

CHAPTER 9

NONCONFORMING USES, STRUCTURES, LOTS

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9.01 Previously lawful condition. Within the districts established and mapped by this Ordinance, or amendments thereto, there may exist uses of lands or buildings, structures, or lots, which were lawful before this Ordinance, or amendments thereto, became effective, but which do not conform to the regulations herein. As set forth in s. 59.69(10), Wis. Stats., such nonconforming conditions may be continued, subject to the requirements of this chapter.

9.02 Nonconforming uses.

(1) Nonconforming use of land.

(a) For all nonstructural uses of land, except nonmetallic mining operations, expansions shall be authorized only by a conditional use permit.

(b) Expansion of a nonconforming, nonmetallic mining operation shall be governed by applicable Wisconsin law.
(Amended: 26 June 2001; Ord. 04-01)

(2) Nonconforming use of buildings or other structures. The following shall apply to all buildings or structures which house a nonconforming use:

(a) Structural alterations or structural repairs of an existing building or structure which houses a nonconforming use shall be authorized by a regular zoning permit.

(b) Expansion of a nonconforming use via new buildings or structures or via additions to an existing building or structure which houses a nonconforming use may be authorized only by a conditional use permit. Such new structures or additions shall only be placed within the boundaries of the lot as it existed at the time the use became nonconforming and shall comply with all applicable setbacks and other dimensional requirements of this Ordinance, unless variances

are granted as provided in s. 11.06, variance from the requirements of this Ordinance. (Amended: 25 June 1996, Ord. 16-96)

(c) If a structure which houses a nonconforming use is destroyed by fire, explosion, flooding, storm damage, or other disaster, such structure may be restored and the nonconforming use may be restored therein upon issuance of a regular zoning permit. Such restoration shall not exceed the original building floor area and volume, unless a conditional use permit is authorized, as provided in par. (b). If the original structure which housed the nonconforming use is also a nonconforming structure, the provisions of 9.03, nonconforming structures, shall also apply.

(3) Change of use. A nonconforming use shall not be changed to any use other than a use permitted in the zoning district in which it is located.

(4) Discontinuance. Where any such nonconforming use is discontinued for a period of 12 consecutive months, any future use of the building, structure, or land shall conform to the regulations of the district in which it is located.

9.03 Nonconforming structures.

(1) Alterations and additions.

(a) Structural alterations or structural repairs of nonconforming structures shall meet all the provisions of this Ordinance, except that such alterations or repairs need not comply with the setback or yard provisions of this Ordinance, provided they do not result in an increase in floor area nor change the footprint of the structure.

(b) Additions to or extensions of nonconforming structures are permitted provided that such additions or extensions comply with all the provisions of this Ordinance.

(2) Repairs and restoration.

(a) A nonconforming structure that is damaged or destroyed by fire, explosion, flooding, storm damage, or similar calamity, may be repaired or restored provided either 1) the repair or restoration would bring the structure into compliance with this Ordinance; or 2) the repair or restoration of the nonconforming portion of the structure occurs fully within the footprint of the structure before damage and there is no increase in the floor area of the nonconforming portion of the structure. Said repair or

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restoration in the latter case shall only be authorized when the relevant zoning permit for the repair or restoration is issued within twelve months from the date of the damage to the nonconforming structure. (Amended: 25 June 1996, Ord. 16-96) (Amended: 18 December 1997, Ord. 39-97)

(b) Except for historic buildings, no repairs or restoration of nonconforming structures shall be located within any public right-of-way.

(3) Repairs or reconstruction of any nonconforming deck shall require the issuance of a regular zoning permit. Said deck need not comply with the setback or yard provisions of this Ordinance provided the repair or reconstruction does not result in an increase in square footage nor change the footprint of said deck; however, the repaired or reconstructed deck shall not be higher than the original deck and shall maintain a side yard of at least 6 feet.

One stairway not to exceed 4 feet in width with treads not to exceed 12 inches in depth shall be allowed within the setback or yard.

Said repair or reconstruction shall only be authorized when a regular zoning permit for repair or reconstruction is issued within 12 months of the date of removal of the original deck. (Added: 7 February 2001, Ord. 33-00)

(4) Nonconforming signs. All nonconforming signs shall be subject to the provisions contained in s. 8.06, nonconforming signs. (Amended: 7 February 2001, Ord. 33-00)

9.04 Nonconforming lots.

(1) Existing lots of record which do not contain sufficient area and/or width to meet the criteria in s. 3.04(5)(b), minimum lot requirements for lots created prior to the effective date of this Ordinance, shall be considered nonconforming lots. If a nonconforming lot is in common ownership with abutting lands, the contiguous lots shall be considered a single parcel, unless the parcel is redivided to conform to the dimensional requirements for new lots in the applicable zoning district.

(2) A nonconforming lot may be used for any use permitted within the zoning district in which the lot is located, but shall not be a building site, unless a variance is granted as provided in s. 11.06, variance from the requirements of this Ordinance. (Amended: 23 June 1998, Ord. 14-98)