

**CITY OF JORDAN
ORDINANCE 2023-05**

**AN ORDINANCE AMENDING CITY CODE CHAPTER 154 – ZONING – TO
MODIFY THE CALCULATION OF SUBSTANTIAL IMPROVEMENTS TO
STRUCTURES IN A FLOODPLAIN**

Purpose. Pursuant to the requirements of the National Flood Insurance Program, the City regulates improvements to structures within the flood plain area. Existing regulations require calculations of the market value of structural improvements back to 1982 when determining whether further improvements are allowed. The City Council finds such calculations to be impractical, overly time consuming, and potentially obstructive to needed improvements. It is in the public interest to revise the City Code to consider only those improvements completed in the prior 365 days when determining whether a building permit can be issued.

The City Council of Jordan, Minnesota ordains:

Subdivision 1. The following language in Section 154.033 is modified as follows, with added language underlined and deleted language struck out:

§ 154.033 EXISTING NON-CONFORMING USES.

Any non-conforming structure or use which was lawful before the passage or amendment of this ordinance, but is not in conformity with the provisions of this ordinance ~~existing upon the effective date of this subchapter~~ may be continued, subject to the following:

(C) Any nonconforming structure located in a floodplain district must adhere to § 154.524.

~~—(1) No structural alteration or addition to any non-conforming structure over the life of the structure shall exceed 50% of its assessed value at the time of its becoming a non-conforming use, unless the entire structure is permanently changed to a conforming use or unless the alteration or addition would substantially reduce potential flood damages for the entire structure. OR replacement is allowed at the same size or smaller.~~

~~—(2) Any alteration or addition to a non-conforming use which would result in substantially increasing the flood-damage potential of that use shall be flood-proofed in accordance with the State Building Code.~~

~~—(3) If any non-conforming use is destroyed by any means, including floods, to an extent of 50% or more of its assessed value, it shall not be reconstructed except in conformity with the provisions of this subchapter. However, the Council may issue a conditional use permit for reconstruction if the use is located outside the floodway and, upon reconstruction, is adequately flood proofed, elevated or otherwise protected in conformity with this subchapter.~~

~~—(4) The enforcing officer shall conduct periodic inspections of non-conforming uses and structures and report to the Council.~~

Subdivision 2. The following language in Section 154.524 is modified as follows, with added language underlined and deleted language struck out:

(D) If any structure experiences a substantial improvement, as defined in § 154.020, then the entire structure must meet the standards of §§ 154.512 or 154.513 of this subchapter for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. If the proposed development, including maintenance and repair during the previous 365 days, plus the costs of any previous alterations and additions since the first Flood Insurance Rate Map exceeds 50% of the market value of any nonconforming structure, the entire structure must meet the standards of §§ 154.512 or 154.513 of this subchapter.

Subdivision 3. Effective Date. This ordinance shall be effective from and after is passage and publication.

Passed by the City Council of Jordan, Minnesota this _____ day of _____, 2023.

Mike Franklin, Mayor

Attest:

City Clerk