

SECTION 17: NONCONFORMING BUILDINGS, STRUCTURES AND USES

Subdivision 1. INTENT

1. Within the districts established by this Ordinance or amendments that may later be adopted, there may exist lots, structures and uses of land, water and structures which were lawful before this Ordinance was passed or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment.
2. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. Such uses are declared by this Ordinance to be incompatible with permitted uses in the districts involved. It is further the intent of this Ordinance that non-conformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses prohibited elsewhere in the same district.
3. To avoid undue hardship, nothing in this Ordinance shall be deemed to require a change in the plans, construction or designated use of any building on which issuance of the permit was lawfully begun prior to the effective date of adoption or amendment of this Ordinance and upon which actual construction has been diligently carried on.

Subdivision 2. SANITARY FACILITIES

Sanitary sewage facilities not in conformance with the rules and regulations of the Minnesota Pollution Control Agency, including Minnesota Rule Chapter 7080 - Individual Sewage Treatment System Standards and associated appendices, which are located within shoreland areas or defined in this Ordinance shall be brought into conformance in accordance with the McLeod County Individual Sewage Treatment System Ordinance.

Subdivision 3. JUNK YARDS

No junk yard may continue as a non-conforming use after the effective date of this Ordinance, except that it may continue as a Conditional Use in accordance with the provisions of Section 20 of this Ordinance in any industrial or agricultural district if within that period it is completely enclosed within a building or contained within a continuous solid fence and/or landscaping not less than eight (8) feet high so as to screen completely the operation of the junk yard. Plans of such building or fence shall be reviewed by the Joint Planning Board and approved by the County Board before it is erected.

Subdivision 4. NON-CONFORMING SIGNS AND BILLBOARDS

Signs and billboards existing on the effective date of this Ordinance which do not conform to the regulations set forth in this Ordinance shall become a non-conforming use and shall be discontinued; uses of signs and billboards which become non-conforming by reason of a subsequent change in this

Ordinance shall also be discontinued within a reasonable period of amortization of the sign. See Section 14 - Removal of Signs.

Subdivision 5. DISCONTINUANCE OF A NON-CONFORMING USE

In the event that a non-conforming use of any building or premises is discontinued or its normal operation stopped for a period of one (1) year, such use shall thereafter conform to the regulations of the district in which it is located. Discontinuation of a feedlot is an exception and is to be in accordance with MN Rule 7020.

Subdivision 6. ALTERATIONS TO NON-CONFORMING USES

1. The lawful use of a building existing at the time of the adoption of this Ordinance may be continued although such use does not conform with the provisions hereof. If no structural alterations are made, a non-conforming use of a building may be changed to another non-conforming use of the same or more restricted classification. The foregoing provisions shall also apply to non-conforming uses in districts hereafter changed.
2. Alterations may be made to a residential building when they will improve the livability of such, provided, however, that they do not increase the number of dwelling units in the building or increase the flood damage potential.

Subdivision 7. RESTORATION OF DAMAGED STRUCTURES

No building which has been damaged by fire, explosion, flood, act of God or the public enemy to the extent of more than fifty (50) percent of its market value per Assessor's report shall be restored except in conformity with the regulations of this Ordinance.

Subdivision 8. NORMAL MAINTENANCE

Maintenance of a building or other structure containing or used by a non-conforming use will be permitted when it includes necessary, non-structural repairs and incidental alterations which do not extend or intensify the non-conforming building or use. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Zoning Administrator.

Subdivision 9. LOTS OF RECORD

1. Lots of record in the office of the County Recorder prior to the date of enactment of this Ordinance which do not meet the requirements as prescribed may be allowed as building sites provided such use is permitted in the zoning district, the lot is in separate ownership from abutting lands, and sanitary and dimensions requirements of the McLeod County Individual Sewage Treatment System Ordinance are complied with insofar as practicable.

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2. In such case where buildings exist on lots on either side of a lot of record, with front yard setbacks that do not conform to this Ordinance, the setback for the lot of record shall be determined to be equal to a straight line drawn between the front yard setback lines of the two adjacent buildings.

3. In such case where there is a non-conforming setback on a building adjacent to one side of a lot of record and the lot on the other side is vacant, the setback for the lot of record shall be the setback of the non-conforming building plus one-half the difference between the setback of the non-conforming building and the setback required by this Ordinance.