

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 the adoption or amendment of this Ordinance may be continued although the use does not conform with the provisions of this Ordinance; 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 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 to a structure dedicated to a nonconforming use shall not exceed fifty percent (50%) of the equalized 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 Ordinance.
- (3) If such nonconforming 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 nonconforming use or structure dedicated to such nonconforming use is damaged by fire, explosion, flood, the public enemy, or other calamity to the extent of more than fifty percent (50%) of its equalized assessed value at the time such event occurred, it shall not be restored except so as to comply with the use provisions of this Ordinance.
- (4) Substitution of new equipment may be permitted by the Board of Zoning Appeals if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.
- (5) This Ordinance is not intended to negate licenses or permits (or their respective uses) which are issued by governmental agencies and are current as of the effective date of this Ordinance.

9.2 Existing Nonconforming Structures.

- (1) Any lawful nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although its size and/or location does not conform to the lot width, area, yard, height, parking, loading, and access provisions of this Ordinance.
- (2) Existing nonconforming structures shall not be extended, enlarged, reconstructed, moved, or structurally altered except when required to do so by law or so as to comply with the provisions of this Ordinance.

- (3) When a nonconforming structure is damaged by fire, explosion, flood, violent wind, vandalism, ice, snow, mold, infestation, the public enemy or other calamity, it may be reconstructed if such change does not result in an increase to the nonconforming nature of the structure.

9.3 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 September 11, 1979, 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. (minimum)
 - Lot Area: 7,500 sq. ft. (minimum)
 - Yards
 - Street: Minimum 35 ft.; the second street yard on corner lots shall be not less than 10 ft.
 - Rear: Minimum 20 ft.
 - Side: Minimum 10 percent (10%) of the frontage, but not less than 5 ft.
- (2) 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.
- (3) If two or more substandard lots are abutting or have continuous frontage and are of the same ownership as of effective date of this Ordinance the lots involved shall be considered to be an individual parcel for the purpose of this Ordinance.
- (4) The location and size of the proposed residential parcel, and for a new residence, the location of the residence on the residential parcel, will not do any of the following:
 - (A) Convert prime farmland from agricultural use or convert land previously used as cropland, other than a woodlot, from agricultural use if on the farm there is reasonable alternative location or size for residential parcel or residence
 - (B) Significantly impair or limit the current or future agricultural use or other protected farmlands.

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 and 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.