

ARTICLE IX. NONCONFORMING USES, STRUCTURES AND LOTS

Sec. 106-220. Existing nonconforming uses.

The lawful nonconforming use of a structure, land or water existing at the time of the adoption or amendment of the ordinance from which this chapter is derived may be continued although the use does not conform with the provisions of this chapter; however:

- (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 chapter.
- (2) Total lifetime structural repairs or alterations shall not exceed 50 percent of the city's equalized 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.

(Ord. No. OR98-24, § I(106.0901), 10-26-1998)

Sec. 106-221. Abolishment or replacement.

If such nonconforming use 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. 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 percent of its current equalized value, it shall not be restored except so as to comply with the use provisions of this chapter.

(Ord. No. OR98-24, § I(106.0902), 10-26-1998)

Sec. 106-222. Existing substandard structures.

The use of a structure existing at the time of the adoption or amendment of the ordinance from which this chapter is derived may be continued although the structure's size or location does not conform with the established building setback line along streets or the yard, height, parking, loading, access and lot area provisions of this chapter. These provisions shall also apply to residential structures constructed in the commercial districts prior to the adoption of the ordinance from which this chapter is derived.

- (1) Additions and enlargements to existing substandard structures are permitted and shall conform with the established building setback lines along streets and the yard, height, parking, loading and access provisions of this chapter insofar as is practicable. Existing buildings and their additions shall not be permitted to encroach further upon established yard and height requirements than the existing encroachment.
- (2) Existing substandard structures which are damaged or destroyed by fire, explosion, flood or other calamity may be reconstructed and, insofar as is practicable, shall conform with the established building setback lines along

streets and the yard, height, parking, loading and access provisions of this chapter.

- (3) Existing substandard structures may be moved and, insofar as is practicable, shall conform with the established building setback lines along streets and the yard, height, parking, loading and access provisions of this chapter.

(Ord. No. OR98-24, § I(106.0903), 10-26-1998)

Sec. 106-223. 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 zoning board of appeals 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 zoning board of appeals.

(Ord. No. OR98-24, § I(106.0904), 10-26-1998)

Sec. 106-224. Wetland nonconforming uses.

Notwithstanding Wis. Stats. § 62.23(7)(h), the repair, reconstruction, renovating, remodeling or expansion of a legal nonconforming structure or any environmental control facility related to a legal nonconforming structure, located in the CD conservancy district and in existence at the time of adoption or subsequent amendment of the ordinance from which this chapter is derived, is permitted pursuant to Wis. Stats. § 61.351(5).

(Ord. No. OR98-24, § I(106.0905), 10-26-1998)

Sec. 106-225. Floodland nonconforming uses.

Floodland nonconforming uses repaired or altered under the nonconforming use provisions of this chapter shall provide for floodproofing to those portions of the structures involved in such repair or alteration. Certification of floodproofing shall be made to the building inspector and shall consist of a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the flood velocities, forces, depths and other factors associated with the 100-year recurrence interval flood.

(Ord. No. OR98-24, § I(106.0906), 10-26-1998)

Secs. 106-226--106-241. Reserved.