responsible discharge protocols that do not put people on the street that may have come here from another municipality with absolutely no plan for housing them. While others may have outstanding processes in place. Each center probably needs to be evaluated on its own merits, and this allows us to be able to do so.

Councilmember Dent said I agree with all that.

Commissioner Seitz made a motion to recommend approval of the Zoning Ordinance amendment.

Commissioner Alsindi seconded the motion.

Chair Baugh called for a roll call vote.

Commissioner Seitz	Aye
Councilmember Dent	Aye
Commissioner Alsindi	Aye
Commissioner Kettler	Aye
Vice Chair Porter	Aye
Chair Baugh	Aye

The motion to recommend approval of Zoning Ordinance Amendment passed (6-0). The recommendation will move forward to City Council on November 12, 2025.