

SECTION 17.0900 NONCONFORMING USES, STRUCTURES, AND LOTS

17.0901 EXISTING NONCONFORMING USES

The lawful nonconforming use of land without structures, or water; or a lawful nonconforming use in a conforming or nonconforming structure; or a lawful nonconforming use on a conforming or nonconforming lot which existed 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:

- A. Only That Portion of the land or water in actual use may be so continued and the use may not be extended, enlarged substituted or moved; 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.
- B. Discontinuance. If such nonconforming use is discontinued or terminated for a period of 12 months, any future use of the structure, land, or water shall conform to the provisions of this Ordinance.
- C. Abolishment or Destruction. When a structure containing a nonconforming use is damaged by fire, explosion, flood, the public enemy, or other calamity to the extent that the cost of repair would exceed 50 percent of its current equalized value, it shall not be restored except so as to comply with the use provisions of this Ordinance.

17.0902 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. The Zoning Board of Appeals may permit the substitution of a more restrictive nonconforming use for an existing nonconforming use. Once the Zoning Board of Appeals has permitted the substitution of a more restrictive nonconforming use, the existing use shall lose its status as a legal nonconforming use and the substituted use shall become subject to all the conditions required by the Zoning Board of appeals, use and become subject to all the conditions required by the Zoning Board of Appeals.

17.0903 CONFORMING STRUCTURES ON NONCONFORMING LOTS

The conforming use of a conforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although the lot area or lot width does not conform to the requirements this Ordinance.

- A. Additions and Enlargements to the structures or reconstruction of the structure is permitted if it conforms with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this Ordinance.

17.0904 NONCONFORMING STRUCTURES ON A CONFORMING OR NONCONFORMING LOT

The conforming use of a nonconforming structure existing at the time of the adoption or amendment of this Ordinance may be continued although the structure's size or location does not conform with the established building setback line along streets, or the yard, height, parking, loading, and/or access provisions of this Ordinance.

- A. Additions and Enlargements to existing nonconforming structures are permitted if they conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this Ordinance.
- B. Existing Nonconforming Structures with a conforming use which are damaged or des-

stroyed by fire, explosion, flood, or other calamity, may be reconstructed and insofar as is practicable shall conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this Ordinance.

- C. Existing Nonconforming Structures may be moved and shall conform with the established building setback lines along streets and the yard, height, parking, loading, and access provisions of this Ordinance.

17.0905 VACANT NONCONFORMING LOTS

The Building Inspector may issue a building permit for development of a lot which does not contain sufficient area to conform to the dimensional requirements of this Ordinance, but which is at least 50 feet wide and 7,200 square feet in area, may be used as a building site provided that the use is permitted in the zoning district in which it is located, provided that the lot is of record in the County Register of Deeds Office prior to the effective date of this Ordinance; and provided that the lot is in separate ownership from abutting lands.

- A. Multiple Lots. If two or more vacant nonconforming lots with continuous frontage have the same ownership as of the effective date of this Ordinance, the lots involved shall be considered to be an individual parcel for the purpose of this Ordinance.
- B. Yards. Vacant nonconforming lots granted permits under this Section shall be required to meet the setback and other yard requirements of this Ordinance. A building permit for the improvement of a lot with lesser dimensions and requisites than those stated above shall be issued only after a variance by the Board of Appeals. A variance shall not be granted if the lot at any time was conveyed to another owner where the common ownership of adjoining lots existed unless a variance was granted for the conveyance.

17.0906 FLOODLAND NONCONFORMING USES

Refer to Chapter 14 Section 14.950.

17.0907 WETLAND NONCONFORMING USES

Notwithstanding Section 62.23(7)(h) of the Wisconsin Statutes, the repair, reconstruction, renovating, remodeling, or expansion of a legal nonconforming structure, or any environmental control facility related to a legal nonconforming structure, located in the LCO Lowland Conservancy Overlay District and in existence at the time of adoption or subsequent amendment of this Ordinance is permitted pursuant to Section 61.351(5) of the Wisconsin Statutes.

CHAPTER 17

ZONING ORDINANCE

VILLAGE OF SUSSEX
WAUKESHA COUNTY, WISCONSIN

Adopted November 26, 1997
As Updated November 3, 1999
As Updated September 6, 2001
As Updated November 11, 2003
As Updated July 1, 2005
As Updated June 8, 2007
As Updated May 11, 2009
As Updated January 26, 2010 By Ordinance No. 728
As Updated May 20, 2013 by Ordinance Nos. 734, 735, 737, 738, 742, 754, 755, 759, 763, 765 & 766
Adopted March 25, 2014 by Ordinance No. 775

VILLAGE OF SUSSEX OFFICIALS

Village President

Gregory Goetz

Village Trustees

Matt Petricca
Tim Dietrich
Matthew Cmeyla
Pat Tetzlaff
Jason Wegner
Bob Zarzynski

Village Plan Commission

Gregory Goetz, Chairman
Pat Tetzlaff
Annette Kremer
Steve Pellechia
Amanda Schauer
Robert Schlei
Richard Wegner

Village Administrator

Jeremy Smith

Village Engineer

Judith Neu

Village Attorney

John P. Macy

Assistant Development Director

Kasey Fluet