



City of Harrisonburg, Virginia

Department of Planning & Community Development

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Building Inspections
Engineering
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December 26, 2018

TO THE MEMBERS OF CITY COUNCIL CITY OF HARRISONBURG, VIRGINIA

SUBJECT: Public hearing to consider a request to amend Section 10-3-84 (5) of the Zoning Ordinance to remove language that currently prohibits religious, educational, and benevolent institutional uses within the B-1, Central Business District from providing housing facilities on the same property. Currently, “[r]eligious, educational, charitable and benevolent institutional uses, which do not provide housing facilities” are allowed as a by right use. The words, “which do not provide housing facilities” are proposed to be removed to allow religious, educational, and benevolent institutional uses to have housing facilities on the same property or within the same structure.

EXTRACT FROM MINUTES OF HARRISONBURG PLANNING COMMISSION MEETING HELD ON: December 12, 2018

Chair Way read the request and asked staff to review.

Mrs. Banks said *Religious, educational, fraternal, charitable and benevolent institutions* was a by-right use within the B-1, Central Business District from 1969 to 1987. During the 1987 rewrite of the Zoning Ordinance the by-right language was changed to: *Religious, educational, charitable and benevolent institutional uses which do not provide housing facilities*. Staff does not know the specifics as to why the change was made in 1987 to remove the word “fraternal” and add phrasing to not allow housing facilities. Currently, the B-1, Central Business District, Section 10-3-84 (5) allows by-right:

- (5) Religious, educational, charitable and benevolent institutional uses which do not provide housing facilities.

What this means is that these uses do not have the ability to provide any type of non-transient housing within their facility or on their property. For example, a charitable and benevolent office facility could operate within the B-1 district, but they could not provide a dwelling unit within that facility or a separate house on the property.

Staff proposes to amend Section 10-3-84 (5) as follows:

- (5) Religious, educational, charitable and benevolent institutional uses ~~which do not provide housing facilities~~.

This change would allow for religious, charitable, and benevolent institutional uses within the B-1 district to provide non-transient dwelling unit(s) within their facilities and on their property that could be used to house staff or persons associated with the facility, or otherwise leased as additional income.

Section 10-3-84 (3) of the B-1 district permits non-transient dwelling unit(s) within the Central Business District (CBD) as a use permitted by-right. This section further regulates that occupancy of CBD dwelling units is restricted to a family, or not more than four (4) persons. Therefore, if a religious, educational, charitable and benevolent use were to provide non-transient dwelling units within their facility, each unit would be restricted to a family or no more than four persons.

Mixed use buildings that contain both commercial and residential use are currently allowed by-right within the B-1, Central Business District. This amendment would allow religious, educational, charitable and benevolent institutional uses to have the same abilities with non-transient housing as other permitted uses in the B-1 district.

Staff recommends alternative (a) approval of the Zoning Ordinance amendment request as submitted.

Chair Way asked if there were any questions for staff. Hearing none, he opened the public hearing and asked if there was anyone wanting to speak regarding the Zoning Ordinance amendment.

Hearing none, Chair Way closed the public hearing and asked if there was any further discussion.

Mr. Finks noted that were a substantial number of churches in the B-1, however there does not appear to be a clear view what effect the amendment will have on those churches. He noted concerns that the reasons for the 1987 changes to Section 10-3-84(5) are unknown. He conducted a cursory review of the Daily News Record website for articles written around the time of the 1987 changes. He found no references to the change.

Mrs. Banks stated that she reviewed the minutes for the 1987 Zoning Ordinance rewrite and did not find any reference to Section 10-3-84(5). The changes were part of a major overhaul of the Zoning Ordinance.

Mrs. Banks speculated that the changes may have been related to B-1 occupancy regulations. Up until 2003, B-1 zoning did not have a limit on occupancy. The addition of the phrase “which do not provide housing facilities” may have been an effort to limit occupancy in the B-1 zoning district. Unfortunately, it is not specified. In 2003, regulations regarding occupancy by four unrelated persons were added to the B-1 zoning district.

Mr. Colman asked if there was any thought of removing the restrictions for churches during the 2003 changes.

Mrs. Banks answered that it was not until the rezoning request by the next applicant that staff began to review Section 10-3-84(5) of the Zoning Ordinance.

Chair Way asked if there was a motion.

Mr. Finks moved to recommend approval of the Zoning Ordinance amendment.

Mrs. Fitzgerald seconded the motion.

Chair Way said that we have a motion and a second to recommend approval of the Zoning Ordinance amendment.

All voted in favor (4-0) of the motion.

Chair Way said this will go forward to City Council on January 8, 2019.

Respectfully Submitted,

Alison Banks

Alison Banks
Senior Planner