

## CHAPTER 7

### Nonconforming Uses, Structures and Lots

#### **SEC. 8-7-1 EXISTING USE PERMITTED.**

The existing lawful use of a structure or land at the time of the enactment of this Ordinance or any amendment applicable thereto which is not in conformity with the provisions established by this Ordinance may be continued in the manner and for the purposes then existent subject to the conditions hereinafter stated.

#### **SEC. 8-7-2 CLASSIFICATION AND REGULATION.**

For the purpose of administration, such non-conformity shall be classified and regulated as follows:

- (a) **Non-Conforming Structures.**
  - (1) No such structure shall be expanded, enlarged, reconstructed, substituted, moved or structurally altered, except in conformity with the regulations of the district in which it is located.
  - (2) When such structure is damaged to the extent of more than 50% of its current full market value, it shall not be restored except in conformity with the regulations of the district in which it is located.
- (b) **Non-Conforming Use of Structure.**
  - (1) No such use shall be expanded or enlarged.
  - (2) Upon petition to and approval of the Board of Appeals, such use may be changed to another use provided the Board determines that the new use would result in an equal or lesser degree of non-conformity and provided further that such new use shall thereafter determine the degree of legal non-conformity.
  - (3) Where any such use is discontinued for a period of 12 consecutive or for 18 accumulative months during any three-year period, any future use of the structure shall conform to the regulations of the district in which it is located.
  - (4) Where the structure in which such use is carried on is damaged to the extent of more than 50% of its current full market value, it shall not be restored for use except in conformity with the regulations of the district in which it is located.
  - (5) Structural repairs and alterations to a structure housing such use shall not, as long as such use continues, exceed 50% of the full market value of the structure at the time the use became non-conforming.
- (c) **Non-Conforming Lots.**
  - (1) No such lot shall be conveyed to a new owner except in conformity with the applicable provisions of the Land Division and Subdivision Ordinance of the Village.
  - (2) No building or occupancy permit shall be issued except in conformity with the "General Provision" of this Ordinance and the standards of the individual zoning district.
  - (3) The size and shape of such lot shall not be altered in any way so as to increase the

Section 8-7-2

degree of non-conformity except with the approval of the Board of Appeals.

(d) **Non-Conforming Use of Land.**

- (1) No such use shall be expanded or enlarged.
- (2) Upon petition to and approval of the Board of Appeals, such use may be changed to another use provided the Board determines that the new use would result in an equal or lesser degree of non-conformity and provided further that such new use shall thereafter determine the degree of legal non-conformity.
- (3) Where any such use is discontinued for a period of 12 consecutive or for 18 accumulative months during any three year period, any future use of the land shall conform to the regulations of the district in which it is located.

**SEC. 8-7-3 REMOVAL OF HAZARDS.**

Where, upon complaint of the Building Inspector, any non-conforming structure or use shall be found by the Board of Appeals as a matter of fact to be a detriment to the public health, safety or general welfare, such structure shall be ordered to be removed or such use to be discontinued within such time as the Board may deem reasonable. Upon failure to carry out such order, the Village may take such steps as are necessary to remove such structure or discontinue such use and assess the cost thereof against the property owner.

**SEC. 8-7-4 FRONT SETBACK DEVIATIONS.**

Where the front setback requirements of this Chapter deviate more than ten percent (10%) from established front setbacks of buildings within the immediate area and facing on the same side of a street, the Zoning Administrator shall establish front setbacks within ten percent (10%) in line with existing buildings.