

**CITY OF SCANDIA
ORDINANCE NO. 177**

**AN ORDINANCE AMENDING
ORDINANCE NO. 122, THE SCANDIA DEVELOPMENT CODE,
CHAPTER 1, SECTION 4.2, DEFINITIONS; CHAPTER 2, SECTION 2, DISTRICT
REGULATIONS; SECTION 4.25, TEMPORARY DWELLING UNIT--CARE FACILITY;
AND 4.26, TEMPORARY DWELLING UNIT DURING CONSTRUCTION**

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 1, Section 4.2, Definitions, shall be amended to add the following:

- Caregiver: An individual 18 years of age or older who provides care for a mentally or physically-impaired person and is a relative, legal guardian, or health care agent of the mentally or physically-impaired person for whom the individual is caring.
- Instrumental activities of daily living: Has the meaning given in Minnesota Statutes 256B.0659, subdivision 1, paragraph (i) or its successor statutes.
- Mentally or physically-impaired person: A person who is a resident of the State of Minnesota who requires assistance with two or more instrumental activities of daily living as certified in writing by a physician or physician assistant licensed to practice in Minnesota, or a certified nurse practitioner.
- Relative: A spouse, parent, child, grandchild, sibling, uncle, aunt, nephew, or niece of the mentally or physically-impaired person. Relative includes half, step, and in-law relationships.

Section 2. Amendment. Ordinance No. 122, the City of Scandia Development Code (“Development Code,” or “Code”) Chapter Two, Section 2, District Regulations shall be amended to read as follows:

- In all applicable Districts, remove “Temporary Dwelling Unit—Care Facility” from the list of uses that requires an Interim Use Permit, and add this use to the list of uses that requires an Administrative Permit.
- In all applicable Districts, remove “Temporary Dwelling Unit During Construction” from the list of uses that requires an Interim Use Permit, and add this use to the list of uses that requires an Administrative Permit.

Section 3. Amendment. Ordinance No. 122, the City of Scandia Development Code (“Development Code,” or “Code”) Chapter Two, Section 4.25, Temporary Dwelling Unit—Care Facility shall be amended to read as follows:

4.25 Temporary Dwelling Unit—Care Facility. Temporary dwelling units shall be permitted with an administrative permit, and shall comply with all of the following requirements.

- (1) The property is limited to one temporary dwelling unit.
- (2) The dwelling may be occupied by persons who are receiving health-related care or treatment from the occupants of the single family dwelling to which the care facility is an accessory use, and who are related by blood, marriage or adoption to said occupants; or by caregivers for a mentally or physically-impaired person as defined in this Development Code.
- (3) The temporary dwelling unit shall use the existing road access drive of the principal dwelling unit on the property.
- (4) The unit shall be connected to an approved on-site waste disposal system.
- (5) The property owner shall submit a financial guarantee to the Zoning Administrator to ensure that the structure will be removed upon termination of the administrative permit. The amount of the guarantee shall be determined by the Zoning Administrator.
- (6) Termination of Permit. The administrative permit shall expire when the dwelling unit is no longer occupied by eligible persons as described in paragraph (1)(B), or such earlier date as may be determined in the administrative permit. At the termination of the permit, the temporary dwelling shall be removed from the premises or converted to another conforming use within thirty (30) days.

4.26 Temporary Dwelling Unit During Construction. Temporary dwelling units shall comply with all of the following requirements.

- (1) A Temporary Dwelling Unit that is a manufactured home that will be located temporarily on a parcel where a new home is being constructed to serve as a residence for the present or future occupants while a new home is being constructed, or while the existing home is being reconstructed or altered, requires an administrative permit. An existing single-family home that is being occupied while a new home is being constructed on the same parcel does not require a zoning permit.
- (2) The property is limited to one temporary dwelling unit during construction.
- (3) The dwelling may be occupied only by persons who are the present or potential occupants of the single-family residence being constructed, reconstructed or altered.
- (4) An administrative permit for the temporary dwelling may be issued only after the building permit has been obtained for the proposed construction.
- (5) The temporary dwelling unit shall use the existing or the proposed road access drive of the principal dwelling unit under construction.
- (6) The unit shall be connected to an approved on-site waste disposal system.
- (7) The property owner shall submit a financial guarantee to the Zoning Administrator to ensure that the structure will be removed upon termination of the administrative

permit or the issuance of a certificate of occupancy for the new dwelling unit. The amount of the guarantee shall be determined by the Zoning Administrator.

- (8) Termination of Permit. The administrative permit shall expire when construction is completed or within one hundred and eighty days from the date of issuance, whichever is less. At the termination of the administrative permit, the temporary dwelling shall be removed from the premises within thirty (30) days.

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 20th day of September, 2016.



Randall Simonson, Mayor

ATTEST:



Neil Soltis, Administrator/Clerk