

ORDINANCE-3832

AN ORDINANCE TO AMEND SECTION 105
OF THE CITY ZONING ORDINANCE
PERTAINING TO NONCONFORMITIES

Section Amended: City Zoning Ordinance § 105

WHEREAS, the public necessity, convenience, general welfare and good zoning practice so require;

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF VIRGINIA
BEACH, VIRGINIA:

That Section 105 of the City Zoning Ordinance is hereby amended and reordained to read as follows:

ARTICLE 1. GENERAL PROVISIONS

— 10 —

Sec. 105. Nonconformity.

— 10 —

(c) *Continuation.* A nonconformity may continue provided that it remains otherwise lawful, subject to the provisions set forth in this section. However, no nonconformity shall continue if it ceases for any reason for a period of more than two (2) years.

(d) (1) *Enlargement or extension of nonconformity.* No nonconforming use shall be increased in magnitude. No nonconforming use shall be enlarged or extended to cover a greater land area than was occupied by the nonconformity on the effective date of this ordinance or amendment thereto. No nonconforming use shall be moved in whole or in part to any other portion of the lot, parcel, or structure not occupied by the nonconformity on the effective date of this ordinance or amendment thereto, and no nonconforming structure shall be moved at all except to come into compliance with the terms of this ordinance. No nonconforming structure shall be enlarged, extended, reconstructed, or structurally altered, if the effect is to increase the nonconformity. As an exception to the above, any condition of development regarding a nonconforming use or a nonconforming structure associated with a nonconforming use, prohibited by this section may be permitted by resolution of the city council based upon its finding that the proposed condition is equally

42 appropriate or more appropriate to the district than is the existing
43 nonconformity. City council may attach such conditions and safeguards to its
44 approval as it deems necessary to fulfill the purposes of this ordinance.
45 Applications for the enlargement, extension or relocation of a nonconforming
46 use or structure shall be filed with the planning director. The application shall
47 be accompanied by a fee of six hundred sixty dollars (\$660.00) to cover the
48 cost of processing the application. Such fee shall include all costs of
49 notifications and advertisings. The planning director shall cause the application
50 to be advertised for public hearing before the planning commission. Notice
51 shall be given as provided by Section 15.2-2204 of the Code of Virginia;
52 provided, however, that written notice as prescribed therein shall be given at
53 least fifteen (15) days prior to the hearing. A sign shall be posted on the site in
54 accordance with the requirements of section 108 of this ordinance. The
55 planning commission shall hold the public hearing at the time and place
56 announced. Following the public hearing, the commission shall by motion
57 adopt its recommendation and findings, and shall transmit such
58 recommendation and findings to city council. Upon receiving such
59 recommendation, the city council shall give notice of a public hearing as set
60 forth in this section and shall thereafter hold a public hearing and act upon the
61 proposed application.

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63 (i) Any condition of development prohibited by this section, with respect to
64 nonconforming structures not associated with a nonconforming use, may be
65 granted by the Board of Zoning Appeals in accordance with section 106.

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Adopted by the Council of the City of Virginia Beach, Virginia, on the 9th day of December, 2025.