

Chapter 4
NONCONFORMING USE REGULATIONS

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5A-4-1 Continuanace of Nonconforming Uses, Expansion

A nonconforming use occupying all or part of a building or structure may be continued therein during the remainder of the normal life of the building or structure, or until the building or structure has deteriorated to the extent that it is no longer safe for the housing of the nonconforming use therein; provided, the continuance of such nonconforming use shall be subject to the regulations set forth herein.

A nonconforming use occupying a part of a building or structure may be extended throughout that part of the building or structure originally designed for such use, but no addition shall be made which will provide for an expansion of such nonconforming use. A use customarily incidental to a principal use shall not extend beyond an area that is clearly incidental to the amount of use for such principal use.

A nonconforming use of land shall not be extended beyond the area actually so used at the time of the effective date hereof, or at the date of the passage of later amendment(s) creating the nonconformance.

5A-4-2 Discontinuance, Destruction, Change

5A-4-2.1 Discontinuance

A nonconforming use of a building, structure or land which is discontinued for a period of 90 days or more shall not be resumed and any further use of such building, structure or land must be in conformity with the provisions of this Title. The continuance of public utilities, such as water, gas, electricity or telephone, shall not be considered automatically a continuance of the use or activity.

5A-4-2.2 Destruction or Damage

Any building or structure devoted wholly or in part to a nonconforming use, which has been involuntarily damaged or destroyed by fire, wind or other destructible force, may be repaired or reconstructed, provided such repaired or reconstructed building or structure shall not occupy a greater space or area than that occupied at the time of the damage or destruction.

5A-4-2.3 Change

A nonconforming use may not be changed except to a conforming use.

5A-4-3 Repairs

So long as a building or structure is used or is eligible for use in a nonconforming manner, only repairs and maintenance, including removing and replacing of outer wall surfaces and replacement of roof covering, shall be permitted. In no case shall such repairs include structural alteration or other work which will appreciably extend the normal life of the building.

5A-4-4 Certificate of Nonconforming Use

The owner of any building, structure or land, upon which a business, profession or industry is operated in nonconformance, as defined herein, is, after the effective date hereof, entitled to a certificate of nonconforming use, authorizing the continuance of such business, profession or industry in accordance with the provisions of this Title.

5A-4-5 Records

The Building Inspector shall issue a certificate of nonconforming use to the owner of any building, structure or land upon which legal nonconforming use, as defined in this Title, exists when informed of its existence. The Building Inspector shall keep a record of such use as is necessary to clearly indicate the character of such nonconforming use.

5A-4-6 Lots Less Than 7,000 Square Feet or Less Than 70 Feet Wide

Lots less than 7,000 square feet in area of less than 70 feet in width, which were so recorded prior to the effective date of this Title, may be occupied by a single-family dwelling only subject to the following requirements:

1. The building permit application shall be accompanied by a survey, prepared by a registered land surveyor, showing the location of the proposed building and the lots on each side of the subject lot showing any encroachments, measurements of all lot lines, all easements, building line setbacks, fences, all building or other improvements, including any projections, on the lots and distances thereof to all lot lines.
2. The applicant shall provide a sworn affidavit that neither he, the owner of record, contract purchaser nor the holder of any beneficial interest in the lot has now, or has had during the past five years, any right, title interest either directly or indirectly in all, or any part, of the undeveloped properties lying contiguous to the subject lot.
3. If there is no land available from the adjoining lot(s) that could be incorporated into the subject property to meet the required lot width and lot area a petition for a variation from these requirements may be filed pursuant to Chapter 13 of this Title.

If there is land available from the adjoining lot(s) that could be incorporated into the sub-

ject property to meet the required lot width and lot area an offer to purchase the required property shall be submitted to the property owner(s) by certified mail, return receipt requested, to the owner or owners of record. Said offer to purchase shall have a life of not less than 30 days. If said offer is rejected a petition shall be filed with the Village for a variation from this Title. Accompanying said petition shall be a sworn affidavit setting forth in detail the steps taken to purchase the additional property, and proof of the certified mailing(s).