

**SECTION 21.16 NONCONFORMING BUILDINGS, STRUCTURES AND USES****(1) Intent.**

The regulations of this Section are intended to provide controls over nonconforming uses, buildings, and structures, and to specify those circumstances and conditions under which those nonconforming buildings, structures, and uses may be continued or shall be discontinued when the nonconforming use ceases by discontinuance or abandonment, in accordance with the authority granted by Wisconsin Statutes. Nonconforming uses located within the (S)-Shoreland District shall be regulated by the applicable sections of 62.231 of the Wisconsin Statutes.

**(2) Authority To Continue Existing Nonconforming Buildings, Structures and Uses.**

Any nonconforming building, structure or use which existed lawfully at the time of the adoption of this Ordinance, at the time of annexation to the Village of the property on which located, or of any subsequent amendment thereto, may be continued only in accordance with the following regulations:

**(a) REPAIRS AND ALTERATIONS.**

Ordinary repairs, maintenance and interior alterations may be made to a nonconforming building or structure provided that the provisions of this Section are complied with. Ordinary repairs and maintenance shall be determined by the Building Inspector and shall include painting, repair of roof or steps, residing, landscaping and similar activities up to 50% of equalized full value.

**(b) ADDITIONS AND ENLARGEMENTS.**

1. Except as otherwise set forth in this Section a nonconforming building or structure shall not be added to or enlarged in any manner unless such nonconforming building or structure is made to conform to the regulations of the district in which it is located or a variance has been granted by the Board of Appeals.
2. A building or structure which is a permitted use but is nonconforming as to lot size, setback, coverage, height, or parking requirements, may be added to or enlarged provided that any such addition complies with yard, height and parking requirements of this Ordinance.
3. An attached or detached garage may be constructed on a lot which contains a nonconforming dwelling unit provided that such garage complies with the height and yard requirements for the district in which it is located.

**(3) Moving Nonconforming Building or Structure.**

No nonconforming building or structure may be moved in whole or in part to any other location unless every portion of such building or structure and the use thereof is designed and used or intended for a use permitted in the district to which it is moved and there is conformance with all other regulations of such district.

**(4) Restoration Of Damaged Nonconforming Buildings or Structures.**

A nonconforming building or structure which is partially destroyed to not more than 50% of equalized value or damaged by any cause may be rebuilt or restored with the same, or less, floor area and cubic content and with the same, or an improved, general site layout as that of the original structure. Board of Appeals approval of reconstruction or restoration plans shall be required and the Board may impose conditions on such approval if such conditions would improve an otherwise bad situation and bring the nonconforming building or structure more in conformity with the regulations for the district in which it is located.

Application for Board of Appeals approval for reconstruction or restoration shall be made within three (3) months from the date of damage or destruction and work commenced within six (6) months, and completed within 18 months, from the date of Board of Appeals approval. Failure to meet these time limits shall terminate the nonconforming use except that a six (6) month extension to any of the time limits may be granted by the Board of Appeals.

**(5) Discontinuance of Use of Nonconforming Building or Structure.**

When use of a nonconforming building or structure has been discontinued or abandoned for a period of 12 consecutive months it shall not thereafter be reestablished, occupied or used except for a use which conforms to the regulations in which it is located. One six (6) month extension to the time limit may be granted by the Board of Appeals.

**(6) Change of Use In Nonconforming Building or Structure.**

The use of a nonconforming building or structure may be changed to a use permitted in the district in which the building or structure is located, or to another nonconforming use when authorized by the Board of Appeals, and the nonconforming use of a part of such a building may be extended to the remaining parts of the building.

**(7) Nonconforming Use of Land.**

The nonconforming use of land not involving a building or structure, or in connection with which any building or structure thereon is incidental or accessory to the principal use of land, may be continued subject to the following provisions:

- (a) Such nonconforming use of land and incidental accessory buildings or structures thereon shall not be expanded, extended, or enlarged to another lot or beyond the area it occupies on the effective date of this Ordinance, or any applicable amendment thereto, except that a residential accessory building or structure may be enlarged, expanded or rebuilt on a larger area if, after such expansion, extension or enlargement, the accessory building structure clearly remains accessory to the principle use of the land and is approved by the Board of Appeals.
- (b) If such a nonconforming use of land is discontinued or abandoned for a period of six consecutive months, it shall not thereafter be renewed, and subsequent use of such land shall conform to the regulations of the district in which it is located.
- (c) A nonconforming use of land shall not be changed to another nonconforming use without variance granted by the Board of Appeals.

**(8) Signs and Billboards.**

Notwithstanding any other provision of this Section to the contrary, no nonconforming advertising sign or identification sign shall be replaced or restored, if damaged or destroyed by any cause greater than 50% of equalized value except in compliance with the applicable provisions of this Ordinance.