

XVII. NONCONFORMING BUILDINGS, STRUCTURES AND USES

A. Statement of Purpose

The purpose of this Article is to provide for the regulation of nonconforming buildings, structures and uses and to specify those circumstances and conditions under which those non conforming buildings, structures and uses shall be gradually eliminated upon reaching the end of their respective normal useful life, in accordance with the authority granted by the State of Illinois Compiled Statutes.

B. Authority to Continue Non-Conforming Buildings, Structures and Uses

Any building, structure or use which existed lawfully at the time of the effective date of this comprehensive amendment to the Zoning Ordinance, and which remains or becomes non-conforming upon the effective date of this comprehensive amendment to the Zoning Ordinance or of any subsequent amendment thereto, may be continued only in accordance with the following regulations:

1. Repairs and Alterations

Ordinary repairs and alterations may be made to a non-conforming building or structure, provided that no structural alteration shall be made in or to such nonconforming building or structure if all or substantially all of said non-conforming building or structure is either designed or intended for a use not permitted in the zoning district in which it is located except for:

- a. Those alterations required by law, or
- b. Those alterations that make the building or structure and use thereof conform, to the regulations of the zoning district in which it is located. Whether such repairs and alterations are "ordinary" shall be determined by the Village President, or his designee, and shall include, among other things, the replacement of storage tanks or other improvements where the safety of operation of the installation requires such replacement.

2. Additions and Enlargements

The following shall govern the construction of additions and enlargements of nonconforming buildings, structures or uses:

- a. **Non-Conforming Buildings and Structures Designed for a Non-Conforming Use:**
A non-conforming building or structure, all or substantially all of which is designed or intended for a use not permitted in the district in which it is located, shall not be added to or enlarged in any manner unless such non-conforming building or structure and the use thereof (including all additions and enlargements thereto), is made to conform to all the regulations of the district in which it is located.

- b. **Conforming Building Containing Non-Conforming Uses:** A building or structure, all which conforms to the regulations of the district in which it is located, shall not be added to or enlarged in any manner unless the use thereof, is made to conform to all the regulations of the district in which it is located.
- c. **Buildings or Structures that Are Non-Conforming as to Bulk:** A non-conforming building or structure that is non-conforming only as to bulk, may be added to or enlarged, provided such addition or enlargement conforms to all regulations of the district in which it is located including the use thereof.

3. Moving of Buildings or Structures

No building or structure shall be moved, in whole or in part to any other location unless every portion of such building or structure, and the use thereof conforms to all of the regulations of the district in which the building will be located.

4. Restoration of Damaged Non-Conforming Buildings or Structures

A non-conforming building, structure or portion thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located and which is destroyed or damaged, by fire or other casualty or act of God, to the extent that the cost of restoration to the condition in which it was before occurrence will exceed sixty (60) percent of the total cost of reconstructing the entire building or structure, shall not be restored unless said building or structure and the use there of shall conform to all regulations of the district in which it is located, In the event that restoration of such damage or destruction is less than sixty (60) percent of the cost of reconstructing the entire building or structure, no repairs or construction for restoration shall be made unless such work is started within one (1) year from the date of the damage/destruction and is diligently prosecuted to completion.

5. Discontinuance of Use of Non Conforming-Buildings or Structures

A non-conforming building, structure or portions thereof, all or substantially all of which is designed or intended for a use which is not permitted in the district in which it is located, and in which:

- a. Such use has ceased by discontinuance or abandonment on the effective date of this Comprehensive Amendment to the Zoning Ordinance, or
- b. Thereafter is abandoned and remains unoccupied, or is not used for a continuous period of six (6) months,

Shall not thereafter be occupied or used except by a use, which conforms to the use regulations of the district in which it is located.

6. Change or Expansion of Non-Conforming Use in Non-Conforming Building or Structure

The non-conforming use of a non-conforming building or structure all or substantially all of which is designed or intended for a use not permitted in the district in which it

is located, may be changed to a use permitted, in the district in which the building or structure is located. The non conforming uses of a part of the above said non-conforming building or structure may be extended to the remaining parts of the building but no change or extension of use shall extend or otherwise conflict with any other requirements requiring the elimination of such non-conforming building or structure and the use thereof.

7. Non-Conforming Use of Conforming Buildings or Structures

The existing non-conforming use of a part or all of a conforming building or structure may be continued subject to the following provisions:

- a. The non-conforming use of a part of such conforming building or structure shall not be expanded or extended into any other portion of such building or structure, nor changed to any non-conforming use, and
- b. If a non-conforming use of such a building or structure is discontinued or abandoned for a period of six (6) months, it shall not be renewed, and any subsequent use of such building structure shall conform to the use regulations of the district in which the premises are located.

8. Non-Conforming Use of Land

The non-conforming use of land not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of land, may be continued subject to the following provisions:

- a. Use Expanded: Such non-conforming use shall not be expanded or extended beyond the area it occupied at the time it became non-conforming.
- b. Use Renewed: If such non-conforming use of land is discontinued or abandoned for a period of six (6) consecutive months, it shall not thereafter be renewed, and subsequent use of land shall conform to the regulations of the district in which the land is located.
- c. Use Changed: No non-conforming use of land shall be changed to another non-conforming use.
- d. Elimination of the Non-Conforming Use of Land: Elimination of the non-conforming use of land shall be in accordance with the following, except that in the R-1, R-2 and E Districts the allowable term shall be reduced by fifty (50) percent:
 - a. Where no buildings or structures are employed in connection with non-conforming use of land, said use shall be discontinued within one (1) year from the effective date of this Comprehensive Revision to the Zoning Ordinance or any amendments thereto affecting such non-conforming status.
 - b. Where only buildings or structures or other physical improvements employed are accessory or incidental to the non-conforming use of land and have an assessed valuation of not more than forty (40) percent of the land, said use shall be discontinued within two (2) years from the effective date of this Comprehensive Amendment to the Zoning Ordinance or any amendments thereto affecting such non-conforming status.

- c. Where improvements, underground or substantially at ground level, which comprise all or substantially all of the improvements employed in such use of land and which have an assessed valuation of not more than forty (40) percent of the land, the non-conforming use shall be discontinued within two (2) years from effective date of this Comprehensive Amendment to the Zoning Ordinance or any amendments thereto affecting such non-conforming status.
- d. Where the non-conforming use of land is accessory to the non-conforming use of building or structure, said use shall be discontinued on the same date on which the non-conforming use of the building or structure is discontinued.