

1001.04 NON-CONFORMING USES

Subd. 1. Non-Conforming Buildings and Uses. The lawful use of buildings or land existing on March 1, 1995, which does not conform to the provisions of this chapter may be continued provided, however, that no such non-conforming use of land shall be enlarged or increase, nor shall any such non-conforming use be extended to occupy a greater area of land than that occupied by such use at the time of the adoption of this chapter, nor shall any such non-conforming use be moved to any other part of the parcel of land upon which the same was conducted at the time of the adoption of this chapter. Buildings found to be non-conforming only by reason of height, yard, or area requirements shall be exempt from the provisions of this subdivision.

Subd. 2. Non-Conforming Signs.

- A. Signs existing on March 1, 1995, which do not conform to the regulation as set forth in this chapter shall become a non-conforming use and shall be discontinued within a reasonable period of amortization of the sign. Uses of signs which become a non-conforming use by reasons of a subsequent change in this chapter shall be discontinued within a reasonable period of amortization of the sign. The period of amortization for temporary signs advertising a new development shall not be more than three years from the date of the original permit or until 85% of the construction is completed, whichever occurs last.
1. Advertising Signs. Five years from the effective date of this chapter or from the effective date of any amendments thereto which make the sign nonconforming.
 2. Business Signs. Ten years from the date of erection or five years from the effective date of this chapter or from the effective date of amendment to this chapter which make such signs non-conforming, whichever is greater.
- B. Business signs on the premises of a non-conforming building or use may be continued but such signs shall not be increased in number, area, height, or illumination. New signs may be erected only upon the complete removal of all other signs existing at the time of the adoption of this chapter or from the effective date of any amendments thereto which make such signs non-conforming. Such signs may be illuminated but no flashing, rotating, or moving signs shall be permitted.
- C. No sign erected before March 1, 1995, or from the effective date of any amendments thereto which make such signs non-conforming, shall be rebuilt, altered, or moved to a new location without being brought into compliance with the requirements of this chapter.

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

Subd. 4. Alterations. The lawful use of a building existing at the time of the adoption of this chapter 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 nonconforming uses in districts hereafter changed. Whenever a nonconforming use of a building has been changed to a more restricted use or to a conforming use, such use shall not thereafter be changed to a less restricted use.

Subd. 5. Restoration. Subject to Section 1001.22, no building which has been damaged by fire, explosion, act of God or the public enemy, to the extent of more than 80% of its value, shall be restored except in conformity with regulations of this chapter.

Subd. 6. Residential Alterations. Alterations may be made to a residential building containing non-conforming residential units when they will improve the livability of such units provided, however, that they do not increase the number of dwelling units in the building.

Subd. 7. 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 repair and incidental alterations which do not extend or intensify the nonconforming building or use. Nothing in this chapter shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the building codes and standards of the City.