

Article III – Nonconformities

CHAPTER 70 – ZONING

Sec. 70-241. – Continuation.

(a) If any legally established lot, structure or use does not conform to the provisions of this chapter, such lot, structure or use may continue as provided in this section. It shall be up to a written determination by the Zoning Administrator, upon application by a property owner, to establish the lawful existence of a nonconforming structure or use on a property and the rights associated with such a structure or use in accordance with this chapter and the Code of Virginia. The burden of proving the lawful nonconforming status of a structure and/or use falls upon the owner.

(b) The right to continue a nonconforming lot, structure or use shall not be impaired by any change in title or occupancy.

(c) If any nonconforming use is discontinued for a period exceeding two years, it shall be deemed abandoned; and any subsequent use shall conform to the requirements of this chapter. Any sign advertising a use that has been deemed abandoned shall also be deemed abandoned. Such a sign shall be removed by the owner of the property on which the sign is located, upon written notification and request by Orange County. The county reserves the right, after a reasonable attempt to notify said owner, to enter onto the property to remove the sign in accordance with § 15.2-2307 of the Code of Virginia.

(d) Except as otherwise provided, if a nonconforming lot, structure or use has been changed such that it more nearly conforms to the requirements of this chapter, it shall not be

returned to the previous nonconforming condition, or changed such that it is farther from conforming to the requirements of this chapter.

(Ord. of 5-2-1996, § 1201; [Ord. of 04-28-2015](#))

Sec. 70-242. – Nonconforming lots.

Any nonconforming lot may be used for any use permitted by the underlying zoning district so long as all requirements of this chapter, except for existing nonconforming area and frontage regulations, are followed.

([Ord. of 04-28-2015](#))

Sec. 70-243. – Nonconforming structures.

(a) Nothing in this chapter shall be deemed to prevent the repair, maintenance or strengthening of a nonconforming structure or to correct an unsafe condition. The removal, destruction or moving of a nonconforming structure, of the owner's own volition, shall cause said structure to lose its lawful nonconforming status. Such a structure shall only be replaced in conformance with the requirements of the underlying zoning district. This subsection shall not be construed to prevent an owner of a nonconforming structure from reducing the footprint of said structure.

(b) A nonconforming structure damaged or destroyed by fire or an act of nature may be restored or replaced within its original footprint or smaller. Such work shall be in accordance with the Uniform Statewide Building Code and Chapter 34 of the Orange County Code. Unless such a building is repaired, rebuilt or replaced within two years of the date of the fire or act of nature, such building shall only be repaired, rebuilt or

replaced in conformance with the requirements of the underlying zoning district. In the event of a federal disaster declaration, the timeframe to repair, rebuild or replace the structure shall be four years from the date of the fire or act of nature.

(c) Nothing in this chapter shall be construed to prevent the land owner or home owner from removing a lawful nonconforming manufactured home from a mobile or manufactured home park and replacing that home with another comparable manufactured home that meets the current HUD manufactured housing code. The owner of a lawful nonconforming mobile or manufactured home not located in a mobile or manufactured home park may replace that home with a newer manufactured home that meets the current HUD manufactured housing code. Any such replacement home shall retain the lawful nonconforming status of the prior home.

(Ord. of 5-2-1996, § 1202; [Ord. of 04-28-2015](#))

Sec. 70-244. – Expansion or enlargement.

(a) A nonconforming structure or use may be expanded or enlarged only in conformance with the requirements of this chapter. If a structure is nonconforming due to encroaching on a setback area or required yard, it may be expanded or enlarged provided the new portion of the structure is no closer to the affected property line than the nonconforming portion. Such an expansion or enlargement of a residential structure may be up to 50% of the original footprint of the nonconforming structure. Such an expansion or enlargement of a nonresidential structure may be up to 25% of the original footprint of the nonconforming structure.

(b) A nonconforming use if changed to a conforming use, shall not thereafter be reverted back to any nonconforming use. A nonconforming use may, by special exception approved by the Board of Supervisors, be changed to another nonconforming use, provided that the proposed use does not detract from the

character of the zoning district to a greater degree than the existing nonconforming use.

(c) A nonconforming use may be extended throughout any part of a structure or parcel which was arranged or designed for such use at the time of enactment or amendment of this chapter. Any expansion of the use beyond this shall only be in conformance with the requirements of the underlying zoning district.

(d) The refacing of a lawful nonconforming sign, with or without a digital component as otherwise provided for in this chapter, shall not be considered an expansion of a nonconforming use or an increase in intensity.

(Ord. of 5-2-1996, § 1204; [Ord. of 04-28-2015](#); [Ord of 01-10-2017](#))

Secs. 70-245–70-275. – Reserved.