



Informational Handout

FREQUENTLY ASKED QUESTIONS LEGAL NON CONFORMING USES OR STRUCTURES

What is a legal nonconformity?

A legal nonconformity is a structure or use that complied with the standards of the Zoning Ordinance when the structure or use was established, but does not conform to the current standards of the zoning district in which the structure or use is located. A use or structure can become nonconforming due to a rezoning of the property on which it is located or by revisions to the City of Long Lake Zoning Ordinance.

Example of a Nonconforming Use: If an apartment building is located on property that is rezoned to a single family zoning district, the apartment building becomes a legal nonconforming use.

Example of a Nonconforming Structure: If a single family home is setback 30' from the property line abutting a public street, as allowed by the single family zoning district when the home is constructed, and the zoning regulations for the single family zoning district are subsequently changed to require a 35' setback from the property line abutting a public street, the front setback of the home to the public street becomes nonconforming.

How are legal nonconformities regulated?

The City of Long Lake Zoning Ordinance and State law regulate nonconformities. Section 24 of the City of Long Lake Zoning Ordinance regulates nonconforming uses, structures and lots of record. Minnesota State Statute 462.357, Subdivision 1e, governs the various protections and rights of nonconforming structures and uses.

What rights does a legal nonconformity have in Long Lake?

Legal nonconforming uses and structures are allowed to continue indefinitely, provided the use is continuously operated, the use does not change to another nonconforming use and the use is not expanded on the property. Nonconforming structures may be continued, provided that the nonconformity is not expanded.

Any nonconforming use that is discontinued or abandoned for more than a one year period loses its status as a legal nonconformity, and any subsequent use or occupancy must conform to the current Zoning Ordinance requirements.

Can a legal nonconformity be expanded or altered?

State law allows the repair, replacement, restoration, maintenance, or improvement, but not expansion of nonconforming uses and structures. An improvement means an enhancement to the structure or use (such as a new coat of paint) that does not change the bulk or dimensional characteristics of the nonconformity. An expansion means the addition of square footage or dimensions that permits more area for the nonconformity. An increase in the intensity, volume or scope of a nonconforming use on a property also constitutes an expansion.

The City Council may permit the expansion of a legal nonconforming structure or use under special circumstances provided that certain findings are made to protect public health, safety and welfare – please contact the City Administrator for more information or to apply for an expansion of a nonconformity.

What happens if a legal nonconforming use or structure is destroyed by a fire or other peril? Can the use be re-established?

Any nonconforming use that is destroyed by fire or other peril to an extent that is more than 50% of its estimated market value at the time of damage may be replaced in accordance with the dimensions and characteristics of the former structure; however, only if a Building Permit is applied for within six months of the date when the property was damaged.

If the property is less than 50% destroyed, the use may be repaired and continued, irrespective of the six month period, as long as the discontinued use or occupancy is not greater than one year.

State law allows the City to place reasonable conditions upon the permit in order to mitigate any newly created impact on adjacent property or water body. There are also special provisions for properties within the shoreland area – please contact City staff.

Will the sale of the property or change in a tenant impact the status of nonconformities?

No, nonconformities are attached to the property not the owner. A change of tenant or ownership is allowed, provided there is no change in the nature or character of the nonconforming use. For example, a nonconforming gas station in a residential zoning district may change to a different gas station, but not to a retail store.

**** FOR MORE INFORMATION ABOUT NONCONFORMING USES / STRUCTURES, PLEASE CONTACT CITY STAFF AT 952.473.6961 ****