



Legislation Text

File #: 060585, Version: 0

060585
ORIGINAL

THE CHAIR

An ordinance relating to the restoration of certain nonconforming structures.

295-415-4-c rc

295-415-4-d rc

Presently, a nonconforming structure which has deteriorated or is damaged by fire or other casualty such that the ratio of the estimated cost of restoring the structure to its prior condition to the estimated cost of duplicating the entire pre-existing structure exceeds 50% may not be reconstructed unless such reconstruction will result in the structure conforming to all applicable regulations of the zoning regulations in which it is located and will not increase the dimensional nonconformity of the structure. An exception is provided for nonconforming principal residential structures.

In accordance with a recent change in state law, this ordinance expands the circumstances under which a nonconforming structure may be reconstructed. Specifically, this ordinance provides that a nonconforming structure that was damaged or destroyed on or after March 2, 2006, by violent wind, vandalism, fire, flood, ice, snow, mold or infestation may be restored to the size, location and use that it had immediately before the damage or destruction occurred, regardless of the extent of the damage or destruction. In addition, the new structure may be larger than the nonconforming structure immediately before the damage or destruction if the larger size is necessary for the structure to comply with applicable state or federal requirements.

The Mayor and Common Council of the City of Milwaukee do ordain as follows:

Part 1. Section 295-415-4-c and d of the code is repealed and recreated to read:

295-415. Nonconformities.

4. NONCONFORMING STRUCTURES.

c. Deterioration or Damage. A nonconforming structure which has deteriorated or is damaged by fire or other casualty such that its reconstruction ratio, as calculated pursuant to sub. 2-e, exceeds 50%, may not be reconstructed unless either of the following is true:

c-1. Such reconstruction will result in the structure conforming to all applicable regulations of the zoning district in which it is located and will not increase the dimensional nonconformity of the structure.

c-2. The nonconforming structure was damaged or destroyed on or after March 2, 2006, and the damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold or infestation. If this is true, the structure may be restored to the size, location and use that it had immediately before the damage or destruction occurred. In addition, the new structure may be larger

than the nonconforming structure immediately before the damage or destruction if the larger size is necessary for the structure to comply with applicable state or federal requirements.

d. Exception For Nonconforming Residential Structures. A nonconforming residential structure may be enlarged, altered or reconstructed provided that the applicant can demonstrate either of the following:

d-1. The structure is not an accessory structure and the enlargement, alteration or reconstruction will not increase any dimensional nonconformity of the structure.

d-2. The structure was damaged or destroyed on or after March 2, 2006, and the damage or destruction was caused by violent wind, vandalism, fire, flood, ice, snow, mold or infestation. If this is true, the structure may be restored to the size, location and use that it had immediately before the damage or destruction occurred. In addition, the new structure may be larger than the nonconforming structure immediately before the damage or destruction if the larger size is necessary for the structure to comply with applicable state or federal requirements.

APPROVED AS TO FORM

Legislative Reference Bureau

Date: _____

IT IS OUR OPINION THAT THE ORDINANCE
IS LEGAL AND ENFORCEABLE

Office of the City Attorney

Date: _____

Department of City Development

LRB06380-1

JDO

08/29/2006