



City of Harrisonburg, Virginia

Department of Planning & Community Development

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Building Inspections
Engineering
Planning & Zoning

To: Eric Campbell, City Manager
From: Adam Fletcher, Director – Department of Planning and Community Development; and
Harrisonburg Planning Commission
Date: January 8, 2019
Re: Zoning Ordinance Amendment – Section 10-3-84 (5), Religious, Educational, Charitable, and
Benevolent Institutional Uses

Summary:

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.

Background:

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.

Key Issues:

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.

Environmental Impact:

N/A

Fiscal Impact:

N/A

Prior Actions:

N/A

Alternatives:

- (a) Recommend approval of the Zoning Ordinance amendment request as submitted; or
- (b) Recommend denial of the Zoning Ordinance amendment request.

Community Engagement:

As required, the request was published in the local newspaper twice advertising for Planning Commission’s public hearing and twice advertising for City Council’s public hearing. The advertisement was published as shown below:

Zoning Ordinance Amendment – Section 10-3-84 (5), Religious, Educational, Charitable, and Benevolent Institutional Uses

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.

In addition, a notice was provided on the City’s website at <https://www.harrisonburgva.gov/public-hearings>.

Recommendation:

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

Attachments:

- 1. Extract (2 pages)
- 2. Proposed zoning ordinance amendments (2 pages)

Review:

Planning Commission recommended (4-0) alternative (a) approval of the Zoning Ordinance amendment as submitted.