

Section 54: Non-Conforming Buildings, Structures, and Uses

SECTION 54:

54.01 Purpose

54.02 Non-Conforming Buildings, Structures, and Uses

54.01 Purpose. It is the purpose of this Section to provide for the regulation of non-conforming buildings, structures, and uses and to specify those requirements, circumstances and conditions under which non-conforming buildings, structures and uses may be operated and maintained.

54.02 Non-Conforming Buildings, Structures, and Uses. The Zoning Ordinance establishes separate districts, each of which is an appropriate area for the location of uses which are permitted in that district. It is necessary and consistent with the establishment of these districts that non-conforming buildings, structures, and uses may be operated and maintained. It is also necessary that non-conforming buildings, structures, and uses not be permitted to continue without restriction. Furthermore, it is the intent of this Section that all non-conforming uses shall be eventually brought into conformity with this Ordinance.

Subd. 1. Nonconformities. Any nonconformity, including the lawful use or occupation of land or premises existing on January 1, 2005 (effective date of Ordinance), may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, unless:

1. The nonconformity or occupancy is discontinued for a period of more than one year; or
2. Any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and no building permit has been applied for within 180 days of when the property is damaged.

Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

Subd. 2. Replacement Conditions. If any nonconforming use is destroyed by fire or other peril to the extent of greater than 50 percent of its market value, and a building permit has been applied for within 180 days of when the property is damaged, the nonconforming use may be rebuilt. However, the City may impose reasonable conditions upon the issuance of the building permit in order to mitigate any newly created impact on adjacent property.

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- Subd. 3.** Reversal of Non-Conformity. When any lawful non-conforming use of any structure or land in any district has been changed to a conforming use, it shall not thereafter be changed to any non-conforming use.
- Subd. 3.** Reduction of Non-Conformity. A lawful non-conforming use of a structure or parcel of land may be changed to lessen the non-conformity of use. Once a non-conforming structure or parcel of land has been changed, it shall not thereafter be so altered as to increase the non-conformity.
- Subd. 4.** Threats to General Welfare. Non-conforming buildings, structures, and/or uses, which based upon documented study and evidence, pose a danger and/or threat to the health, safety, and general welfare of the community, shall:
- A. Be legally described a nuisance by the City Council.
 - B. Upon being identified by the City Council and upon the owner being notified in writing by the Zoning Administrator, the owner shall provide to the City Council a documented time schedule and program, which will result in the termination or correction of the non-conformity.
 - 1. The termination/correction time schedule shall be based upon, but not be limited to, factors such as the initial investment and the degree of threat or danger being posed.
 - 2. The acceptability of the time schedule shall be determined by the City Council with right of appeal.
 - 3. In no case shall a time schedule exceed 2 years.