

1.1 A bill for an act

1.2 relating to local government; modifying nonconforming use provisions as
1.3 applied to billboards; amending Minnesota Statutes 2008, section 462.357,
1.4 subdivision 1e.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2008, section 462.357, subdivision 1e, is amended to
1.7 read:

1.8 Subd. 1e. **Nonconformities.** (a) Any nonconformity, including the lawful use or
1.9 occupation of land or premises existing at the time of the adoption of an additional control
1.10 under this chapter, may be continued, including through repair, replacement, restoration,
1.11 maintenance, or improvement, but not including expansion, unless:

1.12 (1) the nonconformity or occupancy is discontinued for a period of more than one
1.13 year; or

1.14 (2) any nonconforming use is destroyed by fire or other peril to the extent of greater
1.15 than 50 percent of its market value, and no building permit has been applied for within
1.16 180 days of when the property is damaged. In this case, a municipality may impose
1.17 reasonable conditions upon a building permit in order to mitigate any newly created
1.18 impact on adjacent property.

1.19 (b) Any subsequent use or occupancy of the land or premises shall be a conforming
1.20 use or occupancy. A municipality may, by ordinance, permit an expansion or impose upon
1.21 nonconformities reasonable regulations to prevent and abate nuisances and to protect the
1.22 public health, welfare, or safety. This subdivision does not prohibit a municipality from
1.23 enforcing an ordinance that applies to adults-only bookstores, adults-only theaters, or
1.24 similar adults-only businesses, as defined by ordinance.

S.F. No. 862, as introduced - 86th Legislative Session (2009-2010) [09-1463]

2.1 (c) Notwithstanding paragraph (a), a municipality shall regulate the repair,
2.2 replacement, maintenance, improvement, or expansion of nonconforming uses and
2.3 structures in floodplain areas to the extent necessary to maintain eligibility in the National
2.4 Flood Insurance Program and not increase flood damage potential or increase the degree
2.5 of obstruction to flood flows in the floodway.

2.6 (d) Notwithstanding paragraph (a), a municipality may prohibit rebuilding or
2.7 replacing an outdoor advertising device such as a billboard that is a nonconforming use if it
2.8 is destroyed by fire or other peril to the extent of greater than 50 percent of its market value.