

City of Amery, Proposed Amendment to Chapter 450 Zoning Ordinance

WWTF Setback - Frequently Asked Questions (FAQ's)

Question 1: Will I be able to construct a new shed or garage on my property, if it is within the 500' setback from the Wastewater Treatment Facility (WWTF)?

Answer: Yes, as long as the building is not intended for, or used for residential occupancy or a commercial use. All other City regulations will still apply, including zoning and building requirements, such as setbacks, permits, etc.

Question 2: Will I be able to construct an addition onto my house?

Answer: If your house is within the 500' setback from the WWTF, it is considered an existing nonconforming structure. Any extension or enlargement of a nonconforming structure is subject to review and approval of the Plan Commission, in accordance with Sections 450-54 and 450-55 of the City's Zoning Ordinance.

The residence is also considered an existing nonconforming use and is regulated by Section 450-53 of the City's Zoning Ordinance.

Question 3: Will I need to disclose this setback to a perspective purchaser when I am ready to sell my home?

Answer: A homeowner should answer this question affirmatively (yes) on the WI Real Estate Condition Report Form (shown below). However, this is the homeowner's responsibility, and not the City's to enforce.

F5.	Are you aware of nonconforming uses of the property? A nonconforming use is a use of land, a dwelling, or a building that existed lawfully before the current zoning ordinance was enacted or amended, but that does not conform to the use restrictions in the current ordinance.
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Question 4: Will I be able to add onto / expand my commercial building?

Answer: If your building is within the 500' setback from the WWTF, it is considered an existing nonconforming structure. An addition / expansion to the building is subject to review and approval of the Plan Commission, in accordance with Sections 450-54 and 450-55 of the City's Zoning Ordinance.

Question 5: Will I be able to change the use of my commercial building?

Answer: If your building is within the 500' setback from the WWTF, is considered to be an existing nonconforming use, and changes from one business to another like-type of business will be allowed, provided the use does not cease for more than 12-months at a time. However, establishing a new commercial use within the 500' setback area is regulated by Section 450-53 of the City's Zoning Ordinance and the Zoning Board of Appeals.

Question 6: If my house or commercial building sustains damage (e.g., wind, fire), will I be able to repair and/or rebuild?

Answer: Yes as allowed in through the Nonconforming Section of the Zoning Ordinance, 450-54.