

## SECTION 16 - NON-CONFORMING USES

### Subdivision 1. Non-Conforming Buildings and Uses.

1. Unless provided otherwise in this Ordinance, any use existing on the effective date of this Ordinance which is not in conformity with the standards contained in this Ordinance shall only be allowed to continue subject to the following conditions:
  - a. No such use shall be expanded, enlarged or altered, including any increase in volume, intensity or frequency of use of the property where a nonconforming use exists. Except as provided in Subdivision 2 of this Section of this Ordinance, structural alterations, expansions and additions to a structure devoted in whole or part to a nonconforming use are prohibited.
  - b. A change from one nonconforming use to another nonconforming use is prohibited.
  - c. A nonconforming use of a parcel of land may not be extended to cover more land than was occupied by that use when it became nonconforming.
  - d. A nonconforming use that has been discontinued for a period of twelve (12) consecutive months shall not be reestablished, and any further use shall be in conformity with this Ordinance.
  - e. If a structure used for a nonconforming use is destroyed by fire or other peril to the extent of fifty (50) percent of its market value as indicated in the records of the county assessor at the time of damage, any subsequent use or occupancy of the land or premises shall be a conforming use.

### Subdivision 2. Non-Conforming Structures.

1. Nonconforming Structure Standards for all Districts. Unless provided otherwise in Sibley County's zoning ordinance 300.16.1.1, any structure existing on the effective date of this Ordinance which is not in conformity with the setback, size or height requirements contained in this Ordinance is a nonconforming structure and may be allowed to continue subject to the following conditions:

The continuation of a nonconforming structure is allowed through repair, replacement, restoration, maintenance, or improvement, but not expansion, of the nonconforming structure. Expansion of a nonconforming structure in any manner, including but not limited to expansion of height, width, footprint, size, or bulk, is allowed only in accordance with the Ordinance.

- a. For seasonal recreational or residential homestead nonconforming structures, if the nonconformity or occupancy of a nonconforming structure is discontinued for more than one year, or the structure is damaged by fire or other peril to the extent of fifty (50) percent or more of its market value as indicated in the records of the county assessor at the time of damage and no building permit has been applied for within one hundred eighty (180) days of when the structure was damaged, it shall be removed, and any construction thereafter shall be in compliance with the provisions of this Ordinance. If a building permit has been applied for within one hundred eighty (180) days of when the structure was damaged, reasonable conditions may be placed upon the zoning or building permit in order to mitigate any newly created impacts on adjacent properties or water bodies.
- b. For non-seasonal recreational or non-residential homestead nonconforming structures, if the nonconformity or occupancy of a nonconforming structure is discontinued for more than one year, or the structure is damaged by fire or other peril to the extent of fifty (50) percent or more of its market value as indicated in the records of the county assessor at the time of damage, it shall be removed, and any construction thereafter shall be in compliance with the provisions of

this Ordinance. Normal maintenance, including nonstructural maintenance and repair, except structural alteration of a nonconforming structure, is permitted.

2. The lawful use of a building, structure or premises existing at the time of the adoption of this Ordinance may be continued, provided that no new permits of any kind may be issued until the premises has come into conformity with this Ordinance.