

ARTICLE A. General Provisions

SECTION 10-3-1. Title

This Chapter is the Zoning Ordinance for Harrisonburg, Virginia. References to “this Ordinance” or “this Chapter” are references to this Zoning Ordinance.

SECTION 10-3-2. Authority

The provisions of this Ordinance are authorized by Chapter 22, Title 15.2 of the Code of Virginia.

SECTION 10-3-3. Purpose and Intent

The purpose of this Ordinance is to promote the health, safety, and general welfare of the public and to accomplish the objectives of Section 15.2-2200 of the Code of Virginia. To these ends, this Ordinance is designed to give reasonable consideration to each of the following purposes, where applicable:

- A. To provide for adequate light, air, convenience of access, and safety from fire, flood, impounding structure failure, crime and other dangers;
- B. To reduce or prevent congestion in the public streets;
- C. To facilitate the creation of a convenient, attractive and harmonious community;
- D. To facilitate the provision of adequate police and fire protection, disaster evacuation, civil defense, transportation, water, sewerage, flood protection, schools, parks, forests, playgrounds, recreational facilities, airports and other public requirements;
- E. To protect against destruction of or encroachment upon historic areas and working waterfront development areas;
- F. To protect against one or more of the following: overcrowding of land, undue density of population in relation to the community facilities existing or available, obstruction of light and air, danger and congestion in travel and transportation, or loss of life, health, or property from fire, flood, impounding structure failure, panic or other dangers;
- G. To encourage economic development activities that provide desirable employment and enlarge the tax base;
- H. To provide for the preservation of agricultural and forestal lands and other lands of significance for the protection of the natural environment;
- I. To protect approach slopes and other safety areas of licensed airports, including United States government and military air facilities;

- J. To promote the creation and preservation of affordable housing suitable for meeting the current and future needs of the locality as well as a reasonable proportion of the current and future needs of the planning district within which the locality is situated;
- K. To provide reasonable protection against encroachment upon military bases, military installations, and military airports and their adjacent safety areas, excluding armories operated by the Virginia National Guard;
- L. To provide reasonable modifications in accordance with the Americans with Disabilities Act of 1990 (42 U.S.C. § 12131 et seq.) or state and federal fair housing laws, as applicable; and
- M. To protect surface water and groundwater as defined in Section 62.1-255 of the Code of Virginia, consistent with applicable state water quality standards.

SECTION 10-3-4. Applicability

This Ordinance applies to all lands and structures in the City of Harrisonburg, Virginia.

SECTION 10-3-5. Abrogation and Conflicting Provisions

- A. **Minimum Requirements.** In interpreting and applying the provisions of this Ordinance, the provisions are deemed to be the minimum requirements for the promotion of the public safety, health, and general welfare.
- B. **Conflict with Private Agreements.** It is not the intent of this Ordinance to interfere with, limit, or invalidate any easements, covenants, or other agreements between parties. While other agreements may establish more restrictive provisions, where this Ordinance imposes a greater restriction than is imposed or required by easements, covenants, or other agreements, the provisions of this Ordinance shall govern.
- C. **Conflict with Other Regulations.** This Ordinance applies in addition to, and does not excuse compliance with, any other applicable City, Commonwealth, or federal laws, ordinances, or regulations. Whenever any provision of this Ordinance conflicts with another provision of this Ordinance, or with any other City, Commonwealth, or federal law, the more restrictive regulation governs.
- D. **Conflict within this Ordinance.** Notwithstanding the preceding subsection, where the text of this Ordinance conflicts with its tables, the text controls. Illustrative materials are provided for demonstrative purposes only and are not a substantive part of this Ordinance.

SECTION 10-3-6. Severability

Should any provision of this Ordinance be decided by the courts to be unconstitutional or invalid, such decision does not affect the validity of the Ordinance as a whole, or any part of the Ordinance other than the provision held to be unconstitutional or invalid.

SECTION 10-3-7. Effective Date

This Ordinance becomes effective on [EFFECTIVE DATE].

SECTION 10-3-8. Transitional Provisions and Vesting

- A. **Violations Continue.** Any violation of the previous Zoning Ordinance continues to be a violation under this Ordinance, unless such violation complies with the express terms of this Ordinance. The adoption of this Ordinance does not affect nor prevent any pending or future prosecution of, or action to abate, violations of the previous Zoning Ordinance that occurred before the Effective Date.
- B. **Lands Remaining Subject to Prior Legislative Actions.**
 - 1. **Generally.** Lands designated “Maintains Existing Proffers and Entitlements” on the Official Zoning Map remain subject to the zoning ordinance as it existed prior to the effective date of this Zoning Ordinance, including any conditions imposed or proffers accepted by City Council, until City Council adopts a zoning map amendment for any or all of those lands pursuant to this Ordinance.
 - 2. **Institutional Overlay District.** Land subject to a master plan approved under the I-1 Institutional Overlay District of the zoning ordinance as it existed prior to the effective date of this Zoning Ordinance is designated “Maintains Existing Proffers and Entitlements” on the Official Zoning Map. An amendment to such a master plan may be approved only by a zoning map amendment to the Institutional Master Plan District.
 - 3. **Prior Special Use Permit.**
 - a. **Continuation.** A special use permit under the zoning ordinance in effect prior to the effective date of this Ordinance remains valid and is deemed a special exception approved under this Ordinance. All conditions City Council imposed or accepted remain in effect.
 - b. **Period of Validity.** If the authorized use was not established before [EFFECTIVE DATE], the special exception expires on the date the special use permit would have expired under the prior ordinance.

- c. **Use Now Permitted By Right.** Where this Ordinance permits the authorized use by right, any conditions no longer apply and the use is subject to this Ordinance as any other permitted use.
- d. **Use No Longer Permitted.** Where this Ordinance does not permit the authorized use in the district, the use may continue in accordance with the special exception and its conditions as a nonconforming use.

C. Other Prior Approvals.

- 1. Nothing in this Ordinance or any amendment to this Ordinance requires any change in the plans, construction, or use of any structure in the event that:
 - a. A permit was lawfully issued or a plan or plat was lawfully approved before the effective date of this Ordinance;
 - b. The permit or approval did not expire by its own terms before the effective date; and
 - c. Construction pursuant to such permit or approval begins before the expiration of the permit or approval.
- 2. Upon completion, if the building, structure, or use does not meet the standards of this Ordinance, it is a nonconformity.

D. Pending Applications. This Ordinance, and any amendment to this Ordinance, applies to all applications pending as of its effective date, except as otherwise required by the Code of Virginia or as otherwise established by City Council in a resolution adopted contemporaneously with the Ordinance or amendment.