

**City of South St. Paul
Dakota County, Minnesota**

Ordinance No. 1361

AN ORDINANCE REPEALING AND REPLACING SECTIONS 118-64 THROUGH 118-68 REGARDING NONCONFORMITIES

The City Council of the City of South St. Paul does ordain:

SECTION 1. REPEAL AND REPLACE. South St. Paul City Code Sections 118-64 through 118-68 are hereby repealed and replaced as follows:

Sec. 118-64. - Nonconformities.

(a) *General Rule.* Except as otherwise provided elsewhere in this Code or under Minnesota Statute, any nonconformity, including the lawful use or occupation of land, building, structure, or premises existing at the time of the adoption of additional regulations under this Code, may be continued including through repair, replacement, restoration, maintenance, or improvement, but not including expansion.

(b) *Exceptions.* The nonconformity may not be continued if:

(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 50 percent of its estimated market value, as indicated in the records of the Dakota County Assessor at the time of damage, and no building permit has been applied for within 180 days of when the property is damaged. If a building permit is applied for within 180 days of the damage, City staff may impose reasonable conditions upon the zoning or building permit in order to mitigate any newly created impact on adjacent property or water body.

Any subsequent use or occupancy of the land or premises that has lost its nonconforming status shall thereafter be a conforming use or occupancy.

Sec. 118-65. – Nonconforming building or structure.

A nonconforming building or structure shall not be added to, enlarged, or expanded in any manner unless such additions and enlargements are made to conform with all the requirements of the zoning district in which such building or structure is located.

Sec. 118-66. – Nonconforming uses.

A nonconforming use of a building, structure, or land may not be changed to another nonconforming use. A nonconforming use of a building, structure (for example, a commercial use in a residential dwelling), or land shall not be expanded into any other portion of said building, structure, or land.

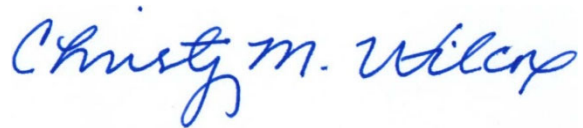
SECTION 2. SUMMARY PUBLICATION. Pursuant to Minnesota Statutes Section 412.191, in the case of a lengthy ordinance, a summary may be published. While a copy of the entire ordinance is available without cost at the office of the City Clerk, the following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance:

This ordinance is repealed and replaced to conform with Minnesota state statute regarding nonconformities.

SECTION 3. EFFECTIVE DATE. This ordinance shall become effective upon publication.

Approved: August 3, 2020

Published: August 6, 2020



Christy Wilcox, City Clerk