

SECTION VI

NONCONFORMING USES

A. NONCONFORMING BUILDINGS, STRUCTURES, AND USES

Any building, structure, or use which existed lawfully at the time of the adoption of this Comprehensive Amendment, and which becomes nonconforming upon the adoption of this amendment or of any subsequent amendment thereto, may continue only in accordance with the following regulations:

1. **Continuance of Use:** Any legal, nonconforming building or structure may be continued in use provided there is no physical change in the use other than necessary maintenance and repair, except as otherwise provided herein.
2. **Repairs and Alterations:** Ordinary repairs and alterations may be made to a nonconforming 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.
3. **Additions and Enlargements:** A nonconforming 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 nonconforming building or structure, and use thereof, including all additions and enlargements thereto is made to conform to all the regulations of the district in which it is located.
4. **Moving:** No nonconforming building or structure shall be moved in whole or in part to any other location unless every portion of such structure, and the use thereof, is made to conform to all the regulations of the district into which it is moved.
5. **Damage and Destruction:** 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 (50) percent of market value 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 (50) percent of the market value, no repairs or reconstruction shall be made unless such restoration is started within one (1) year from the date of the partial destruction and is diligently prosecuted to completion.

6. **Abandonment of Use:** A building or structure, or portion thereof, in which the use has ceased by abandonment on the effective date of this Comprehensive Amendment or thereafter, 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.
7. **Change of Use:** Whenever the nonconforming use of a building or structure has been discontinued or is proposed to be changed, any further use of such building or structure must conform to the use regulations of the district in which it is located.
8. **Sale or Lease of Nonconforming Building, Structure, or Use:** If a nonconforming building or structure is either sold, leased, or otherwise disposed of to a new owner or tenant, or if an assignment of the beneficial interest in a nonconforming building or structure is made, such building or structure must be removed within ninety (90) days. If the ownership or management of a nonconforming use is changed, such nonconforming use must be immediately ceased.

B. NONCONFORMING USE OF LAND

Where, at the effective date of adoption of this Comprehensive Amendment, lawful use of land exists that is made no longer permissible under the terms of this Ordinance as enacted, or any amendments thereto, such use may be continued so long as it remains otherwise lawful, subject to the following provisions and the remaining provisions of this Section, including Subsection C below:

1. No such nonconforming use shall be enlarged or increased nor extended to occupy a greater area of land or building area than was occupied at the effective date of adoption or amendment of this Ordinance;
2. No such nonconforming use shall be moved in whole or in part to any other portion of the lot or parcel occupied by such use at the effective date of adoption or amendment of this Ordinance; and
3. The nonconforming use of land shall not be changed to any other use except to a use permitted in the zone in which the land is located.

C. TERMINATION AND REMOVAL OF NONCONFORMING BUILDINGS, STRUCTURES, AND USES

The period of time during which nonconforming uses of buildings, structures, or land may continue or remain shall be limited from the effective date of this Comprehensive Amendment or any amendments thereto which causes the use to be nonconforming. Every such nonconforming use shall be completely removed from the premises at the expiration of the period of time specified below:

1. All nonconforming signs, billboards, and outdoor advertising structures shall be removed in accordance with Section IX,F of this Ordinance;
2. Any nonconforming structure that was erected, converted, or structurally altered in violation of the provisions of the Ordinance which this Ordinance amends shall not be validated by the adoption of this Comprehensive Amendment, and such violations, or any violations of this Ordinance may be ordered removed or corrected by the proper officials at any time; and
3. Any nonconforming use in any business or industrial district shall be entirely discontinued with any change in occupancy.

D. CERTIFICATION OF NONCONFORMING USE

Any nonconforming use which existed lawfully at the time of adoption of this Comprehensive Amendment, and which remains nonconforming upon the adoption of this amendment or of any subsequent amendment thereto, may be continued, provided that a Certificate of Nonconformance is obtained from the Building Department. The obligation for obtaining such certificate rests solely with the owners or interests of the nonconforming use.

Failure to obtain a Certificate of Nonconformance within a period of six (6) months from the date of adoption of this Ordinance will require the amortization of the nonconformance in accordance with the procedures of this Ordinance. This does not negate the option of applying for conversion to a Special Use as provided for herein.

E. CONVERSION TO SPECIAL USE

Any nonconforming use may be converted to a permitted Special Use by the granting of a Special Use Permit, as provided for in this Ordinance.

This conversion may occur only when it is shown that the nonconforming use is providing a particular service to the residents of Tinley Park and that the use is not detrimental to the Village as a whole or to adjacent properties.