

**ORDINANCE AMENDING AND RE-ENACTING MULTIPLE SECTIONS OF TITLE 10
- PLANNING AND DEVELOPMENT, CHAPTER 3. - ZONING, THE CODE OF
ORDINANCES CITY OF HARRISONBURG, VIRGINIA**

Be it ordained by the Council of the City of Harrisonburg, Virginia:

That Section 10-3-24. Definitions is modified by amending and adding the following definitions as shown:

~~Family: One (1) or more persons occupying a dwelling and living as a single housekeeping unit, all of whom are related to each other by birth, adoption or marriage as distinguished from a group occupying a boardinghouse, roominghouse or hotel as herein defined.~~ Includes:

- (a) An individual, or two or more persons related by blood, marriage, adoption, foster care, or guardianship; or
- (b) A group of up to eight persons with mental illness, intellectual disability or developmental disability who are residing with one or more resident counselor(s) or other staff person(s) in a facility which is licensed by the Department of Behavioral Health and Developmental Services of the Commonwealth of Virginia. For the purposes of the Zoning Ordinance, mental illness and developmental disability shall not include current illegal use of or addiction to a controlled substance as defined in Section 54.1-3401 of the Code of Virginia or its successor; or
- (c) A group of up to eight aged, infirm, or disabled persons who are residing with one or more resident counselor(s) or other staff person(s) in a facility licensed by the Virginia Department of Social Services of the Commonwealth of Virginia; or
- (d) A recovery residence, as defined, provided it has no more than eight (8) adults and any number of minor dependents of those residentsindividuals.

A family is distinguished from a group occupying a boardinghouse, rooming house, or hotel as herein defined.

Recovery residence: A dwelling unit that (i) is ~~or intends to be~~ certified by the Virginia Department of Behavioral Health and Developmental Services or has initiated the certification process, (ii) provides alcohol-free and illicit-drug-free housing to individuals with substance abuse disorders and individuals with co-occurring mental illness and substance abuse disorders and, (iii) does not include clinical treatment services. A recovery residence must be certified by the Virginia Department of Behavioral Health and Developmental Services within 12 months of opening to meet this definition. ~~occupied by multiple unrelated residents in recovery from chemical dependency and considered disabled under the Federal Fair Housing Act Amendments of 1988 that provides a non-institutional residential environment in which the residents willingly subject themselves to rules and conditions intended to encourage and sustain their recovery. Residents of a recovery residence share kitchen facilities and other common areas of the unit. A recovery residence is not required to provide on-site supportive services to residents, but is, or intends to become, certified by a credentialing entity approved by the Virginia Department of Behavioral Health and Developmental Services.~~

That Section 10-3-34. Uses permitted by special use permit in R-1 is modified by adding subsection (12) as shown:

(12) Recovery residence of more than eight (8) adults and any number of minor dependents of those residents. individuals.

Section 10-3-40. Uses permitted by special use permit in R-2 is modified by adding subsection (13) as shown:

(13) Recovery residence of more than eight (8) individuals adults and any number of minor dependents of those residents.

Section 10-3-46. Uses permitted by special use permit in R-3 (Multiple Dwelling) is modified by adding subsection (9) as shown:

(9) Recovery residence of more than eight (8) individuals adults and any number of minor dependents of those residents.

Section 10-3-48.4. Uses permitted by special use permit in R-3 (Medium Density) is modified by adding subsection (11) as shown:

(11) Recovery residence of more than eight (8) individuals adults and any number of minor dependents of those residents.

Section 10-3-52. Uses permitted by special use permit in R-4 is modified by adding subsection (9) as shown:

(9) Recovery residence of more than eight (8) individuals adults and any number of minor dependents of those residents.

Section 10-3-55.4. Uses permitted by special use permit in R-5 is modified by adding subsection (10) as shown:

(10) Recovery residence of more than eight (8) individuals adults and any number of minor dependents of those residents.

Section 10-3-56.4. Uses permitted by special use permit in R-6 is modified by adding subsection (j) as shown:

(j) Recovery residence of more than eight (8) individuals adults and any number of minor dependents of those residents.

Section 10-3-57.4. Uses permitted by special use permit in R-7 is modified by adding subsection (j) as shown:

(j) Recovery residence of more than eight (8) ~~individuals~~ adults and any number of minor dependents of those residents.

Section 10-3-58.4. Uses permitted by special use permit in MX-U is modified by adding subsection (9) as shown:

(9) Recovery residence of more than eight (8) ~~individuals~~ adults and any number of minor dependents of those residents.

Section 10-3-59.4. Uses permitted by special use permit in R-8 is modified by adding subsection (12) as shown:

(12) Recovery residence of more than eight (8) ~~individuals~~ adults and any number of minor dependents of those residents.

Section 10-3-63. Uses permitted by special use permit in MH-1 is modified by adding subsection (2) as shown:

(2) Recovery residence of more than eight (8) ~~individuals~~ adults and any number of minor dependents of those residents.

Section 10-3-71. Uses permitted by special use permit in MH-2 is modified by adding subsection (2) as shown:

(2) Recovery residence of more than eight (8) ~~individuals~~ adults and any number of minor dependents of those residents.

Section 10-3-85. Uses permitted by special use permit in B-1 is modified by adding subsection (13) as shown:

(13) Recovery residence of more than eight (8) ~~individuals~~ adults and any number of minor dependents of those residents.

Section 10-3-91. Uses permitted by special use permit in B-2 is modified by adding subsection (18) as shown:

(18) Recovery residence of more than eight (8) ~~individuals~~ adults and any number of minor dependents of those residents.

Section 10-3-97. Uses permitted by special use permit in M-1 is modified by adding subsection (16) as shown:

(16) Recovery residence of more than eight (8) ~~individuals~~ adults and any number of minor dependents of those residents.

Section 10-3-180. Uses permitted by special use permit in UR is modified by adding subsection (11) as shown:

(11) Recovery residence of more than eight (8) ~~individuals~~ adults and any number of minor dependents of those residents.

The remainder of the sections are reaffirmed and reenacted in their entirety, except as hereby modified.

This ordinance shall be effective from the 13 day of February 2024. Adopted and approved this 13 day of February 2024.

Deanna Zed
MAYOR

ATTESTE:

Pamela Ulmer
CITY CLERK