

## **SECTION 17 - NON-CONFORMING USES**

### **A. Non-Conforming Signs**

1. Signs existing on the effective date of this ordinance which do not conform to the regulations set forth in this ordinance shall become a non-conforming use and shall be discontinued within a reasonable period of amortization of the sign; uses of signs which become nonconforming by reason of a subsequent change in this ordinance shall also be discontinued within a reasonable period of amortization of the sign. The period of amortization for signs shall not be more than:
  - a. Advertising Signs - Five (5) years from the effective date of this ordinance.
  - b. Business Signs - Five (5) years from the effective date of this ordinance.
2. 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 not to exceed thirty-five (35) square feet in aggregate sign area may be erected at the time of the adoption of this ordinance. Such signs may be illuminated, but no flashing, rotating or moving signs shall be permitted.
3. No sign erected before the passage of this ordinance shall be rebuilt, altered or moved to a new location without being brought into compliance with the requirements of this ordinance.

### **B. Non-Conforming Junk Yards**

1. (The following provisions are an extension of the provisions in the Faribault County Zoning Ordinance dated May 7, 1968, as recorded and filed by the County Recorder.) No junk yard may continue as a non-conforming use for more than five (5) years after the effective date of this ordinance, except that a junk yard may continue as a non-conforming use if within that period it is completely enclosed within a building, fence or screen planting of adequate height and density to screen the junk yard completely from the public's view on adjoining roads within five (5) years after the adoption of this ordinance.
2. Within one (1) year after the adoption of this ordinance all non-conforming junk yards shall submit a site and screening plan to the Planning Commission and the Board of County Commissioners. This plan must be approved by the Planning Commission and Board of County Commissioners before any screening is erected or put into place.
3. In the event that a vegetative planting does not reach the necessary height and density to adequately screen the junk yard from the public's view, a fence shall be built and completed before the five (5) year deadline so that the junk yard is completely screened from the public's view on adjoining roads.

4. The Planning Commission and Board of County Commissioners have the authority to determine the types of materials or plantings to be used in each screening plan. This includes types of vegetation for natural screening and the types of building materials necessary to erect fences or building to completely screen the operation from the public's view on adjoining roads.
5. In the event of the sale of a non-conforming junk yard, the junk yard may continue operation if the conditions and provisions of this ordinance are maintained and complied with.
6. Any expansion of a non-conforming junk yard beyond the scale of the operation at the time of the adoption of the original County Zoning Ordinance on May 7, 1968 shall require a conditional permit.

#### C. Discontinuance

1. In the event that a non-conforming use of any building or premises is discontinued or its normal operations 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.
2. In the event that the use of a non-conforming advertising sign structure is discontinued or its normal operation stopped for a period of six (6) months, said structure shall be removed by the owner or lessor at the request of the Board of County Commissioners.

#### D. Alterations, Moving

A non-conforming use or occupancy may be altered, provided such alterations do not intensify or physically expand or extend the non-conforming use. A non-conforming building or structure moved to a different location on a single lot or otherwise, shall be brought into conformance with this ordinance.

#### E. 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.

#### F. Restoration

No building which has been damaged by fire, explosion, act of God, or the public enemy to the extent of more than fifty (50) percent of its value shall be restored, except in conformity with the regulations of this ordinance.

## G. Normal Maintenance

Maintenance of a building or other structure containing or used by a non-conforming use will be permitted when it includes necessary, nonstructural repairs and incidental alterations which do not extend or intensify the non-conforming building or use. Nothing in this Ordinance shall prevent the placing of a structure in safe condition when said structure is declared unsafe by the FCZA.

## H. Special Provisions

Nothing in this Section 17 shall be construed to validate a non-conforming use beyond the scale which existed at the time of the adoption of the original County Zoning Ordinance on May 7, 1968. Except in the case of non-conforming junk yards (as stated in paragraph B.1. of this Section), no existing non-conforming use that was unlawful before the adoption of this ordinance shall be made lawful by the adoption of this ordinance.

## I. Construction On Nonconforming Lots or Record

1. Lots of record in the office of the County Recorder on the date of enactment of local shoreland controls that do not meet the requirements of this ordinance may be allowed as building sites without variances from lot size requirements provided the use is permitted in the zoning district, the lot has been in separate ownership from abutting lands at all times since it became substandard, was created compliant with official controls in effect at the time, and sewage treatment and setback requirements of this ordinance are met.
2. A variance from setback requirements must be obtained before any use, sewage treatment system, or building permit is issued for a lot. In evaluating the variance, the Board of Adjustment shall consider sewage treatment and watery supply capabilities or constraints of the lot and shall deny the variance if adequate facilities cannot be provided.
3. If, in a group of two (2) or more contiguous lots under the same ownership, any individual lot does not meet the requirements of this ordinance the lot must not be considered as a separate parcel of land for the purposes of sale or development. The lot must be combined with the one or more contiguous lots so they equal one or more parcels of land, each meeting the requirements of this ordinance as much as possible.