

**AN ORDINANCE AMENDING SECTION 13-1-40 CODE OF
ORDINANCES, BAYFIELD COUNTY, WISCONSIN AND
REGARDING THE RECONSTRUCTION AND RESTORATION OF
NONCONFORMING STRUCTURES DAMAGED OR DESTROYED
BY NATURAL EVENTS**

Section 1. Paragraph (c) [Nonconforming Buildings and Structures.] of Section 13-1-40 [Nonconforming Uses and Structures.] of Article C [Nonconforming Uses; Conditional Uses; Environmental Impact Analysis] of Chapter 1 [Zoning Code] of Title 13 [Zoning] of the Code of Ordinances, Bayfield County, Wisconsin is hereby amended to read as follows, with additions highlighted by the double underline feature (additions) and deletions highlighted by the strike out feature (~~deletions~~):

Sec. 13-1-40 Nonconforming Uses and Structures.

(c) Nonconforming Buildings and Structures.

- (2) ***Nonconforming Accessory Buildings and Structures and Nonconforming Principal Buildings and Structures of Less than 600 Square Feet.*** Except as provided in paragraph (6) below regarding reconstruction of damaged or destroyed structures ~~in the shoreland~~, nonconforming accessory buildings and structures and nonconforming principal buildings and structures of less than six hundred (600) square feet of enclosed dwelling space are limited to ordinary maintenance and repair and shall not be improved or expanded. However, such accessory buildings and structures may be externally improved by a land use permit.
- (3) ***Nonconforming Principal Buildings and Structures of 600 Square Feet or Larger.*** Except as further restricted by the provisions of paragraphs (4) and (6) below, nonconforming principal buildings and structures of 600 square feet or larger may be improved internally, externally, or expanded provided that:
- (4) ***Additional Requirements for Nonconforming Buildings and Structures on Shoreland Lots.*** Except as otherwise provided in paragraphs (4a), ~~and (4b)~~, and (6), nonconforming buildings and structures on ~~inland lake shoreland~~ lots shall be subject to paragraphs (c)(2) and (3) of this Section, and in addition thereto, principal buildings and structures on such lots of six hundred (600) square feet of enclosed dwelling space or larger shall be subject to the following provisions of this paragraph:
- (6) ***Damaged or Destroyed Nonconforming Structures.*** Except as provided in paragraph (7) of this subsection, nonconforming buildings and structures ~~nonconforming as to shoreland zoning provisions and which~~

that are damaged or destroyed by a natural event, including, but not limited to, violent wind, vandalism, fire, flood, ice, snow, mold, or infestation may be reconstructed provided that:

- a. Damage which is due to an intentional act of the owner or his or her agent may only be repaired in conformity with this Chapter;
- eb. Repair and reconstruction shall be limited to that part of a structure and its specific improvements which are actually damaged or destroyed by a natural event and similar building materials shall be utilized;
- bc. ~~The owner must has the burden to establish that the specific extent of damage or destruction to a nonconforming structure or part thereof was actually caused by a natural event to a structure and its improvements and to establish the specific extent to which said damage or destruction occurred;~~
- d. The structure or part thereof that has actually been damaged or destroyed shall be restored or reconstructed to the size, including the footprint and total square footage, location, and use that it had immediately before the damage or destruction occurred;
- e. The owner shall bear the burden of proof as to the size, location, and use of a damaged or destroyed nonconforming structure or part thereof immediately before the damage or destruction occurred;
- f. The size of the nonconforming structure can be larger than the size it was immediately before the damage or destruction only if it is necessary to comply with applicable local, state, or federal requirements;
- dg. Repair and reconstruction shall be in compliance with all other provisions of applicable ordinances; and
- eh. The mitigation requirements of paragraph (5) above shall apply to nonconforming structures located within shorelands.