ORDINANCE AMENDING AND RE-ENACTING TITLE 10 – PLANNING AND DEVELOPMENT, CHAPTER 3. – ZONING, ARTICLE E. NONCONFORMING STRUCTURES AND USES CITY OF HARRISONBURG, VIRGINIA

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

That Section 10-3-20. Continuance of Nonconformities shall be amended by adding subsection (e) as shown:

(a) Any lawful land, buildings, and structures and the uses thereof existing at the time of the enactment or subsequent amendment of this chapter which do not conform to the zoning prescribed for the district in which they are situated shall be considered nonconforming.
(b) Nonconforming land, buildings, and structures and the uses thereof may be continued only so long as:
    (1) The then-existing or a more restricted use continues;
    (2) Such use is not discontinued for more than two (2) years; and,
    (3) The buildings or structures are maintained in their then structural condition.
(c) The burden of establishing nonconforming status shall be that of the owner of the property.
(d) Nothing in this section prevents keeping in good repair a nonconforming building or a building in which a nonconforming use is conducted.

And that Section 10-3-21. Nonconforming Uses shall be amended by adding subsection (e) as shown:

Sec. 10-3-21. - Nonconforming uses.

a) Whenever a nonconforming use is enlarged or extended beyond the size, character, or intensity of the use as it existed at the time that it became nonconforming, the nonconforming status of such use shall terminate and become unlawful. Any subsequent use shall conform to the regulations applicable in the district in which it is located. When a use is regulated by this chapter in a quantifiable manner, including but not limited to regulations limiting the number of unrelated occupants permitted in a dwelling unit and limiting the density of dwelling units, any quantifiable increase shall constitute an enlargement or extension beyond the size, character, or intensity of the use.
b) If a nonconforming use is changed to a more restricted nonconforming use for a period of more than two (2) years, the original nonconforming use shall be deemed abandoned and the use shall not thereafter be changed back to the original nonconforming use.
c) No building or structure associated with a nonconforming use shall be structurally altered, as provided in the Uniform Statewide Building Code unless:
    (1) A zoning verification letter has been received documenting the existence and extent of the nonconforming use;
    (2) The structural alteration to the building or structure does not increase or extend the square footage dedicated to the nonconforming use. Any use of

new square footage added to the building or structure must be a use otherwise permitted in the zoning district.

d) If a building or structure occupied by a nonconforming use is damaged or destroyed by a natural disaster or an act of God, then the building or structure may be restored and nonconforming use continued so long as the use is not discontinued for more than two (2) years.

e) In the B-2 (General Business) and M-1 (General Industrial) Districts, an otherwise nonconforming single-family detached dwelling that has been converted to contain multiple dwelling units or expanded beyond its permitted number of occupants may continue as a nonconforming single-family detached dwelling, notwithstanding subsections (a) through (c), provided that: (1) the total square footage of the structure has remained unchanged and (2) occupancy of the single-family home is reduced or limited to one family or two unrelated individuals. Nothing in this subsection shall be construed to prevent the building official from enforcing compliance with the Uniform Statewide Building Code.

The remainder of Section 10-3-21 is reaffirmed and reenacted in its entirety, except as hereby modified.

This ordinance shall be effective from the __ day of ____, 2024. Adopted and approved this day of _____, 2024.

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MAYOR

ATTESTE:

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CITY CLERK