

**CITY OF SCANDIA
ORDINANCE NO. 167**

**AN ORDINANCE AMENDING
ORDINANCE NO. 122, THE SCANDIA DEVELOPMENT CODE,
CHAPTER 1, SECTION 13.3 REGARDING NONCONFORMING STRUCTURES**

The City Council of the City of Scandia, Washington County, Minnesota hereby ordains:

Section 1. Amendment. Ordinance No. 122, the City of Scandia Development Code (“Development Code”, or “Code”), Chapter One, Section 13.3, Nonconforming Structures,

13.3 Nonconforming Buildings and Structures:

- (1) Replacement. A lawful nonconforming structure which is removed, destroyed or altered by any means to the extent that the cost of repair or replacement would exceed fifty percent (50%) of the appraised value of the original structure shall not be replaced, except in conformity with this Development Code. If a replacement structure cannot be placed on the lot meeting all current standards, the variance procedure must be followed. For the purposes of this Development Code, the term “Appraised Value” shall mean the market value of the property as determined by the current records of the County Assessor for the year in which the damage was done.
- (2) Restoration of buildings destroyed by fire or peril. Unless a building permit has been applied for within 180 days of when a property is damaged, no lawful nonconforming building or structure which has been destroyed by fire or other peril to the extent of greater than 50% of its market value, as indicated in the records of the county assessor at the time of damage, shall be restored, except in conformity with the regulations of this Chapter. If a building permit has been applied for within 180 days of when the property is damaged, the City may impose reasonable conditions when issuing the permit in order to mitigate any newly created impact on adjacent property or water body.
- (3) Alterations. Alterations to (e.g., repair, normal maintenance, remodeling) of a lawful nonconforming building or structure that are valued at 50% or less of the appraised value of the original nonconforming building or structure may be undertaken provided:
 - (A) The alterations do not expand the building size.
 - (B) The alterations do not change the building occupancy capacity, or parking demand or sewage treatment requirements.
 - (C) The alterations do not increase the nonconformity of the building or the use.
- (4) Expansion of Nonconforming Buildings or Structures.
 - (A) Agricultural or Single Family Residential Buildings and Structures. The expansion of lawful nonconforming agricultural or single family residential buildings and

structures may be approved through the Administrative Permit process subject to the provisions of Section 10 of this Chapter, provided that:

1. The existing structure remains in place, and is expanded.
2. Expansion of principal or accessory buildings found to be nonconforming only by reason of height, yard setback, or lot area may be permitted provided the structural nonconformity is not increased and the expansion complies with all other performance standards of this Chapter. An Administrative Permit shall not be issued under this section for a deviation from other requirements of this Chapter unless variances are also approved.
3. The Zoning Administrator finds that any such expansion will not have external negative impacts upon adjacent properties or public rights-of-way.
4. Long term sewage disposal needs can be met.

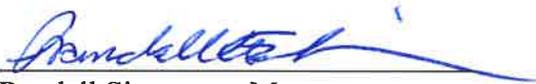
Section 2. Effective Date. This ordinance shall be in full force and effect upon its adoption and publication according to law.

Passed and adopted by the City Council of the City of Scandia this 16th day of February, 2016.

ATTEST:



Neil Soltis, Administrator/Clerk



Randall Simonson, Mayor