

SECTION 9: NON-CONFORMING USES

Subdivision 1. Permitted Uses.

Permitted uses of land or buildings shall be permitted in districts indicated under the conditions specified. No buildings or land shall be devoted to any use other than a use permitted in the zoning district in which such buildings, structures or land is located, except:

- A. Uses lawfully established prior to March 4, 1970, provided ownership remains with the owner of record as of May 1, 1974.
- B. Conditional uses allowed in accordance with SECTION 18, page 90 of this Ordinance.

Subdivision 2. Non-Conforming Building and Uses.

1. The lawful use of buildings or land existing at the effective date of this Ordinance which does not conform to the provisions of this Ordinance shall be discontinued within a reasonable period of amortization of the buildings; uses of buildings and land which become non-conforming by reason of an amendment to this Ordinance shall also be discontinued within a reasonable period of amortization of the building. A reasonable period of amortization shall be construed to begin March 4, 1970, or the effective date of the amendment which causes the building or use to be non-conforming and shall be considered to be forty (40) years for buildings of ordinary wood construction, fifty (50) years for buildings of wood and masonry construction, and sixty (60) years for buildings of fireproof construction.
2. The lawful use of a building or area which does not conform with the provisions of this Ordinance and which use was actively being engaged in on March 4, 1970, or on the effective date of the amendment to this Ordinance which caused such building or use to be non-conforming, may be expanded only if granted a Conditional Use Permit for each expansion, provided, with regards to Feedlot expansion, the non-conforming use may also be expanded by means of a waiver or variance. If the expansion is located in the F-1, FLOODPLAIN DISTRICT additions or alterations cannot increase damage potential or increase obstruction to flood flows. If in the flood flows, or if in the flood fringe area, new construction must be elevated above flood protection elevation.
3. The lawful use of a building or area which does not conform with the provisions of this Ordinance and which use was actively being engaged in on March 4, 1970, or on the effective date of the amendment to this Ordinance which caused such building or use to be non-conforming, may be changed to another non-conforming use only if granted a Conditional Use Permit, provided, with regards to Feedlot expansion, the non-conforming use may also be expanded by means of a waiver or variance.
4. A building found to be a non-conformity only by reason of yard or area requirements shall be exempt from the provisions of this Subdivision.

Subdivision 3. Discontinuance.

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, the use of the same shall thereafter conform to the regulations of the district in which it is located.

Subdivision 4. Restoration.

Any 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 current replacement cost less depreciation, shall not be restored, except in conformity with the regulations of this Ordinance.

Subdivision 5. 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 repairing of a structure to safe condition, when said structure is declared unsafe by the Building Inspector.