

CHAPTER 10

NONCONFORMING AND SPECIAL USES

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5-10-1: **NONCONFORMING USES:**

5-10-1-1: **INTENT:** Within the districts established herein or amendments that may later be adopted, there exist structures and uses of land and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance. These structures and uses of land and structures are declared legal nonconformities.

It is the intent of this Ordinance to permit these nonconformities until they are removed, but not to encourage their existence. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved.

5-10-1-2: **CONTINUANCE OF USE:** Nonconformities may continue to operate at the level of operation on the effective date hereof subject to the following:

A.

A nonconforming use, building or structure shall not be added to or enlarged.

B.

No nonconforming use, building or structure shall be changed except to a use permitted in the district in which it is located.

C.

Repairs shall be made in order to keep the building or structure in safe condition. However, no alterations shall be made which increase the bulk of the building or structure unless otherwise required by State or Federal laws.

Requirements such as use, area and fixtures must be specified, in writing, to the Village Board of Appeals by the governmental agency requiring the addition.

D.

No building or structure shall be moved in whole or in part to any other location unless the building or structure and its use conforms to all of the regulations of the district in which it is located.

E.

Junk yards are declared non-conforming uses under all zoning classifications. No new permits for junk yards shall be permitted within the Village.

5-10-1-3: **DISCONTINUANCE OF USE:** The following occurrences shall cause a loss of legal non-conforming status. All subsequent uses must conform to the regulations of the district:

A.

If a non-conforming structure or use is voluntarily abandoned for a continuous period of twelve (12) months, it shall not be used for anything but a conforming use in the future and any structure must conform to all regulations.

5-10-2: **SPECIAL USES:**

5-10-2-1: **PURPOSE:** Most types of land covered by this Ordinance are grouped according to compatibility and function, and each group is permitted outright in one or more of the various districts established in this Ordinance. In addition to those permitted uses, there are other uses which it may be necessary or desirable to allow in certain districts, but because of their potential impact on adjacent land or public facilities, need particular and individual consideration prior to location in the community. Such uses are classified in this Ordinance as "special uses" and fall into two (2) general categories:

A.

Those municipally operated or operated by publicly regulated utilities and uses traditionally affected by public interest.

B.

Uses entirely private in character which, because of their peculiar locational needs or the nature of the service they offer to the public, may have to be established in a district in which they cannot be allowed as a permitted use

under these zoning regulations.

5-10-2-2: LIST OF SPECIAL USES: The Village Board shall have the authority to permit the following uses of land or structures in any district, except as herein qualified and subject to the conditions and procedures herein set forth:

- A. Cemetery or mausoleum.
- B. Churches.
- C. Day care center or nursery, in D-1 District.
- D. Lodge, recreational club or organization.
- E. Hospitals.
- F. Nursing Homes.
- G. Public and government buildings.
- H. Building heights in excess of district regulations.
- I. Three (3) or four (4) apartments, converted from an existing dwelling.
- J. Veterinary clinic, in D-1 District.
- K. School; public, parochial or private.
- L. Illuminated sign.