**CHAPTER 5:**

**NONCONFORMING BUILDINGS AND USES**

**5.1. MAINTENANCE AND REPAIR PERMITTED**

A noncomplying structure or a structure housing or containing a nonconforming use may be maintained and repaired.

**5.2. EXPANSION OF STRUCTURE OCCUPIED BY NONCONFORMING USE**

A structure occupied by a nonconforming use shall not be enlarged in any manner.

**5.3. EXPANSION OF NONCOMPLYING STRUCTURE**

Unless the Appeal Authority has approved an exception to these requirements under VULU Chapter 3, a noncomplying structure shall not be enlarged in any manner, unless such noncomplying structure is made to conform to all regulations of the zone in which it is located and the enlargements to be made to such noncomplying structure are made in conformance with all regulations of the zone in which the noncomplying structure is located.

**5.4. ALTERATIONS WHERE PARKING INSUFFICIENT**

A building or structure lacking sufficient automobile parking space in connection therewith as required by this ordinance may be altered or enlarged provided additional automobile parking space is supplied to meet the requirements of this ordinance for such alterations or enlargements. All parking spaces shall be on the site or adjacent to the site.

**5.5. RESTORATION OF DAMAGED BUILDINGS**

A noncomplying structure or a building or structure occupied by a nonconforming use which is damaged or is destroyed by fire, flood, wind, earthquake, or other calamity, may be restored and the occupancy or use of such building, structure, or portion thereof, which existed at the time of such damage or destruction, may be continued or resumed.

**5.6. ONE YEAR VACANCY**

A building or structure or portion thereof occupied by a nonconforming use, which is, or hereafter becomes, vacant and remains unoccupied by a nonconforming use for a continuous period of one (1) year, except for dwellings, shall not thereafter be occupied except by a use which conforms to the use regulations of the district in which it is located.

**5.7. CONTINUATION OF NONCONFORMING USE**

A nonconforming use may be continued on the parcel of land upon which such nonconforming use has historically been made, provided that no structures housing or containing such use, may be enlarged or expanded except in compliance with all applicable provisions of the Virgin Uniform Land Use Ordinance.

**5.8. OCCUPATION WITHIN ONE YEAR**

A vacant building or structure may be occupied by a use for which the building or structure was designed or intended if so occupied within a period of one (1) year after the use became nonconforming.

**5.9. CHANGE OF USE**

The nonconforming use of a building or structure may not be changed except to a conforming use; but once such change is made, the use shall not thereafter be changed back to a nonconforming use.

**5.10. NONCONFORMING USE OF LAND**

The nonconforming use of land, existing at the time this ordinance became effective, may be continued provided that:

**5.10.1.** No such nonconforming use of land shall in any way be expanded or extended to adjoining property; and

**5.10.2.** No such nonconforming use shall be expanded or extended outside the structures or other delineated areas associated with the original legal use, unless an exception is approved by the Land Use Authority to ensure compliance with state or federal fair housing and discrimination laws; and

**5.10.3.** If such nonconforming use of land, or any portion thereof, including nonconforming use as a residential facility for persons with a disability, is abandoned or changed for a period of one (1) year or more, any future use of such land shall be in conformity with the provisions of this ordinance.

**5.11. EXCEPTIONS**

The following nonconforming structures and nonconforming uses shall be amortized in a period not exceeding that stated below, effective from the date of adoption of this ordinance:

**5.11.1.** Trash, junk, debris, abandoned or dismantled automobiles or similar material shall be removed for any residential zone within one (1) year.

**5.11.2.** **NONCONFORMING signS.** See VULU Chapter 26, Sign Regulations.

Noncomplying structures or nonconforming uses not removed within the specified time effective of the date of the adoption of this ordinance may be removed by the Town of Virgin and the costs incurred by the Town in doing so shall be billed to the owner of the property or structure.