

## SECTION 11. NONCONFORMING USES, STRUCTURES, AND LOTS

### 11.1 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, 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.

### 11.2 Existing Nonconforming Structures

The 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 so as to comply with the provisions of this Ordinance.

### 11.3 Structural Repairs and New Equipment

Total lifetime structural repairs or alterations shall not exceed fifty (50) percent of the local 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. Substitution of new equipment may be permitted by the Board of Adjustment if such equipment will reduce the incompatibility of the nonconforming use with the neighboring uses.

### 11.4 Licenses

This Ordinance is not intended to negate licenses (or their respective uses) which are issued by governmental agencies and are current as of the effective date of this Ordinance.

### 11.5 Abolishment or Replacement

If a 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 structure containing a nonconforming use or a nonconforming structure is damaged by fire, explosion, flood, the public enemy, or other calamity, to the extent of more than fifty (50) percent of its current local assessed value, it shall not be restored except in conformity with the provisions of this Ordinance regulating the district in which it is located.

11.6 Changes and Substitutions

Once a nonconforming use or structure has been changed to conform to the provisions of this Ordinance, it shall not revert back to a nonconforming use or structure. Substitution of more restrictive nonconforming uses for existing nonconforming uses shall require application to and approval of the Town Planning & Zoning Committee. Once the Planning and Zoning Committee has permitted the substitution of a more restrictive nonconforming use for an existing nonconforming use, the use may not thereafter be changed without the approval of the Committee and the substituted use shall lose its status as a legal nonconforming use and become subject to all the conditions required by the Planning and Zoning Committee.

11.7 Substandard Lots

In any residential or agricultural district other than the A-FP District, a one-family detached dwelling and its accessory structures may be erected on any legal lot or parcel of record in the County Register of Deeds office before the effective date or amendment of this Ordinance. All the district requirements shall be complied with insofar as practical but shall not be less than the following:

(1) Lot	Width	Minimum 50 ft.
	Area	Minimum 7,500 sq. ft. (except in shoreland areas)
(2) 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 of the frontage, but not less than 5 ft.

Compliance with the standards of the Rock County Sanitary Code shall be a condition for the granting of a building permit.

In the A-FP District and the A-1 District, all substandard lots that are less than 3 acres in size shall conform with all regulations set forth in the R-1 District and all substandard lots that are 3 or more acres in size and 10 or less acres in size shall conform with all regulations set forth in the A-3 District, provided, however, that only a *farm residence* may be erected upon a substandard lot in the A-FP District.

## SECTION 12. CHANGES AND AMENDMENTS

### 12.1 Authority

Whenever the public necessity, convenience, general welfare or good zoning practice require, the Town Board may, by ordinance, after first submitting the proposal to the Planning and Zoning Committee for review and recommendation, change the district boundaries or amend, change or supplement the regulations established by this Ordinance. Any change or amendment that is not consistent with the Town of Rock Smart Growth Comprehensive Plan shall be construed to have amended the Smart Growth Comprehensive Plan so as to comply with the zoning as amended.

### 12.2 Initiation

A change or amendment may be initiated by the Town Board, Planning and Zoning Committee, or by a petition of one or more of the owners or an agent of property within the area proposed to be changed.

### 12.3 Petitions

Petitions for any change to the district boundaries or amendments to the regulations shall be filed with the Zoning Officer and the Town Clerk, and shall contain the exact legal description of the premises to be rezoned or of the regulations to be amended, a list of the reasons justifying the petition, and shall specify the proposed use and have attached the following:

(1) Plot Plan drawn to a scale of 1 inch equals Two Hundred (200) feet showing the area proposed to be rezoned, its location and classification of adjacent zoning districts, and the location and existing use of all properties within Two Hundred (200) feet of the area proposed to be rezoned.

(2) Owners' Names and Addresses of all properties lying within two hundred (200) feet of the area proposed to be rezoned.

(3) Additional Information required by the Planning and Zoning Committee or Town Board.

(4) Fee Receipt from the Town Treasurer in an amount equal to the greater of (a) \$250 or such amount as shall be determined from time to time by Town Board resolution, or (b) the cost of legal notice publication and other expenses related to the hearing.

### 12.4 Recommendations

The Planning and Zoning Committee shall review all proposed changes and amendments within the limits of the Town and shall recommend that the petition be granted as requested, modified, or denied. If the Town Board does not receive a written recommendation from the Planning and Zoning Committee within sixty (60) days of

submitting the proposed changes or amendments to the Committee, the Town Board may hold hearings without first receiving the recommendation.

#### 12.5 Hearings

The Town Board shall hold a public hearing in connection with any proposed changes to the district boundaries or any proposed amendments, changes or supplements to the regulations established by this Ordinance. A Class 2 Notice under Chapter 985 of the Wisconsin Statutes, listing the time, place, and the changes or amendments proposed, shall first be published in the town prior to the hearing. In addition, if the hearing is in connection with a proposed change to district boundaries or a proposed rezoning of a specific parcel of land, the Town Clerk shall notify in writing all property owners within two hundred (200) feet of the land in question of the hearing at least five (5) days prior thereto. The Town Clerk shall also give at least ten (10) days prior written notice to the Clerk of any municipality within one thousand (1000) feet of any land to be affected by a proposed change or amendment.

#### 12.6 Town Board's Action

Following such hearing and after careful consideration of the Town Planning and Zoning Committee recommendations, the Town Board shall vote on the passage of the proposed change or amendment.

#### 12.7 Protest to Proposed Change

In the event of protest against a proposed district change or amendment to the ordinance, duly signed and acknowledged by the owners of 20 percent or more of the frontage proposed to be altered, or by the owners of at least 20 percent of the frontage immediately in the rear thereof, or by the owners of 20 percent of the frontage directly opposite the frontage proposed to be altered, such amendment shall not be passed by the Town Board unless recommended by a majority vote of the Planning and Zoning Committee.