



Prince William County
Office Of Planning



Neighborhood Conference

Nonconforming Lot, Structure, Use, & Sign

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Nonconforming Lot, Use, Structure

Purpose

- To regulate nonconforming uses, lots, and structures in a manner consistent with sound planning and zoning principles
- The general intent is that over time nonconforming uses, lots and structures will be discontinued in favor of uses, lots and structures conforming to this chapter and the zoning map



Definition of Nonconforming Use, Lot and Structure

- Any use, lot, and structure that was lawful on the date of enactment of this chapter, or amendment thereto, which has been continued although otherwise rendered unlawful by such enactment or amendment.



Verification of Nonconforming Uses, Lots and Structures

- Prior to approval of any change in a nonconforming use, lot or structure permitted by County Code Sec. [32-601.30](#), the lawful status of the use, lot or structure shall be verified by the Zoning Administrator.



Identifying a Nonconforming Lot

- A lot is nonconforming if one or more of the following standards are not met as a result of enactment or amendment of this chapter:
 - Lot area,
 - Lot width,
 - Lot frontage.



Use of a Nonconforming Lot

- Any unimproved lot or record, located in any zoning district, that is nonconforming as to the lot area, lot width or lot frontage, or combination thereof, required in the zoning district in which the lot is located may be used for any use permitted by right or with a Special Use Permit in such zoning district, provided all other standards of the zoning district are met.



Identifying a Nonconforming Structure

- A structure is nonconforming if one or more of the following standards are not met as a result of enactment or amendment of this chapter or by virtue of public action:

Setbacks, Yards, Buffers, Chesapeake Bay,
Stormwater management, Open space, Lot coverage,
Tree canopy, Height, FAR, SUP.



Lawfully Nonconforming Structures

- A structure shall be deemed lawfully nonconforming:
 - ◆ If a building permit has been issued, the building or structure was thereafter constructed in accordance with the building permit, and upon completion of construction, a certificate of occupancy or a use permit for the building or structure was issued, or



Lawfully Nonconforming Structures

- ◆ If the owner of the building or structure has paid taxes to the locality for such building or structure for a period in **excess of 15 years**, the building or structure shall be deemed nonconforming.
Notwithstanding the above, the Building Official may require the building or structure to be brought into conformity with the Uniform Statewide Building Code.



Continuation of Nonconforming Uses

- A nonconforming use may continue as it existed when it became nonconforming; however, it shall lose its nonconforming status, if the use is discontinued for a period of **two years** or is **intentionally** abandoned, without regard to the length of time which shall have passed.
- ◆ Operation of only an accessory, ancillary, secondary or incidental use to the principal nonconforming use during the two-year period shall not operate to continue the principal nonconforming use.



Permitted Changes to Nonconforming Uses

- A nonconforming use may change to a conforming use.
- A nonconforming use may change to a more restricted nonconforming use, as set forth in County Code Sec. [32-601.31](#).



Permitted Changes to Nonconforming Uses

- A nonconforming use may be expanded throughout any part of a structure originally arranged or designed for such activity.
- No structure used as a part of a nonconforming use shall be moved to any other lot unless such lot is properly zoned to permit the use, nor shall such a structure be moved within the lot on which it exists, unless the relocation is specifically provided for in County Code Sec. 32-601.32.



Permitted Changes to Nonconforming Structures

- A nonconforming structure may **change to a conforming structure**.
- A lawful nonconforming structure **may remain lawfully nonconforming** when any of the development standards associated with the structure is reduced by virtue of **public action**.



Permitted Changes to Nonconforming Structures

- A nonconforming structure may be repaired, provided such repair constitutes only routine maintenance necessary to keep the structure in the same general condition it was in when it originally became nonconforming, and subject to applicable Chesapeake Bay regulations.



Permitted Changes to Nonconforming Structures

- A nonconforming structure **damaged by casualty** (as distinguished from ordinary wear and tear) may be restored, provided such restoration is **begun within one year** of the date of the casualty and **completed within two years** of the date of the casualty.
- **Minor alterations, cosmetic modifications, interior renovations** and similar changes for nonconforming structures may be permitted.



Permitted Changes to Nonconforming Structures

- Except for signs, nonconforming structures **other than buildings** (such as, but not limited to, underground storage tanks, private sewage disposal systems, and parking lots) may be restored or replaced when **such structures become unsafe or unsound.**



Permitted Changes to Nonconforming One Family Dwellings

- A nonconforming one family dwelling **may be expanded without limitation** except as provided for in this section.
- New or expanded residential **accessory structures** (such as a storage shed, garage, swimming pool, etc.) may be permitted subject to the provisions of Part 300 of this chapter.



Permitted Changes to Nonconforming One Family Dwellings

- Expansions in height, except cluster houses, reduced setback houses, village houses, Patio houses, and duplex houses identified in County Code Sec. 32-306.12.6 housing types which do not meet current setback requirements shall be permitted as long as:
 - ◆ The dwelling is only being increased in height; and



Permitted Changes to Nonconforming One Family Dwellings

- ◆ The **footprint** of such dwelling will be **unchanged** by the proposed expansion in height; and
- ◆ The **distance** between the expansion and any other dwelling is **not less than twice the current yard setback requirement** for the zoning district in which it is located.



Permitted Changes of Nonconforming Nonresidential Structures

- Where a **related use is permitted by right or with a Special Use Permit** in the zoning district in which the structure is located, but where the current development standards are not met, expansion of the structure, may be approved provided **only yard, setback, buffer and height standards** applicable to the expansion are met, and further provided that such expansion does not exceed 25 percent of the gross floor area of the existing structures.



Permitted Changes of Nonconforming Nonresidential Structures

- Expansion **exceeding 25 percent** of the gross floor area shall be permitted, **provided all development standards applicable to the property as a whole shall be met**, including bringing all signs into full compliance with the current County Code, and obtaining special use permits for uses that require special use permit.



Permitted Changes to Nonconforming Lots

- A nonconforming lot may **become a conforming** lot by meeting the current minimum lot size, lot width, and lot frontage requirements of the zoning district in which the lot is located through one of the following actions:
 - A boundary adjustment.
 - Subdivision in the A-1 district under the provisions of section 25-6 of the Prince William County Code (family subdivision).



Permitted Changes to Nonconforming Lots

- Rezoning to a different zoning district to meet the development standards of that district.
- A lawful nonconforming lot may remain lawfully nonconforming when the lot size, lot width and/or lot frontage are reduced by **virtue of public action**.



Permitted Changes to Nonconforming Lots

- When a building or structure to be constructed or expanded is **located on more than one nonconforming lot**, a boundary adjustment shall be required to consolidate the lots.



Discontinuance or Abandonment of a Nonconforming Use

- ❑ If any nonconforming use is discontinued for a period of two years, it shall lose its nonconforming status, and any further use shall conform to the provisions of this chapter.
- ❑ Any nonconforming use which is intentionally abandoned, without regard to the length of time which shall have passed, shall be terminated, and any further use shall conform to this chapter.



Discontinuance or Abandonment of a Nonconforming Use

- ❑ Operation of **only an accessory, ancillary, secondary or incidental use** to the principal nonconforming use during the two-year period shall not operate to continue the principal nonconforming use.



Nonconforming Second Kitchens

- ❑ Prior to October 22, 1991 second kitchens were not addressed in the Zoning Ordinance.
- ❑ Any 2nd kitchen that has a zoning approval and building permit issued after **November 21, 1991** and prior to **December 21, 2004** is lawfully nonconforming.



Nonconforming Second Kitchens

- Between **December 21, 2004 and November 2009** several 2nd kitchen permits were mistakenly issued. Although these were not in conformance with the Ordinance, we will consider them lawfully nonconforming.



Nonconforming Sign - Definition

- A nonconforming sign is not defined in the Zoning Ordinance; however, The Latest Illustrated Book of Development Definitions, provides the following definition:

“A sign lawfully erected and maintained prior to the adoption of the current ordinance that does not conform with the requirements of the current ordinance.”



Changes to Nonconforming Signs

- ❑ Nonconforming signs shall not be expanded.
- ❑ Nonconforming signs may be changed to reduce any nonconformity as to the number of signs permitted on a lot, sign height, sign size and sign type.



Changes to Nonconforming Signs

- ❑ Signs that are **nonconforming as to location may be relocated** to be less nonconforming, provided such relocation shall not cause a greater detrimental impact on conforming uses in the neighborhood.
- ❑ The **face, message, or copy on a nonconforming sign may be changed**, provided such change **does not alter the sign type**, unless the new sign type would be a conforming sign in all respects..



Changes to Nonconforming Signs

- Whenever land is acquired due to the widening, construction, or reconstruction of any highway as defined in Code of Virginia, § 33.1-351 by purchase or by use of the power of eminent domain and upon such land is situated a lawfully nonconforming billboard sign as defined in Code of Virginia, § 33.1-351, **such billboard sign may be relocated**, if such sign meets the following:



Changes to Nonconforming Signs

- All requirements under the provision of Code of Virginia, §§ 33.1-351 and 4.1-113.1 in the case of outdoor alcoholic beverage advertising are satisfied.
- The sign may be **relocated to another location as close as practicable on the same property**, adjusting the height or angle of the billboard sign to a height or angle that restores the visibility of the billboard sign to the same or comparable visibility as before the taking, provided the new location also meets all the requirements of Code of Virginia, § 33.1-95.2 and regulations adopted pursuant thereto.



Changes to Nonconforming Signs

- The **size of the sign face shall not be increased**, and a relocated billboard shall continue to be nonconforming in its new location.
- **Maintenance** of such nonconforming billboard signs shall be governed by the provisions of Code of Virginia, § 33.1-370.2.
- A **sign permit**, as set forth by **County Code Sec. 32-250.25**, shall be required for any changes permitted by the above referenced provisions.



Changes to Nonconforming Signs

- Whenever the provisions of this part 601 require all nonconforming signs on a lot to be made conforming, such provision shall apply instead of the provisions of this section.

