

Article VI, Nonconformities

Sec. 06.01 Nonconforming Lots of Record.

In any district in which single-family dwellings are permitted, a single-family dwelling and customary accessory buildings may be erected on any single lot of record at the effective date of adoption or amendment of this Ordinance, notwithstanding limitations imposed by other provisions of this Ordinance. Such lot must be in separate ownership and not of continuous frontage with other lots in the same ownership. This provision shall apply even though such lot fails to meet the requirements for area or width, or both, that are generally applicable in the district, provided that yard dimensions and requirements other than those applying to area or width, or both, of the lot shall conform to the regulations for the district in which such lot is located. Variances of requirements listed in this Ordinance other than lot area or lot width shall be obtained only through action of the Board as provided in this Ordinance.

Sec. 06.02 Nonconforming Lots of Record in Combination.

If two or more lots or a combination of lots and portions of lots with continuous frontage in single ownership are of record at the time of passage or amendment of this Ordinance, and if all or part of the lots with no buildings do not meet the requirements established for lot width and area, the lands involved shall be considered to be an undivided parcel for the purposes of this Ordinance, and no portion of said parcel shall be used or sold in a manner which diminishes compliance with lot width and area requirements established by this Ordinance, nor shall any division of any parcel be made which creates a lot with a width or area below the requirements stated in this Ordinance.

Sec. 6.03 Nonconforming Structures.

Any lawful nonconforming structure may be continued and maintained, provided there is no physical change other than necessary maintenance and repair of such structure except as permitted hereinafter.

Sec. 06.04 Nonconforming Uses.

Any lawful nonconforming use of land may be continued, provided that such use of land shall not be expanded or extended either on the same or adjoining property, and provided further, that

if such use or any portion thereof is discontinued or abandoned, any future use of such land shall be in conformity with the provisions of this Ordinance.

Sec. 6.05 Termination; Restoration.

In the event that a nonconforming use of land or structure is discontinued or abandoned, for a period of two years or more, for any reason, the use of the same shall conform thereafter to the uses permitted in the district in which it is located. In the event that a nonconforming use of land or structure is discontinued or abandoned for less than two years, the nonconforming use may be restored.

Sec. 6.06 Completion.

The adoption of this Ordinance shall not limit the construction of any structure for which a permit had been obtained, subject to the term limits of the permit issued for such purpose.

Sec. 6.07 Reconstruction.

If any nonconforming structure is damaged or destroyed, by any means, to the extent of more than 50 percent of its fair market value prior to destruction, such structure shall not be reconstructed except in conformance with this Ordinance. The determination of such reduced value shall be made by the Board, which may, if necessary, consult with a Village-appointed appraiser.

Sec. 6.08 Extension.

A nonconforming use or structure may, as a conditional use, be enlarged, increased or extended beyond the area it occupied as of the effective date of this Resolution, provided that the Board finds both of the following to be true:

- (a) The enlargement will not interfere with conforming structures and the operation of conforming uses in the District or with circulation on adjacent public streets; and
- (b) The enlargement will cause no greater adverse impacts on surrounding properties than did the original nonconformity.

Sec. 6.09 Substitution.

Any part of a structure or land occupied by a nonconforming use may be changed to a use of the same or a more restricted classification (subject to such permits as may be required for such use); but where the use of a nonconforming structure or land is hereafter changed to a more restricted classification, it shall not thereafter be changed to a use of less restricted classification.

Sec. 6.10 Change of Tenancy or Ownership.

There may be a change of tenancy, ownership or management of an existing lawful nonconforming use, provided there is no change in the nature or character of such use.

Sec. 6.11 Removal of Nonconforming Use or Structure.

The Commission may, from time to time, recommend to the Council the acquisition of such private property as does not conform in use or structure to the regulations and restrictions of the various districts defined in this Ordinance and recommend the removal of such use or structure in accordance with applicable laws and statutes.

Sec. 6.12 Nonconformities Due to Reclassification.

The foregoing provisions shall also apply to lots, structures, and uses which hereafter become nonconforming due to any reclassification of districts or zones under this Ordinance.

Sec. 06.13 Record of Nonconforming Uses.

Immediately after the effective date of this Ordinance or any amendments thereto, the Village should prepare a complete record of all nonconforming uses and occupations of lands, buildings, and structures, including tents and trailer coaches, existing at the time of such Ordinance or amendment. Such record should contain the names and addresses of the owners of such nonconforming use and of any occupant, other than the owner, the legal description of the land and the nature and extent of use. This is not meant to be an exhaustive list of all nonconformities in the Village, but only those of which the Commission is aware. The Commission should review the record and make such recommendations to the Council as it deems advisable with reference to these nonconforming uses. The record of nonconforming uses and recommendations of the Commission should be filed in the office of the Clerk-Treasurer and the record should constitute prima facie evidence of the number, character, and extent of the nonconformities at the time this Ordinance or any amendment thereto becomes effective. The record of nonconforming uses should be reviewed and revised annually as the Commission shall prescribe.