

SECTION 9

## NON-CONFORMING USES

- 9.0 Statement of Purpose
- 9.1 Authority to Continue Non-Conforming Buildings, Structures and Uses.
- 9.2 Non-Conforming Use of Buildings or Structures
- 9.3 Non-Conforming Use of Land

9.0 STATEMENT OF PURPOSE. The purpose of this section is to provide for the regulation of non-conforming uses, buildings and structures, and to specify those circumstances and conditions under which those non-conforming buildings, structures and uses may be continued, in accordance with the authority granted by section 11-13-1 of Chapter 24 of the Revised Statutes of the State of Illinois.

9.1 Authority to continue non-conforming buildings, structures and uses. Any non-conforming building, structure or use which existed lawfully at the time of the adoption of this ordinance and which remains non-conforming, and any such building, structure or use which shall become non-conforming upon the adoption of this ordinance, or of any subsequent amendment thereto, may be continued only in accordance with the regulations which follow.

9.11 Repairs and alterations. Ordinary repairs and alterations may be made to a non-conforming building or structure, provided that no structural alterations shall be made in or to such 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, except those required by law, or except to make the building or structure, and use thereof, conform to the regulations of the district in which it is located.

9.12 Additions and enlargements.

1. 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 use thereof, including all additions and enlarge-

ments thereto is made to conform to all the regulations of the district in which it is located.

2. A non-conforming building or structure, which is non-conforming only as to bulk, shall not be added to or enlarged in any manner unless such additions and enlargements thereto are made to conform to all regulations of the district in which it is located.

9.13 Moving. No building or structure which does not conform to all of the regulations of the district in which it is located, shall be moved in whole or in part to any other location unless every portion of such building or structure is moved, and the use thereof is made to conform to all regulations of the district into which it is moved.

9.14 Restoration of damaged non-conforming building. A building or structure, 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 the occurrence will exceed fifty per cent (50%) of the cost of restoration of the entire building or structure new, shall not be restored unless said building or structure, and the use thereof, shall conform to all regulations of the district in which it is located. In the event that such damage or destruction is less than fifty per cent (50%) of the cost of restoration of the entire building or structure new, no repairs or reconstruction shall be made unless such restoration is started within one year from the date of the partial destruction and is diligently prosecuted to completion.

9.15 Discontinuance of use of non-conforming building or structure. A 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 vacant, unoccupied, and not used on the effective date of this ordinance, or thereafter becomes vacant and remains unoccupied, or is not used for a



continuous period of one hundred eighty (180) days, 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.

9.16 Expansion of use in non-conforming building or structure. The non-conforming use of a part of a building or structure may be expanded within the building or structure in which said use is presently located, but no changes or structural alterations shall be made unless such changes or structural alterations, and the use thereof, conform to all the regulations of the district in which the building or structure is located.

9.17 Change of use in non-conforming building or structure. The non-conforming use of a building or structure may be changed to a use permitted in the district in which the building or structure is located, but no change shall extend or otherwise modify any provision made in this ordinance for elimination of such non-conforming building or structure, and the use thereof.

9.2 NON-CONFORMING USE OF BUILDINGS OR STRUCTURES. The lawfully existing non-conforming use of part or all of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, may be continued subject to the following provisions:

9.21 Expansion of non-conforming use. The non-conforming use of part of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, shall not be expanded or extended into any other portion of such building or structure.

9.22 Discontinuance. If a non-conforming use of a building or structure, all or substantially all of which building or structure is designed or intended for a use permitted in the district in which it is located, is discontinued for a period of ninety (90) days, it shall not be renewed, and any subsequent use of the building or structure shall conform to the use regulations of the district in which the premises are located.

- 9.23 Change of a non-conforming use. No non-conforming use shall be changed to another non-conforming use when such non-conforming use is located in a building or structure, all or substantially all of which building or structure is designed or intended for a permitted use.
- 9.24 Elimination of a non-conforming use. In all residence districts, any use which lawfully exists at the adoption of this ordinance, but is permitted only in a business district, and which is located in a building, all or substantially all designed or intended for a residential purpose, shall be entirely discontinued and shall thereafter cease operation within one year from the date of the adoption of this ordinance.
- 9.3 NON-CONFORMING USE OF LAND. The non-conforming use of land not which any building or structure thereon is incidental or accessory to the principal use of the land, may be continued subject to the following provisions.
- 9.31 Expansion. A non-conforming use of land shall not be expanded or extended beyond the area it occupies.
- 9.32 Discontinuance. If a non-conforming use of land is discontinued for a period of three consecutive months, it shall not thereafter be renewed, and any subsequent use of land shall conform to the regulations of the district in which the land is located.
- 9.33 Change of use. A non-conforming use of land shall not be permitted in the district in which the land is located.
- 9.43 Elimination of non-conforming use of land. The non-conforming use of land shall be discontinued and cease in accordance with the following:
1. Where no building or structure is employed in connection with such use, discontinued within six (6) months.
  2. Where the only buildings or structures or other physical improvements employed are accessory or incidental to such use and have an assessed valuation on the effective date of

this ordinance of not more than \$2,000, discontinued within one year.

3. Where the improvements, underground or substantially at ground level, which comprise all or substantially all of the improvements employed in a non-conforming use of land and which have an assessed valuation on the effective date of this ordinance of more than \$2,000, discontinued within three years.
4. Where a non-conforming use of land is accessory to the non-conforming use of a building or structure, discontinued on the same date on which the non-conforming use of the building or structure is discontinued.