

SECTION 9.0 – NONCONFORMING USES, STRUCTURES, AND LOTS

9.1 Existing Nonconforming Uses

The lawful nonconforming use of a structure, land, or water existing at the time of adoption or amendment of this Zoning Ordinance may be continued even though the use does not conform to the provisions of this Chapter; however:

- (1) Only That Portion of the structure, 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 as required by law or order, or to comply with the provisions of this Chapter.
- (2) Total Lifetime Structural Repairs or alterations shall not exceed 50% of the local assessed value of the structure at the time of its becoming a nonconforming use unless it is permanently changed to conform to the use provisions of this Chapter.
- (3) Substitution of New Equipment may be permitted by the Board of Adjustment if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.
- (4) Licenses. This Chapter is not intended to negate licenses (or their respective uses) which are issued by governmental agencies and are current as of the effective date of this Zoning Ordinance.

9.2 Existing Nonconforming Structures

Any lawful nonconforming structure existing at the time of adoption or amendment of this Zoning Ordinance may be continued even though its size or location does not conform to the lot width, lot area, yard, height, parking and loading, and access provisions of this Chapter; however:

- (1) The structure shall not be extended, enlarged, reconstructed, moved, or structurally altered except as required by law or official order, or to comply with the provisions of this Chapter, provided that any building located in a residential or agricultural district, including but not limited to a detached garage or accessory building, which is a non-conforming structure solely because it does not meet the front yard setback requirement of this Chapter, may be extended, enlarged, reconstructed or structurally altered in a manner which does not further reduce the distance of the existing structure from the point of reference established under the front yard setback requirement that would otherwise apply, and which does not violate any other provision of this Code.

- (2) Total lifetime structural repairs or alterations shall not exceed 50% of the local assessed value of the structure at the time of its becoming a nonconforming structure unless it is permanently changed to conform to the provisions of this Chapter.

9.3 Abolishment or Replacement

If a nonconforming use or the use or occupancy of a nonconforming structure is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this Chapter. If the use or occupancy of a nonconforming structure is discontinued or terminated for a period of 12 months, the structure shall be removed. When a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than 50% of its current local assessed value, it shall not be restored except in conformity with the provisions of this Chapter.

(Amended by Ordinance 030303B)

9.4 Changes and Substitutions

Once a nonconforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Planning & Zoning Committee has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Planning & Zoning Committee.

9.5 Substandard Lots

In any residential or agricultural district, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the Rock County Register of Deeds Office before the effective date of this Zoning Ordinance, subject to the following requirements:

- (1) All the district requirements shall be complied with insofar as practical but shall not be less than the following:

Lot	Width	50 ft.
	Area	Minimum 20,000 sq. ft.
Yards	Street	Minimum 35 ft.; the second street yard on corner lots shall be not less than 35 ft.

Rear	Minimum 20 ft.
Side	Minimum 10% of the frontage, but not less than 5 ft.

- (2) If two (2) or more substandard lots exist side by side, under the same ownership, each of which individual lots is less than 25,000 square feet, they shall be combined and considered as one (1) building site.
- (3) Compliance with the standards of the Rock County Sanitary Code shall be a condition for the granting of a zoning permit and a building permit.

9.6 Special Exception

The owner of any one-family or two-family dwelling unit which was used exclusively for residential use on the date of adoption of this Zoning Ordinance, which has been continuously used for residential use since the date of adoption of this Zoning Ordinance up to the date of the casualty referred to hereafter, and which has continuously been located in the Agricultural District One (A-1), Transitional Agricultural District One (A-1a), Local Commercial District (B-1), or Light Industrial District (M-1) since the date of adoption of this Zoning Ordinance, shall, in the event of destruction of the residence by fire or other casualty in an amount greater than 50% of assessed value, be permitted to reconstruct such residence on the lot where originally located. The size and number of units of the reconstructed residence shall be no greater than the size and number of units of the original residence. The burden of proof of establishing continuous residential use, size, and number of units shall be on the landowner. If said reconstruction is not commenced within a period of 12 months following the casualty, any subsequent re-construction and use of the building, structure, or premises shall conform to the regulations of the district in which such building, structure, or premises is located.

(Amended by Ordinance 101303B)

(This page intentionally left blank.)