

CHAPTER 913 NON-CONFORMING BUILDINGS AND USES

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913.010 PURPOSE

It is the purpose of this Section to provide for the regulation of nonconforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which non-conforming buildings, structures and uses will be operated and maintained. The Zoning Code 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 not be permitted to continue without restrictions. Furthermore, it is the intent of this Section that all nonconforming uses shall be eventually brought into conformity.

913.020 GENERAL PROVISIONS

- A. Any non-conforming structure or use lawfully existing upon the effective date of this Ordinance shall not be enlarged, but may be continued at the size and in the manner of operation existing upon such date except as hereinafter specified or subsequently amended.
- B. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the Building Official, providing the necessary repairs shall not constitute more than 50 percent of fair market value of such structure. Said value shall be determined by the City Assessor or the City will obtain an appraisal at the owner/applicant’s expense.
- C. No non-conforming building, structure or use shall be moved to another lot or to any other part of the parcel of land upon which the same was constructed or was conducted at the time of this Ordinance adoption unless such movement shall bring the non-conformance into compliance with the requirements of this Ordinance.
- D. 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 nonconforming use.
- E. 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 to increase the non-conformity.
- F. Subject to the requirements of MN Stat. Chapter 462.357, Subd. 1.e., if at any time a non-conforming building, structure or use shall be destroyed to the extent of more than 50 percent of its fair market value, said value to be determined by the City Assessor, and where no building permit has been applied for within 180 days of said destruction, then without further action by the Council, the building and the land on which such building was located or maintained shall, from and after the date of said destruction, be subject to all the regulations specified by these zoning regulations for the district in which such land and buildings are

located. Any building which is damaged to an extent of less than 50 percent of its value may be restored to its former extent. Estimate of the extent of damage or destruction shall be made by the Building Official.

- G. Whenever a lawful non-conforming use of a structure or land is discontinued for a period of one year, any future use of said structure or land shall be made to conform to the provisions of this Ordinance.
- H. Normal maintenance of a building or other structure containing or related to a lawful non-conforming use is permitted, including necessary non-structural repairs and incidental alterations which do not physically extend or intensify the non-conforming use.
- I. Alterations may be made to a building containing lawful non-conforming residential units when they will improve the livability thereof, provided they will not increase the number of dwelling units or the non-conformity.
- J. Non-conforming, non-income producing, residential units may be expanded to improve livability as a conditional use, provided that the non-conformity of the structure will not be increased.
- K. Any proposed structure which will, under this Ordinance, become non-conforming but for which a building permit has been lawfully granted prior to the effective date of this Ordinance, may be completed in accordance with the approved plans; provided construction is started within 60 days of the effective date of this Ordinance, is not abandoned for a period of more than 120 days, and continues to completion within two years. Such structure and use shall thereafter be a legally non-conforming structure and use.

913.030 MANUFACTURED HOME PARKS

For the purposes of applying Sections 913.010.D. and 913.010.G. to Manufactured Home Parks which are made non-conforming by land use zoning district, such Manufactured Home Parks shall be required to adhere to the following standards:

- A. A manufactured home in a non-conforming manufactured home park may be moved, relocated, or replaced on condition that the replacement manufactured home shall comply with Minnesota Statute Chapter 327.20 Subdivision 1, paragraph (3), or the following standards, whichever is more restrictive: No manufactured home shall be located closer than three feet to the side lot lines of a manufactured home park, if the abutting property is improved property, or closer than ten feet to a public street or alley. Each individual site shall abut or face on a driveway or clear unoccupied space of not less than 16 feet in width, which space shall have unobstructed access to a public highway or alley. There shall be an open space of at least 10 feet between the sides of adjacent manufactured homes including their attachments and at least three feet between manufactured homes when parked end to end. The space between manufactured homes may be used for the parking of motor vehicles and other property, if the vehicle or other property is parked at least 10 feet from the nearest adjacent manufactured home position. The requirements of this paragraph shall not apply to recreational camping areas and variances may be granted by the State Commissioner of Health in manufactured home parks when the variance is applied for in writing and in the opinion of the Commissioner the variance will not endanger the health, safety, and welfare of manufactured home park occupants.
- B. A non-conforming manufactured home park shall be permitted to replace individual manufactured home units which are damaged as a result of catastrophic

destruction from fire, weather, or natural disaster, providing that no more than 50 percent of the capacity of the manufactured home park is so destroyed. If at any time, an event of destruction damages more than 50 percent of the capacity of said park, the manufactured home park shall be put to a use which is in full conformance with the applicable zoning ordinance and other federal, state and local codes.

- C. A non-conforming manufactured home park shall be permitted to add one accessory building for the purposes of providing an on-site storm shelter for residents of the park. Said shelter shall be of a size necessary to accommodate the estimated maximum population of the park, said population to be determined by the City Council. The shelter shall be located no closer than 10 feet to any perimeter lot line or private street right-of-way. Said shelter shall meet the standards of the Minnesota Commissioner of Health as may be adopted or amended. No shelter building shall be utilized for the storage of materials, equipment or property of the park operators, owners, residents, or any other person. Prior to construction, the shelter shall be reviewed and approved according to the process outlined in the Zoning Code for Conditional Use Permits. However, the shelter shall be considered to be a part of the non-conforming improvements to the property, and shall be subject to the rest of the provisions of Chapter 913 relating to non-conforming buildings, structures and uses.
- D. Accessory Storage Buildings to non-conforming manufactured home parks may be allowed by Conditional Use Permit, subject to the following conditions:
1. The storage building is an accessory use to the manufactured home park, and shall not be operated as a principal use of property.
 2. The storage is available only to residents of the manufactured home park, and is not open to nonresidents.
 3. The building must be remodeled to be consistent with the underlying zoning if the manufactured home park use is discontinued and the storage building is retained for the future use.
 4. The building does not occupy land required for parking or other uses in the park.
 5. The addition of the storage building does not result in an increase in the number of units in the manufactured home park.
 6. If constructing a metal-sided building, the applicant shall include, at the discretion of the City Council, upgraded building materials at the direction of the City Council, including but not limited to, the following:
 - a. A wainscot of masonry materials at least 36 inches in height on the front, and other portions of the building exposed to neighboring properties or public right-of-way;
 - b. Other materials or architectural enhancements to walls, roofs, or windows and doors.