

- a. All local roads shall have a minimum setback of 85 feet from the centerline or minimum of 50 feet from the right-of-way line, whichever is greater. Minimum setbacks along local roads where public sewer is available is 35 feet. Minimum road right-of-way shall be 70 feet.
- b. Frontage roads along arterial highways shall be considered as local roads for the purpose of determining the setback along said service roads.

(4) Lesser Setbacks

Lesser setbacks may be permitted by the Commission in cases of unusual topography, or existing patterns of lesser setbacks of buildings on nearby properties or varying alignment of highway right-of-way lines.

(5) Special Width Road Right of Ways

Road right-of-ways which are indicated as a Special Width Road in adopted transportation plans shall be used to establish minimum setback requirements.

SECTION 19.07 NONCONFORMING USES, STRUCTURES, AND LOTS

(a) **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, subject to the following:

- (1) Only that portion of the land or water in actual use may be so continued and the use 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 shall not exceed fifty (50) percent of the current fair market value of the structure unless it is permanently changed to conform to the use provisions of this Ordinance.
- (3) Substitution of new equipment may be permitted by the Commission if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.
- (4) Licenses This Ordinance is not intended to negate licenses (or their respective uses) which are issued by governmental agencies and are current as to the effective date of this Ordinance.

(5) This Ordinance does not prohibit the continued use of any building, premises, structure or fixture for any trade or industry for which the building, premises, structure, or fixture is used when this Ordinance took effect. However, the alteration of, or addition to, any existing building, premises, structure, or fixture used to carry on an otherwise prohibited trade or industry within the district is prohibited.

(b) **Abolishment or Replacement** 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. Except as provided in subsection (d), when a nonconforming use or structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) percent of its fair market value, it shall not be restored except so as to comply with the use provisions of this Ordinance.

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

(d) **Restoration of Certain Nonconforming Structures** Nonconforming structures may be restored if the structure will be restored to the size, location, and use that it had immediately before the damage or destruction occurred, and no limits are imposed on the costs of repair, reconstruction, or improvement if all of the following apply:

(1) The nonconforming structure was damaged or destroyed on or after March 1, 2006; and

(2) The damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold, or infestation.

However, the size of the 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.

(e) **Changes and Substitutions** Once a conforming use or structure has been changed to conform, it shall not revert back to a nonconforming use or structure. Once the Commission 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 Commission.

(f) **Substandard Lots**

(1) Existing land parcels of less than the minimum lot size, may have a permitted or Conditional Use listed in the assigned zoning district provided, that the parcel was established and recorded with the Rock County Register of Deeds Office prior to the effective date of this ordinance, and the minimum setback requirements, septic system, and water well requirements can be met without obtaining a variance.

(2) If a substandard lot cannot meet the requirements in (1) above, the lot shall be combined with adjacent lot(s) under the same ownership to meet the minimum lot size standards of the zoning district.

SECTION 19.08 CHANGES AND AMENDMENTS

(a) **Authority** Whenever the public necessity, convenience, general welfare, or good zoning practice require, the Town Board may, by ordinance, change the district boundaries or amend, change or supplement the regulations established by the text of this ordinance or amendments thereto. Such change or amendment shall be subject to the review and recommendation of the Commission and to the approval of the Town Board.

(b) **Initiation** A change or amendment may be initiated by the Town Board, the Commission, or by a petition of one or more of the owners of property proposed to be changed.

(c) **Applications for Amendment** Applications for an amendment to the text of this Ordinance or to district boundaries on the Official Zoning Map shall be filed with the Town Clerk. The application shall include:

(1) **A map** using copy of the final certified survey map, subdivision plat, condominium plat, plat of survey, or aliquot part of the section indicating the land parcel(s) location and dimensions. The map shall use the lot lines of land parcel(s) in proposing the new zoning district; provide the location, current zoning, and owner names of land parcels within two hundred and fifty (250) feet of the parcel boundaries proposed to be rezoned.

(2) **The Town's Zoning Change Application Form** shall: be completely filled out, list the owner of the parcel(s) as the applicant for the zoning change, reasons for the proposed change, current zoning district assigned, the proposed zoning district being requested, and whether or not the proposed zoning is consistent with the Land Use Plan.

(3) **Additional Information** required by the Commission or Town Board.

(4) **Fee Receipt** from the Town Treasurer in the minimum amount to be determined by the Town Board.