

## **Section 8. Non-conforming Uses, Structures and Lots**

8.1 Existing Non-conforming Uses. A lawful non-conforming structure or use shall begin as of the time it was made non-conforming by the terms of a preceding ordinance, this ordinance, or a amendment to this ordinance. The lawful non-conforming use of a structure, land or water, or a lawful non-conforming structure existing at the time of the adoption or amendment of this ordinance may be continued although the use does not conform with the provisions of this ordinance:

(1) Only that portion of the land or water in actual use may be so continued and the structure may not be extended, enlarged, reconstructed, substituted, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.

(2) Total lifetime structural repairs or alterations shall not exceed fifty (50) percent of the equalized full assessed value of the structure at the time of its becoming a non-conforming use unless it is permanently changed to conform to the use provisions of this Ordinance.

(3) Substitution of new equipment may be permitted by the Board of Appeals if such equipment will reduce the incompatibility of the non-conforming use with the neighboring uses.

(4) Alterations or additions which change the exterior dimensions of the structure, and which do not conform to this Ordinance but which do not increase the dimensional non-conformity beyond that which existed before the work commenced, are allowed provided they do not exceed the fifty (50) percent requirement. Once the square footage or value method had been chosen it must be followed for the rest of the life of the structure.

8.2 Abolishment or Replacement. If such non-conforming use is discontinued or terminated for a period of twelve (12) months any future use of the structure, land, or water shall conform to the provisions of this Ordinance. When a non-conforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) percent of its assessed value as determined in Sec.8.1, it shall not be restored except so as to comply with the use provisions of this Ordinance.

(1) A current file of all non-conforming uses shall be maintained by the Zoning Administrator listing the following: owner's name and address; use of the structure, land, or water; and assessed value at the time of its becoming a non-conforming use.

(2) In applying this Section 8.2 to damaged uses or structures, lots platted according to Chapter 236 of the Wisconsin Statutes and on record in

the County Register of Deeds office before the effective date of this Ordinance need not be combined, if in the determination of the Zoning Administrator, the intent of this District will be maintained at the time of construction.

Assessed value shall be brought to 100% valuation in determining the 50% dollar value.

8.3 Existing Non-conforming Structures. The lawful non-conforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size or location does not conform with the lot width, lot area, yard, height, parking and loading, and access provisions of this Ordinance; however, it shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or order or so as to comply with the provisions of this Ordinance.

8.4 Changes and Substitutions Once a non-conforming use or structure has been changed to conform, it shall not revert back to a non-conforming use or structure. Once the Board of Appeals has permitted the substitution of a more restrictive non-conforming use for an existing non-conforming use, the substituted use shall lose its status as a legal non-conforming use and become subject to all the conditions required by the Board of Appeals.

8.5 Existing Principal Structures and Attached Garage(s) 30 Feet or More From Road

R/W and 7 Feet or More From Side Lot Lines. For purposes of determining setback requirements, existing principal structure and attached garage(s) located 30 feet or more from road right-of-way and 7 feet or more from side lot lines shall be deemed legal uses.

No variance is required for the setback requirements for the repair, alteration or replacement of structure located 30 feet or more from the road right-of-way and 7 feet or more from side lot lines. For purposes of measuring the setback of existing principal structure and attached garage(s) located 30 feet or more from road right-of-way and 7 feet or more from side lot lines, the setback shall be determined by a parallel line off the road right-of-way and the side lot lines to the relevant structure wall, not including the roof, overhang or steps.