ARTICLE 24

NON-CONFORMITIES

24-100. PURPOSE.

24-100.1. This Ordinance establishes districts, each of which is an appropriate location only for the uses, buildings and structures permitted therein by this Ordinance. Within such districts, however, there exist non-conformities that were lawful before the effective date of this Ordinance, but that could not be newly created under the terms of this Ordinance.

24-100.2. Recognizing the legitimate interest of those who lawfully established these non-conformities, this Ordinance is intended to permit most such non-conformity's to continue as hereinafter provided. It also recognizes and declares, however, that non-conformity's substantially and adversely affect the orderly development, maintenance, use and taxable value of other property in the district--property that is itself subject to the regulations of this Ordinance. Therefore, it is necessary and consistent with the establishment of districts to regulate non-conformity's strictly and to encourage that they be brought into eventual compliance with the standards of this Ordinance.

24-101. LOTS SMALLER THAN THE MINIMUM NOW REQUIRED:

24-101.1. In Residential Districts. In any residential district, notwithstanding regulations imposed by other provisions of this Ordinance, a single-family dwelling (or an addition thereto) may be erected on a lot consisting entirely of a tract of land that:

24-101.1.1. Has less than the prescribed minimum lot area or width or both, but that no lot with less than a forty (40) foot width shall be considered buildable, and that

24-101.1.2. Is shown by a recorded plat or deed to have been owned separately and individually from adjoining tracts of land at a time when the creation of a lot of such area and width at such location was not prohibited by any ordinance, and that

24-101.1.3. Has remained in separate and individual ownership from adjoining tracts of land continuously during the entire time that the creation of such lot has been prohibited by the ordinance.

Construction permitted by this subsection shall comply with all regulations (except lot area and width) applicable to single-family dwellings in the districts in which the lot in question is located.

24-102. NONCONFORMING BUILDINGS USED FOR A PERMITTED USE BUT WHICH DO NOT MEET BULK REGULATIONS:

A building that contains no nonconforming use, but which does not comply with the applicable bulk regulations, may be continued, so long as it remains otherwise lawful, subject to the following regulations:

24-102.1. Enlargement, Repair or Alterations. Such building may be enlarged, maintained, repaired or structurally altered; provided, however, that no such enlargement, maintenance, repair or structural alteration shall either create any additional nonconformity or increase the degree of existing nonconformity of all or any part of such building.

24-102.2. Damage or Destruction. In the event that any such building is damaged or destroyed, such building may be restored, but such restoration shall not create any additional nonconformity.

24-102.3. Moving. No such building shall be moved in whole or in part for any distance whatever to any other location on the same or any other lot, unless the entire building shall thereafter conform to the regulations of the district in which it is located after being moved.

24-103. NONCONFORMING USES:

A lawfully existing nonconforming use of land or of a building or structure or part thereof may be continued, so long as it remains otherwise lawful, subject to the following regulations:

24-103.1. Ordinary Repair and Maintenance.

24-103.1.1. Work may be done on ordinary maintenance and repairs, and on repair, replacement, installation and relocation of nonbearing walls and nonbearing partitions, fixtures, wiring and

plumbing; provided, that this provision does not authorize any violation of any other provisions contained in this **Section 24-103.**

24-103.1.2. Nothing in this Ordinance shall be deemed to prevent the strengthening or restoring to a safe condition of a building or structure, in accordance with the order of a public official who is charged with protecting the public safety and who declares such building or other structure to be unsafe and orders its restoration to a safe condition.

24-103.2. Structural Alteration. No structural alteration shall be made unless the entire building or structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

24-103.3. Extension. A nonconforming use shall not be extended, expanded, enlarged or increased in intensity. Such prohibited activities include, without being limited to:

24-103.3.1. Extension of such use to any building or structure or land area other than one occupied by such use on the effective date of this Ordinance (or on the effective date of a subsequent amendment thereto that causes such use to become nonconforming).

24-103.3.2. Extension of such use within a building or structure to any portion of the floor area that was not occupied by such use on the effective date of this Ordinance (or on the effective date of a subsequent amendment thereto that causes such use to become nonconforming); provided, that such building or other structure was lawfully designed or arranged for such use on such effective date.

24-103.3.3. Any increase in the number, area or size of signs accessory to such use.

24-103.4. Enlargement. No building or structure that is devoted in whole or any part to a nonconforming use shall be enlarged or added to in any manner unless such building or other structure and the use thereof shall thereafter conform to the regulations of the district in which it is located.

24-103.5. Damage or Destruction. In the event that any building or structure that is devoted in whole or in part to a nonconforming use is damaged or destroyed by any means, to such an extent that the cost of restoration to the condition in which it was before such damage or destruction exceeds seventy-five (75) per cent of the current replacement cost of the entire building or structure, exclusive of foundations; such building or structure shall not be restored unless it and its use shall thereafter conform to the regulations of the district in which it is located. Moreover, no repairs or restoration shall be made unless a building permit is obtained, and restoration is actually begun, within six (6) months after the date of such damage or destruction, and is diligently pursued to completion.

24-103.6. Moving. No building or structure that is devoted in whole or in part to a nonconforming use shall be moved, in whole or in part, for any distance whatever, to any other location on the same or other lot, unless the entire building or structure and the use thereof shall thereafter conform to the regulations of the district in which it is located after being moved. Moreover, no nonconforming use of land shall be moved, in whole or in part, for any distance whatever, to any other location on the same or any other lot unless such use shall thereafter conform to the regulations of the district in which it is located after being moved.

24-103.7. Change.

24-103.7.1. If all or substantially all of a building or structure was originally designed or intended for a use which is permitted in the district in which such building or structure is located, a nonconforming use of such building or structure shall not be changed to any use other than one permitted in such district. A nonconforming use of any other building or structure may not be changed to another nonconforming use unless the Zoning Board of Appeals finds, either by general rule or by the making of findings in the specific case, that the proposed use is equally appropriate or more appropriate in the district than is the existing nonconforming use. In permitting such change, the Board may impose appropriate conditions and safeguards in accordance with the provisions of this Ordinance.

24-103.7.2. The nonconforming use of land, not involving a building or structure or in connection with which any building or structure is incidental or accessory to the principal use of the land, shall not be changed other than to a use permitted in the district in which the land is located.

24-103.7.3. When a nonconforming use has been changed to a permitted use, it shall not thereafter be changed back to a nonconforming use.

24-103.8. Discontinuances.

24-103.8.1. If a nonconforming use of a building or structure or part thereof is discontinued for a period of one (1) year, such nonconforming use shall not thereafter be re-established, and any subsequent use or occupancy of such building or structure shall conform to the regulations of the district in which it is located.

24-103.8.2. If a nonconforming use of land, not involving a building or structure or in connection with which any building or structure is incidental or accessory to the principal use of the land, is discontinued for a period of six (6) months, such nonconforming use shall not thereafter be re-established, and any subsequent use or occupancy of such land shall conform to the regulations of the district in which it is located.

24-103.9. **Nonconforming Accessory Uses.** No nonconforming accessory use shall continue after the principal use it serves has been abolished.

24-104. EXISTING SPECIAL USES:

Where a use exists lawfully on the effective date of this Ordinance and is permitted by this Ordinance only as a special use in the district in which it is located, such use shall not be deemed a nonconforming use but shall without further action be deemed a lawful special use in such district.

24-105. NONCONFORMING SIGNS:

24-105.1. Continuation of Legal Nonconforming Signs. With the exception of those signs subject to the provisions of **Section 24-105.2.**, a legal nonconforming sign may be continued and shall be maintained in good condition, but it shall not be: changed to another nonconforming sign; structurally altered (except to meet safety requirements) so as to prolong the life of the sign; altered so as to increase the degree of nonconformity of the sign; expanded; re-established after its discontinuance for ninety (90) days; continued in use after cessation or change of the business or activity to which the sign pertains; or re-established after damage or destruction if the estimated cost of reconstruction exceeds fifty (50) per cent of the appraised replacement cost (as determined by the Zoning Administrator).

24-105.2. Conformance Provisions: Any sign erected or constructed prior to the enactment of this Code, or any sign subject to the provisions of this Ordinance by reason of annexation to the Village, and which sign is a legal nonconforming sign as defined herein, shall be brought into conformance or removed in accordance with the following provisions:

24-105.2.1. Any existing individual sign which exceeds the maximum area or height limitations of this Ordinance by ten (10) per cent or less may be considered to be a conforming sign and need not be removed or altered. However, at the time such sign is to be replaced or renovated, that sign shall be made to conform to all provisions of this Ordinance.

24-105.2.2. Any sign which is nonconforming only in that it does not meet the requirements of this Ordinance concerning height, setback, distance between signs on the same or adjacent lots, or limitations on window signs shall be brought into conformance or removed (or such work shall have been contracted for) within one hundred eighty (180) days after the date upon which the sign became nonconforming under the provisions of this Ordinance and amendments hereto.

24-105.2.3. Any sign, except signs cited in **Section 24-105.2.4.**, which is nonconforming as to permitted sign area or any other reason which would necessitate the complete removal and/or total replacement of the sign may be maintained until August 29, 1986. (***Ord. #820, 11/24/86***)

24-105.2.4. Any sign that is an accessory sign to an auto service station of the type of construction that is a pedestal sign with a corporate logotype may be continued. The sign skin material embossed with the logotype may be replaced; but no replacement shall involve an increase in height, width, area, or change in shape.

The sign for the Lapin Pharmacy located on the building at the corner of Sterling Avenue and Central Drive is hereby declared to be of historical aesthetic interest to the Village and may be continued and shall for the purposes of this ordinance be considered a conforming sign. (***Ord. #820, 11/24/86***)

24-105.3. Notice to Repair or Remove; Creation of Lien.

24-105.3.1. If the Zoning Administrator shall find that any sign is maintained in violation of the provisions of this Article, the Zoning Administrator shall give written notice to the owner or person entitled to possession of the sign or the owner of the property where the sign is located. If such person fails to alter or remove the sign so as to comply with this Article within thirty (30) days after receipt of such notice, the Zoning Administrator may cause such sign to be altered or removed at

the expense of the owner or person entitled to possession of the property or sign, and shall, upon the determination of such expenses, certify the same to the Village Manager.

24-105.3.2. The Village Manager shall notify the owner or person entitled to possession of the sign or property of the total costs incurred for such alteration or removal of the sign, and if that person shall fail within thirty (30) days after the date of notification to pay the entire costs and expenses of such repair, alteration or removal, then such costs and expenses shall become a lien against the property, and the Village Manager shall certify the same to the Cook County Treasurer for collection in the same manner as general property taxes are collected.

24-105.3.3. The amount certified by the Village Manager to the County Treasurer for collection shall include the actual cost of repair or removal of said sign, plus fifteen (15) per cent, and in addition thereto, shall include an amount equal to ten (10) per cent representing penalty and interest for the cost of collection.

24-106. NONCONFORMING FENCES.

Any fence, located on the real estate of its owner, which was in existence on June 1, 1987 and which does not conform with the requirements of this Zoning Ordinance may continue as a legal non-conforming fence. Any such fence may be maintained, repaired or replaced subject to the following standards and the issuance of a fence permit: (***Ord. #844, 6/15/87***)

24-106.1. To the extent practicable, based on the general availability of construction materials, a replacement fence shall be of a similar character to the original fence in terms of materials, design and degree of openness to vision. A replacement fence may have a greater degree of openness to vision, but not less.

24-106.2. To the extent the nonconformity relates to the location in required or provided yards, no additional encroachment shall be permitted.

24-106.3. No replacement fence shall be built that exceeds the height of the prior nonconforming fence or the height limitation of this ordinance, whichever is less. (***Ord. #814, 9/22/86***)(*See also* **Section 21-100.6** - Fences)

24-107. NONCONFORMING DRIVEWAYS.

Any driveway located on real estate zoned for residential use which was in existence on July 15, 1996 and which does not conform to the requirements of this Zoning Ordinance may continue as a legal non-conforming driveway. Any such driveway may be maintained, repaired or replaced. No replacement driveway shall exceed the original dimensions or deviate from the original location of the prior non-conforming driveway. (***Ord. #1187, 7/15/96)***