

HOUSE RESEARCH

Bill Summary

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This bill states the conditions under which a nonconforming use under a city's or town's zoning ordinance must be replaced with a conforming use. It provides that a nonconforming use may be continued, including through repair or maintenance, but that if the nonconforming use is discontinued for more than a year or if a nonconforming use is destroyed by more than 50 percent of its market value, subsequent use or occupancy must be conforming.

Substantially the same provision already exists in the county planning and zoning statute. Minnesota Statutes, section 394.36, subdivision 1, provides:

394.36 Nonconformities.

Subdivision 1. Continuous or it ends. Any nonconformity including the lawful use or occupation of land or premises existing at the time of the adoption of an official control hereunder may be continued, except as regulated, terminated or acquired by the board as provided in subdivisions 2 or 3, although such use or occupation does not conform to the provisions thereof, *but if such nonconformity or occupancy is discontinued for a period of more than one year, or any nonconforming building or structure is destroyed by fire or other peril to the extent of 50 percent of its market value, any subsequent use or occupancy of the land or premises shall be a conforming use or occupancy.* (emphasis added)