

³³1001.04 NON-CONFORMING USES

Subd. 1. Purpose. It is the purpose of this chapter to provide for the regulation of nonconforming buildings, structures and uses and to specify those requirements, circumstances and conditions under which nonconforming buildings, structures and uses will be operated and maintained. This Zoning Ordinance 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 nonconforming buildings, structures and uses not be permitted to continue without restriction and it is the intent of this chapter that all nonconforming uses shall be eventually brought into conformity.

Subd. 2. 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.

Subd. 3. Non-Conforming Signs. 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. 4 Continuance Of Legal Nonconformity. Any legal nonconformity, including the lawful use or occupation of land or premises existing at the time of the adoption of an additional control under this chapter, may be continued, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, except as specifically provided in this chapter, unless:

1. The nonconformity or occupancy is discontinued for a period of more than one year; or
2. Any nonconforming use is destroyed by fire or other peril to the extent of greater than eighty percent (80%) of its market value, and no building permit has been applied for within one hundred eighty (180) days of when the property is damaged. In this case, the city of Rockford may impose reasonable conditions upon a building permit in order to mitigate any newly created impact on adjacent property.

3. Any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.

Subd. 5. Non-Conforming Uses. 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. 6. Alterations.

- A. 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.
- B. 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.
- C. Alteration and normal maintenance to a legal nonconforming building or structure may be made through the building permit process provided:
 1. The alterations do not expand the foundation and/or building size (including deck additions), unless specifically allowed by this Zoning Ordinance.
 2. The alterations do not increase the building occupancy capacity or parking demand.
 3. The alteration does not increase the degree of the nonconforming condition of the building, site or the use.

Subd. 7. Non Conforming Lots.

- A. General Restriction: No building, structure or use shall be erected, constructed or established on a nonconforming lot unless a variance is granted by the city, except as otherwise provided for by this Chapter.

- B. Vacant Or Redeveloped Lots: Except in environmental protection districts, legal, nonconforming, vacant lots of record may be developed for single-family detached dwellings upon approval of an administrative permit, provided that:
 - 1. Legally Established: The lot in question was legally established in accordance with requirements of this code existing at the time of its creation and is a separate, distinct tax parcel.
 - 2. Allowed Use: Single-family residential dwellings are an allowed use within the zoning district.
 - 3. Access: The lot in question has frontage on and will directly access an improved public street.
 - 4. Setback And Yard Requirements: The setback and yard requirements of the zoning district can be achieved while simultaneously resulting in development which complies with the character and general design of the immediate area and the objectives of the comprehensive plan and this Zoning Ordinance.

- C. Developed Lots: An existing conforming use on a lot of substandard size and/or width may be expanded or enlarged if such expansion or enlargement meets all other provisions of this Zoning Ordinance.