



October 30, 2025 Planning Commission Special Meeting

Title

Consider initiating Zoning Ordinance amendments related to Inpatient Substance Use Disorder Treatment Facilities, Hospitals, and Other Related Terms — Thanh Dang, Community Development

Summary

Staff requests Planning Commission initiate consideration of Zoning Ordinance amendments related to inpatient substance use disorder treatment facilities, hospitals, and other related terms.

Recommendation

Option 1. Motion to direct staff to prepare a draft ordinance for public hearing and recommendation related to inpatient substance use disorder treatment facility, hospitals, and other related terms.

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. The staff report and recommended amendments is available here: <https://harrisonburg-va.legistar.com/LegislationDetail.aspx?ID=7688578&GUID=31401E15-FE18-44A3-9FCD-2370ADD9DE64&Options=&Search=>.

Within the October 8 staff report, it was explained that a building permit application had been filed for an inpatient substance use disorder 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 the ordinance amendment was adopted. Remember that a nonconforming use may continue to operate, but any future expansion of the facility would require a special use permit.

On October 13, 2025, an attorney representing the aforementioned property owner sent a letter to city staff describing that the City failed to follow necessary procedural requirements in accordance with § 15.2-2286(A)(7) of the Code of Virginia, which 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 was not initiated by any of the aforementioned methods but was initiated by city staff because staff was previously unaware of the requirement described in § 15.2-2286(A)(7). Now that staff is aware, staff is bringing a request to Planning Commission to direct staff to initiate consideration of a ZO amendment to amend provisions of the ordinance related to inpatient substance use disorder treatment facilities, hospitals, and other related terms.

Should Planning Commission agree to direct staff to initiate consideration of a ZO amendment, then the following motion may be stated:

I move that the Planning Commission initiate consideration of a zoning ordinance amendment to the City of Harrisonburg Zoning Ordinance to amend provisions relating to inpatient substance use disorder treatment facilities, hospitals, and other related terms.

The Planning Commission finds that such amendment is required by the public necessity, convenience, general welfare, and good zoning practice, and hereby directs staff to prepare a draft ordinance for public hearing and recommendation in accordance with § 15.2-2286 of the Code of Virginia.

Following this motion, staff will prepare for a public hearing at the Planning Commission's November 13, 2025, meeting.

With regard to past ZO amendments, which have been approved by City Council, the City Attorney's Office has advised that the 30-day appeal period for those ZO amendments, which is described in § 15.2-2285(F) of the Code of Virginia has already expired and therefore do not require any procedural corrections.

Options

1. Motion to direct staff to prepare a draft ordinance for public hearing and recommendation related to inpatient substance use disorder treatment facility, hospitals, and other related terms.
2. Motion to direct staff not to proceed with preparing a draft ordinance amendment.

Note that if no motion is made, then staff cannot initiate a consideration of a ZO amendment.

Attachments

- None