

ARTICLE 4 NONCONFORMING USES, STRUCTURES AND LOTS

§155.51	Intent
§155.52	Authority
§155.53	Effect of Discontinuance, Destruction or Abandonment
§155.54	Changes to Nonconformities
§155.55	Existing Lots/Lots of Record
§155.56	Reporting

§ 155.51 INTENT

The intent of this Article is that any structure, land or use lawfully existing on the effective date of this chapter, or at the time any amendment to this chapter or to the official zoning map is adopted that creates an initial nonconformity, may be continued even though the structure, land or use does not conform to the provisions of this chapter, provided that all the conditions of this Article 4 are met. Nothing in this chapter shall be interpreted as authorization for, or approval of, the continuance of the use of a structure that was unlawful at the time such use was established.

§ 155.52 AUTHORITY

Pursuant to Minn. Stat. § 462.357 Subd. 1e., the Council may adopt reasonable regulations concerning nonconformities to prevent and abate nuisances and to protect the public, health, welfare, or safety.

§ 155.53 EFFECT OF DISCONTINUANCE, DESTRUCTION OR ABANDONMENT

(A) *Discontinuance.* If a nonconforming use is discontinued for a period of more than one year, any subsequent use shall conform to the provisions of this chapter.

(B) *Destruction.* If a nonconforming structure is damaged to an extent greater than fifty percent (50%) of its market value, and no building permit has been applied for within 180 days of when the property is damaged, any subsequent structure shall conform to the provisions of this chapter.

(C) *Abandonment.* If a nonconforming use is abandoned, any subsequent use shall conform to the provisions of this chapter. A nonconforming use shall be considered abandoned if any of the following occur:

- (1) When the intent of the owner to discontinue the use is conveyed in writing to the Director of Planning;
- (2) When the characteristic equipment and furnishings of the nonconforming use have been removed from the premises and have not been replaced by similar equipment for more than one year;

- (3) When the nonconforming use has been replaced by a conforming use;
- (4) When the nonconforming use has been changed to another use under lawful permit.

§ 155.54 CHANGES TO NONCONFORMITIES

(A) *Prohibited changes.* A nonconforming structure or use shall not be expanded, enlarged, extended, constructed, reconstructed, moved, altered, or changed to another nonconforming use. A nonconforming use shall not be extended to displace a conforming use.

(B) *Allowed changes.* The following limited changes may be made to nonconforming structures or uses:

- (1) Construction approved prior to ordinance. If a building permit has been issued prior to the effective date of this chapter, nothing in this Article shall require any change in plans, provided that the structure shall be completed as permitted within one year from the effective date of this chapter.
- (2) Restoration. A nonconforming structure damaged by fire, collapse, explosion or acts of God may be restored provided the expense of the work does not exceed fifty percent (50%) of the market value of the structure at the time the damage occurred unless a building permit has been applied for within 180 days of when the property is damaged.
- (3) Repair and maintenance. Normal maintenance of a nonconforming structure, or part thereof, is allowed if all of the following conditions are met:
 - a. The maintenance includes only nonstructural repairs and incidental alternations; and
 - b. The maintenance does not extend or intensify the nonconforming structure or use; and
 - c. The total expense of the work does not exceed fifty percent (50%) of the market value of the building or structure at the time the work is done.
- (4) Safety. Nothing in this chapter shall prevent the placing of a structure in a safe condition after it has been declared unsafe by the Building Inspector of the city.

§ 155.55 EXISTING LOTS/LOTS OF RECORD

A lot or parcel of land in a residential district that was recorded as a separate lot or parcel in the office of the County Recorder or Registrar of Titles on or before the date of adoption of the first zoning ordinance by the City of Lake City on February 12, 1974 shall be considered a lot of record. A lot of record may be used for single family detached dwelling purposes, provided the area and width thereof are within sixty percent (60%) of the minimum dimensional requirements for the zoning district where the lot or parcel is located but not less than three thousand (3,000) square feet.

§ 155.56 REPORTING

The Director of Planning shall prepare an annual report of nonconforming uses, structures, and lots to establish a base line for these nonconforming activities within the City. At a minimum, this report shall include information concerning the specific aspects of a use, structure, or lot that does not conform to the provision of this Chapter, and a description of the current status of uses on said site.