

CHAPTER 9-9

NON-CONFORMING STRUCTURES OR USES

SECTION:

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9-9-1: **NON-CONFORMING STRUCTURES:**

- A. Continuation Permitted. A non-conforming structure lawfully existing upon the effective date of this Ordinance may continue as non-conforming, except as otherwise provided in this Section.
- B. Repairs. A non-conforming structure may be repaired or altered provided no structural alteration change shall be made.
- C. Additions, Enlargements, or Moving
 - 1. A structure non-conforming as to use, height, yard requirements, or lot area shall not be added to or enlarged in any manner unless such structure, including such addition or enlargement, is made to conform to the use, height, yard, and area requirements of the zoning district in which it is located.
 - 2. No non-conforming structure shall be moved in whole or in part to any other location on the lot on which it is located unless every portion of such structure is made to conform to all the requirements of the zoning district in which it is located.
 - 3. In the case of mobile home dwellings, located outside a mobile home park, if a unit is removed, replacement is not permitted.

9-9-2: **NON-CONFORMING USES:**

- A. Continuation and Change. Except as otherwise provided in this Ordinance:
 - 1. A non-conforming use lawfully existing upon the effective date of this Ordinance may be continued.
 - 2. A non-conforming use may be changed only to a use of the same or more restricted classification.

B. Expansion Prohibited

1. A non-conforming use in a structure designed for a conforming use shall not be expanded or extended into any other portion of such conforming structure and shall not be changed except to a conforming use.
2. A non-conforming use on a part of a lot shall not be expanded or extended into any other portion of such lot.

9-9-3: **NON-CONFORMING VARIANCE PERMITTED BY PLANNING COMMISSION:**
The Village Planning Commission, which acts as a Zoning Board of Appeals, may authorize upon appeals in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship, and so that the spirit of this Ordinance shall be observed and substantial justice done, provided, however, that no action shall be taken or decision made except after public hearing.

9-9-4: **TERMINATION OF NON-CONFORMING USES OR BUILDINGS:**

- A. Whenever a non-conforming use has been discontinued for a period of twelve (12) months, such use shall not thereafter be re-established, and use thereafter shall conform to the provisions of this Ordinance.
- B. No building damaged by fire or other causes to the extent that its restoration will cost more than sixty percent (60%) of its fair cash value shall be repaired or rebuilt except to conform to the provisions of this Ordinance.

9-9-5: **SUBSTANDARD LOTS:** In any Residential District a one family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record which was recorded in the office of the County Recorder of Deeds before the effective date of this Ordinance, subject to the restrictions of Section 9-3-3 (C).

Such lot or parcel must have been in separate ownership from abutting lands on the effective date of this Ordinance. If abutting lands and the substandard lot are owned on that date by the same owner, the substandard lot shall not be sold or used without full compliance with the provisions of this Ordinance. If in separate ownership, all the district requirements shall be complied with insofar as practical. The Planning Commission shall interpret the requirements to be followed in such cases upon request of the Zoning Enforcement Officer.

9-9-6: **CERTIFICATE OF NON-CONFORMING USES:** A certificate of non-conforming use shall be required for all lawful uses of land or structures identified as being non-conforming as of the effective date of this Ordinance. Non-conforming uses shall maintain valid certificates of non-conforming use identifying them as such for the Zoning Enforcement Officer's records.