

ORDINANCE 2014-17

AN ORDINANCE AMENDING SEVERAL SUBPARAGRAPHS OF PARAGRAPH 400.04 (3) OF THE CITY ZONING ORDINANCE RELATING TO LOSS OF NONCONFORMING USE STATUS AND RESTORATION AND USE OF CERTAIN DAMAGED OR DESTROYED NONCONFORMING STRUCTURES

The Common Council of the City of Richland Center, Wisconsin, does ordain as follows:

SECTION 1:

The title of paragraph 400.04 (3) (c) of the Code of Ordinances is amended to read:

400.04(3) Nonconforming Uses and Nonconforming Structures

SECTION 2:

Subparagraph 400.04(3) (c) of the Code of Ordinances is amended to read

(c) Restoration of certain non-conforming structures. Whenever a lawful non-conforming structure shall have been damaged by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation occurring on or after March 2, 2006, it may be restored and used as before if it be restored within twelve (12) months after such calamity to the size, location, and use that it had immediately before the damage or destruction occurred. The size of the restored structure may be larger than the size it was immediately before the damage or destruction if necessary for the structure to comply with applicable state or federal requirements. If all of the foregoing apply, there shall be no limit on the costs of the repair, reconstruction, or improvement. If the restored structure shall, after the reconstruction, have a use different from its use immediately before the damage or destruction, it shall lose its character as a prior non-conforming use and shall meet all of the requirements of this Zoning Ordinance for the new use unless a variance is granted to allow the new use. [Sec. 62.27(7) (hc) Wis. Stats.] [Amended by Ord 2012-3 and 2014-17]

SECTION 3:

Subparagraph 400.04(3) (d) of the Code of Ordinances is amended to read:

(d) Restoration of other damaged nonconforming structures. There shall be no limit on the costs of the repair, maintenance, renovation, or remodeling of nonconforming structures which do not meet the criteria of (c). However, no such repair, maintenance, renovation, or remodeling shall have the effect of expanding, extending or intensifying the nonconformity of the structure with all development regulations and other applicable provision of this Zoning Ordinance.[62.23(7) (hc) Stats.] Furthermore, the total structural repairs or alterations in such a nonconforming building, premises, structure, or fixture shall not during its life exceed 50 percent of the assessed value of the building, premises, structure, or fixture unless permanently changed to a conforming use. [62.23(7) (h) Stats.] If the reconstructed structure shall, after the reconstruction, have a use different from its use immediately before the damage or destruction, it shall lose its character as a prior non-conforming use and shall meet all of the requirements of this Zoning Ordinance for the new use.[Sec. 62.23(7) (hc) Wis. Stats.]

SECTION 4:

Subparagraph 400.04(3) (e) of the Code of Ordinances is amended to read

(e) Unsafe structures; raze orders. When a structure has been declared unsafe by the Building Inspector, and said structure has been actually used as a lawful non-conforming use immediately prior to such declaration by the Building Inspector, such structure may be placed in safe condition and may continue in the existing use, except that when an order to raze the structure has been issued pursuant to sec. 66.0413 has been duly issued, this provision shall not be construed to overrule such raze order or as a defense against such raze order.

SECTION 5:

Subparagraph 400.04(3) (d) of the Code of Ordinances is repealed

SECTION 6:

Subparagraph 400.04(3) (h) of the Code of Ordinances is repealed

SECTION 7:

Subparagraph 400.04(3) (i) of the Code of Ordinances is amended to read:

(i) Private garages. Pursuant to a conditional use permit a private garage may be added to a property which contains a nonconforming use if no private garage previously existed on the property and if such garage is in conformity with all development regulations and other applicable provisions of this Zoning Ordinance.

SECTION 8: EFFECTIVE DATE.

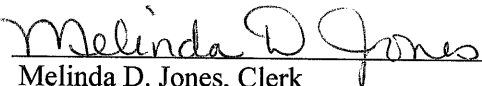
This ordinance shall be in full force and effect from and after its passage and publication.

Enacted the 16th day of December, 2014

ATTEST:



Paul F. Corcoran, Mayor



Melinda D. Jones, Clerk