

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 15.2-2307 of the Code of Virginia, relating to removal of*
 3 *nonconforming signs.*

4 [H 2473]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**

7 **1. That § 15.2-2307 of the Code of Virginia is amended and reenacted as follows:**

8 § 15.2-2307. Vested rights not impaired; nonconforming uses.

9 Nothing in this article shall be construed to authorize the impairment of any vested right. Without
 10 limiting the time when rights might otherwise vest, a landowner's rights shall be deemed vested in a
 11 land use and such vesting shall not be affected by a subsequent amendment to a zoning ordinance when
 12 the landowner (i) obtains or is the beneficiary of a significant affirmative governmental act which
 13 remains in effect allowing development of a specific project, (ii) relies in good faith on the significant
 14 affirmative governmental act, and (iii) incurs extensive obligations or substantial expenses in diligent
 15 pursuit of the specific project in reliance on the significant affirmative governmental act.

16 For purposes of this section and without limitation, the following are deemed to be significant
 17 affirmative governmental acts allowing development of a specific project: (i) the governing body has
 18 accepted proffers or proffered conditions which specify use related to a zoning amendment; (ii) the
 19 governing body has approved an application for a rezoning for a specific use or density; (iii) the
 20 governing body or board of zoning appeals has granted a special exception or use permit with
 21 conditions; (iv) the board of zoning appeals has approved a variance; (v) the governing body or its
 22 designated agent has approved a preliminary subdivision plat, site plan or plan of development for the
 23 landowner's property and the applicant diligently pursues approval of the final plat or plan within a
 24 reasonable period of time under the circumstances; or (vi) the governing body or its designated agent
 25 has approved a final subdivision plat, site plan or plan of development for the landowner's property.

26 A zoning ordinance may provide that land, buildings, and structures and the uses thereof which do
 27 not conform to the zoning prescribed for the district in which they are situated may be continued only
 28 so long as the then existing or a more restricted use continues and such use is not discontinued for more
 29 than two years, and so long as the buildings or structures are maintained in their then structural
 30 condition; and that the uses of such buildings or structures shall conform to such regulations whenever
 31 they are enlarged, extended, reconstructed or structurally altered and may further provide that no
 32 nonconforming building or structure may be moved on the same lot or to any other lot which is not
 33 properly zoned to permit such nonconforming use.

34 *Nothing in this section shall be construed to prevent a locality, after making a reasonable attempt to*
 35 *notify such property owner, from ordering the removal of a nonconforming sign that has been*
 36 *abandoned. For purposes of this section, a sign shall be considered abandoned if the business for which*
 37 *the sign was erected has not been in operation for a period of at least two years.*

38 Nothing in this section shall be construed to prevent removal of a valid nonconforming manufactured
 39 housing unit from property and replacement of that unit with another comparable manufactured housing
 40 unit that meets the current HUD manufactured housing code. Such replacement unit shall retain the valid
 41 nonconforming status of the prior unit.

ENROLLED

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