

**AGENDA
CITY OF MAPLE PLAIN
PLANNING COMMISSION MEETING
MAPLE PLAIN CITY HALL
Thursday, October 6, 2016
7:00 PM**

1. CALL TO ORDER

2. PLEDGE OF ALLEGIANCE

3. ADOPT THE AGENDA

4. CONSENT AGENDA

- A. September 1, 2016 Planning Commission Meeting Minutes

5. NEW BUSINESS

- A. Consider Recommendation of Ordinance Amending Chapter 151 of the Maple Plain City Code Relating to Floodplain Management Regulations

6. ADJOURN

****Next meeting: Thursday, November 3, 2016, at 7:00pm***

**MINUTES
MAPLE PLAIN
PLANNING COMMISSION MEETING
MAPLE PLAIN CITY HALL
September 1, 2016
7:00 PM**

1. CALL TO ORDER

Present: Chair Michele Bliss and Commissioners, Stephen Shurson, Barbara Korri, and Mardelle DeCamp. Also in attendance were City Planner, Mark Kaltsas, Recorder Bobby Schoen, and Assistant to the City Administrator Taylor Richter.

Absent: Commissioner John Fay, Councilmember Dave Eisinger

2. PLEDGE OF ALLEGIANCE

3. ADOPT THE AGENDA

Motion by Commissioner Shurson, seconded by Commissioner DeCamp, to adopt the agenda as written. Motion passed 4-0

Mention by Chair Bliss to include the Consent of the Planning Commission Minutes of August 11, 2016. **Motion by Commissioner DeCamp, seconded by Shurson, to approve the August 11, 2016 Planning Commission Minutes. Motion Passed 4-0.**

4. NEW BUSINESS

a. *PUBLIC HEARING*: Proto Labs, Inc. (Owner) requests that the City consider the following actions for the properties located at 5540, 5380 and 5480 Pioneer Creek Drive (PID No.s 24-118-24-32-0013, 24-118-24-32-0016, 24-118-24-32-0017):

i. Site Plan Approval to allow for the expansion of the existing parking lot.

The applicant is seeking site plan approval and a variance to expand the existing parking lot onto two vacant parcels that are being acquired by the applicant. The applicant has now converted all interior building space into offices. This conversion of interior space continues to increase the demand for parking on the subject property. The applicants will acquire the adjacent vacant parcels in order construct the maximum number of parking spaces.

All commercial and industrial development/expansion is required to go through the site plan review process. Site plan review requires the review of the Planning Commission and City Council. The Planning Commission holds a public hearing as a part of the site plan review process. The City shall consider the proposed site plan and subsequent effects relating to evaluation criteria established in the City's ordinance.

There are currently 327 parking spaces on this site. The proposed parking lot expansion consists of an additional 392 parking spaces. In May of this year the applicant received approval to construct an additional 33 parking spaces to meet the required number of spaces based on the interior space changes. The applicants will not be making the previously approved improvements to the north of the building if the current expansion request is approved by the City. The applicant has provided a breakdown of the existing and proposed building uses so that the City can review the required parking. The summary of required parking is as follows:

Parking Summary:

Office Area – 1 space per 250 sf (76,537 sf/ 250) = 306 spaces required
Warehouse Area - 1 space per 400 sf (10,973 sf/400) = 28 spaces required
Total Number of Parking Spaces Required = 334
Existing Parking Spaces Provided = 327
Proposed Parking Spaces Provided = 392
Total Number of Parking Spaces Provided = 719

The proposed expansion of the existing parking area will allow the total site parking to exceed the minimum number of parking spaces required.

In addition to reviewing the minimum parking space requirements, the City reviews all other applicable design criteria. Design criteria considered during the review of the proposed parking expansion includes; setbacks, parking space design, parking lot lighting, landscaping, storm water management, drainage and grading.

The applicant is proposing to plant a native upland grass seed mixture along the east property line. An existing wooded vegetative edge exists along the majority of this property line. It is recommended that the City consider requiring additional planting (shrubs/trees) along the eastern property line to address the intent of the buffer planting strip. Outside of the buffer strip screening requirements, the proposed parking lot meets applicable setbacks.

ii. Variance from the required parking space minimum size requirements.

Parking Space Design:

Minimum Parking Space Width: 9 feet
Minimum Parking Space Length: 20 feet
Minimum Parking Aisle Width: 25 feet
Minimum Parking Aisle Width with One-Sided Parking: 22 feet

The applicant is seeking a variance from the stipulated parking space size requirements. The applicant is proposing to construct 18 foot deep parking spaces in lieu of the required 20 foot deep parking spaces. The remainder of the parking on the adjacent property has 18 foot deep parking spaces. The City previously granted a variance to the applicant to allow 18 foot deep parking spaces on this site. The City has discussed amending the ordinance to allow 18 foot deep parking spaces and 24 foot wide drive aisles which are the industry standard.

Motion by Commissioner DeCamp, seconded by Commissioner Shurson to approve Site Plan and Variance request with conditions stated on Page 7 of the Site Plan Review and

other changes as necessary. Motion passed 4-0.

b. *PUBLIC HEARING*: Kurt and Michelle Kroll, (Owner/Applicant) request that the City consider the following action for the property located at 5060 US Highway 12 (PID No. 25-118-24-12-0049).

i. Conditional Use Permit amendment to allow changes in the operation of the existing business and previously approved conditional use permit.

The City approved an amendment to the existing conditional use permit for this property in October of 2015. The City gave the applicants until October 1, 2016 to complete certain improvements associated with the approval. The required improvements included all aspects of the approved site plan (see attached resolution). The applicant approached the City several months ago and noted that they are not going to construct the building addition which was part of the previous conditional use permit approval. The applicant also noted that they are not going to pave/use Oak Street as previously approved. The applicants were advised by the City that not completing all applicable improvements identified on the approved site plan would cause the CUP to not be in compliance as of October 1, 2016.

The applicant has completed some of the requisite improvements including a portion of the fence, striping of parking spaces in front of the building, building lighting and a portion of the landscape screening.

The City has monitored the site to verify compliance with applicable parking criteria approved with the conditional use permit amendment. Depending on the date of the site inspection, the site has been found to be both in compliance and not in compliance. The City has noted that on a daily basis, the front parking area is primarily not in compliance with the total number of cars permitted in the conditional use permit.

The applicant is now asking the City to consider an amendment to the conditional use permit. The proposed changes to the existing conditional use permit are as follows:

1. The applicant is asking the City to allow the use of the Oak Street right of way for employee parking only. The applicant would continue to access the right of way from their site and not Boundary Avenue. The right of way is proposed to not be permanently paved, but instead continue to have a gravel surface.
2. The applicant is no longer proposing to construct a building addition. The area that was previously proposed to accommodate the building addition would be utilized for additional parking spaces.
3. The applicant is no longer proposing to remove the small accessory building located along the Highway 12 frontage.
4. The applicant is requesting that the City consider allowing additional parking in the front (Highway 12) side of the principle and accessory buildings. The number of spaces is further detailed in the parking table in this report.

5. The applicant is proposing to access the site from Boundary Avenue at the current access point rather than move the primary access to the Oak Street right of way. This alteration will change the total number of parking spaces permitted along Boundary Avenue.

The applicant has submitted a revised site plan which provides a reconfigured front, side and rear parking layout.

The plans indicate parking changes as follows:

1. Oak Street ROW – 17 gravel employee parking spaces (in lieu of 43 paved spaces).
2. Boundary Avenue – 14 spaces (in lieu of 17 spaces)
3. In Front of Building – 9 spaces (in lieu of 5 spaces)
4. Behind Building – 48 spaces (in lieu of 36 spaces)
5. For Sale Vehicle Parking – 10 spaces

Total Spaces: 98 Spaces (in lieu of 111 as originally approved)

The current conditional use permit was developed following an iterative site plan development process between the City and the applicant. The subject property is zoned Mixed Use Gateway and is one of the Cities more highly visible properties. The intent of the cup amendment process was to develop a site plan that could accommodate the needs of the business owner while balancing and accommodating the needs of the City. The business has operated out of compliance with the initial conditional use permit for many years. The approved site plan from 2015 provided the owner with adequate parking to operate the business while providing organization to the parking, emergency and safety vehicle access, screening of the outdoor storage and additional employee parking. The 2015 plan focused on keeping the front and east sides of the building organized and clean. The proposed reconfiguration of the site plan will likely take away from the owner's ability to maintain the intended outcomes of the initial approval. The paving and use of the Oak Street right of way was the key piece that would allow the remaining part of the site to accommodate the business needs. With the Oak Street right of way not being utilized in the proposed plan, it may be difficult for the remaining site to accommodate the proposed use.

Motion by Commissioner DeCamp, seconded by Commissioner Korri, to approve the following:

- 1. To keep the Oak St. Right-of-Way unpaved for 17 employee parking spaces**
- 2. To not build the new building that was for body painting on vehicles**
- 3. To keep the current small shed building to the west of the main building**
- 4. To expand the parking totals in front of their building from 5 to 9 vehicles**
- 5. To access the site from Boundary Avenue**

c. *PUBLIC HEARING*: Maple Terrace Apartments (Applicant) and Common Bond Communities (Owner) request that the City consider the following actions for the property located at 1650 Howard Avenue (PID No. 25-118-24-11-0028):

- i. Site Plan Approval to allow for the expansion of the existing parking lot.

The applicant is seeking site plan approval to expand the existing parking lot in order to provide additional off-street parking spaces for its residents. The current parking lot has 23

parking spaces. There are 38 apartments in the subject building. The general parking requirement for multi-family dwellings is two parking spaces per dwelling unit. This building is targeted towards individuals over 62 year of age. The City does not have a specific senior housing parking requirement; however, the building does not have enough parking spaces to serve the residents. The applicant is proposing to add 6-7 parking spaces to the site. The proposed spaces would be located in the southeast corner off of the existing drive aisle. The proposed parking spaces would meet the minimum size requirements specified in the ordinance.

All commercial and industrial development, redevelopment or expansion is required to go through the site plan review process. Site plan review requires the review of the Planning Commission and City Council. The Planning Commission holds a public hearing as a part of the site plan review process. The City shall consider the proposed site plan and subsequent effects relating to evaluation criteria established in the City's ordinance.

Parking Summary:

Multi-family Dwellings – 2 spaces per unit (38 units * 2) = 76 spaces required
Total Number of Parking Spaces Provided after expansion = 29-30 spaces

The proposed expansion of the existing parking area will provide additional spaces to serve the building. Senior multi-family buildings generally require 1.5 parking spaces per dwelling unit rather than 2 parking spaces per unit. Using either the City's multi-family parking requirement or the more typically used senior housing parking requirement, the site does not have adequate parking. The City had initially identified a need for the additional parking spaces and has been working with the applicant to agree to add additional parking on site. The City has worked with the applicant to submit an application for site plan approval. The applicant is now prepared to construct the additional spaces prior to the end of this year. The timing of the proposed construction is important due to the on-street parking restrictions that go into effect during the winter months. Once in effect, the residents of this building can no longer park on-street (Howard Avenue).

The proposed site plan generally meets the requirements established by the City. The City has been working with the organization to provide additional parking for this site. The proposed parking expansion will help to provide the residents of this facility with additional off-street parking options.

Motion by Commissioner Shurson, seconded by Councilmember DeCamp, to approve the Site Plan for Maple Terrace Apartments. Motion passed 4-0.

7. ADJOURN

Motion by Commissioner Korri, seconded by Commissioner DeCamp to adjourn the meeting. Motion passed 4-0.

****Next meeting: Thursday, October 6th, at 7 p.m.***

City of Maple Plain

ORDINANCE AMENDING CHAPTER 151 OF THE MAPLE PLAIN CITY CODE RELATING TO FLOODPLAIN MANAGEMENT REGULATIONS

To: Planning Commission
From: Mark Kaltsas, Planner
Meeting Date: October 6, 2016

Request:

Consideration of an amendment to the City's Zoning Ordinance as follows:

1. Chapter 151, Floodplain Management
 - a. Amendment to the Floodplain Ordinance following FEMA mapping changes made in 2016.

Discussion:

The Federal Emergency Management Agency (FEMA) has recently completed an update of the federal Flood Insurance Rate Maps (FIRMS). Along with the updated maps, the City is required to update certain local controls pertaining to the updated mapping information. The Department of Natural Resources (DNR) administers the federal floodplain management regulations for the State of Minnesota.

The City has an existing Floodplain Ordinance which was adopted in 2005. There are several references and regulations in the City's ordinance that need to be updated as a result of the recent FIRM map changes. The DNR has reviewed the City's ordinance and recommended that the City repeal the current ordinance and adopt a new code based on the DNR model ordinance. The City is obligated to have an ordinance which meets the federal guidelines prior to the maps becoming effective on November 4, 2016. Failure to adopt the requisite changes to the ordinance will cause for a City to be suspended from the National Flood Insurance Program.

Staff has reviewed the requested changes and agrees with the DNR to adopt a new ordinance. Staff has prepared a draft of the City's ordinance for further review and consideration by the City. The proposed ordinance and the existing ordinance are similar in format and most content. Changes relate primarily to the map section numbers, several definitions and several floodplain provisions. The DNR will review the final ordinance following consideration by the Planning Commission and prior to adoption by the City Council. The City has limited ability to make changes to the recommended language provided by the DNR if it wants to remain in the National Flood Insurance Program.

Recommendation:

Staff is seeking an action by the Planning Commission to adopt the amendment to the City's floodplain ordinance requirements.

Attachments:

1. Draft Flood Plain Management Ordinance
2. Letter from DNR
3. Model Ordinance with Comments



MINNESOTA DEPARTMENT OF NATURAL RESOURCES
CENTRAL OFFICE
500 LAFAYETTE ROAD
SAINT PAUL, MN 55155
651-296-6157
888-646-6367

May 12, 2016

The Honorable Jerry Young
Mayor, City of Maple Plain
5050 Independence Street
Maple Plain, MN 55359

Dear Honorable Mayor Young,

HENNEPIN COUNTY, MINNESOTA FLOOD INSURANCE STUDY

You recently received a letter from the Federal Emergency Management Agency (FEMA) dated May 4, 2016, about your floodplain regulations. This letter, known as the Letter of Final Determination (LFD), explains that the Flood Insurance Rate Maps (FIRMs) for your community, as well as the Hennepin County Flood Insurance Study, are now complete and will become effective on November 4, 2016 (which is 6 months from the date of the LFD).

This letter is intended to explain the statement in the LFD that "your community is required... to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d)....by the effective date of the FIRM." In other words, *your community must amend your floodplain ordinance, or adopt a new ordinance, by November 4, 2016, in order to continue participating in the National Flood Insurance Program (NFIP).* The DNR, as the State Coordinating Agency for the NFIP, will be assisting you in this effort.

The DNR will advise your staff as to what type of floodplain ordinance your community should adopt. Matt Bauman, from our office, will be contacting you within the next few weeks with a draft ordinance tailored to your community. I urge you to respond as soon as possible to initiate this process so as to prevent your community from being suspended from the National Flood Insurance Program should you not meet the 6-month deadline.

We strongly encourage your community to complete a draft of a new or revised floodplain ordinance and forward it to Mr. Bauman's attention by August 4, 2016 (the midpoint of the 6-month adoption period). This allows time for our review and approval, for your community to complete the adoption/publication process, and for an adopted/certified copy of the ordinance to be sent to the Federal Emergency Management Agency's Chicago Regional Office by November 4, 2016.

All communities will eventually receive one set of paper copies of the Hennepin County Flood Insurance Study and the respective flood insurance rate map panels from FEMA. Many communities prefer to have the final study/maps available when they initiate the ordinance adoption/amendment process. We anticipate that electronic versions of the final maps will be available within the next month, and we will make them available on our ftp site: ftp://ftp.dnr.state.mn.us/pub/waters/floodplain/County_data/Hennepin/. These posted documents will include pdfs for viewing and printing, as well as shapefiles for GIS.

mndnr.gov



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Mayor Young
May 12, 2016
Page two

FEMA has advised us that, without exception, a community will be suspended from the National Flood Insurance Program if the required floodplain ordinance documents are not received in its Chicago Regional Office by the study/map effective date. A suspended community may be reinstated if the community: 1) submits the required floodplain ordinance language; and 2) documents that no improper floodplain development has occurred since the study/map effective date or that any improper floodplain development has been properly mitigated. During the suspension period, no flood insurance policies can be written or renewed in the community. This would have a serious impact on people exposed to flood damage or those who are trying to purchase homes in the designated 100-year floodplain, where flood insurance is a requirement of the loan.

While our office in St. Paul will be the main contact for the ordinance update, we will coordinate with DNR Area Hydrologist Kate Drewry of our St. Paul regional office. Ms. Drewry will continue to be your main contact for day-to-day assistance with administering your floodplain management ordinance and for questions about other DNR water-related programs and permits. Please feel free to contact Ms. Drewry at any time at (651) 259-5753 or kate.drewry@state.mn.us. If you have questions for me, you may contact me at the address in the footer of page one, at (651) 259-5713, or at ceil.strauss@state.mn.us.

Sincerely,



Ceil Strauss, CFM
State Coordinator, National Flood Insurance Program

cc: Tessia Melvin, City Administrator
Terri Yearwood, DNR Eco-Waters' Regional Manager
Jeanne Daniels, DNR Eco-Waters' District Manager
Kate Drewry, Area Hydrologist

City of Maple Plain
Chapter 151 Flood Plain Management

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- 2.5 **Interpretation:** The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.
- 2.51 Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.
- 2.52 Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the City’s designated board of adjustment and to submit technical evidence.
- 2.6 **Abrogation and Greater Restrictions:** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- 2.7 **Warning and Disclaimer of Liability:** This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City of Maple Plain or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- 2.8 **Severability:** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.
- 2.9 **Definitions:** Unless specifically defined below, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.
- 2.911 Accessory Use or Structure – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
- 2.912 Base Flood Elevation – The elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.
- 2.913 Basement – any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- 2.914 Conditional Use – a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:
- (a) Certain conditions as detailed in the zoning ordinance exist.
- (b) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.
- 2.915 Critical Facilities – facilities necessary to a community’s public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.
- 2.916 Development – any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- 2.917 Equal Degree of Encroachment – a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

- 2.918 Farm Fence – A fence as defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this ordinance.
- 2.919 Flood – a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
- 2.920 Flood Frequency – the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.
- 2.921 Flood Fringe – the portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Hennepin County, Minnesota.
- 2.922 Flood Prone Area – any land susceptible to being inundated by water from any source (see “Flood”).
- 2.923 Floodplain – the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
- 2.924 Floodproofing – a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- 2.925 Floodway – the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.
- 2.926 Lowest Floor – the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.
- 2.927 Manufactured Home – a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”
- 2.928 New Construction - Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.
- 2.929 Obstruction – any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.
- 2.930 One Hundred Year Floodplain – lands inundated by the “Regional Flood” (see definition).
- 2.931 Principal Use or Structure – all uses or structures that are not accessory uses or structures.
- 2.932 Reach – a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.
- 2.933 Recreational Vehicle – a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”

- 2.934 Regional Flood – a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.
- 2.935 Regulatory Flood Protection Elevation (RFPE) - an elevation not less than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.
- 2.936 Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.
- 2.937 Special Flood Hazard Area – a term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”
- 2.938 Start of Construction – includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit’s expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- 2.939 Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 9.22 of this ordinance and other similar items.
- 2.940 Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- 2.941 Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:
- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
 - (b) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.
- 2.10 **Annexations:** The Flood Insurance Rate Map panels adopted by reference into Section 2.3 above may include floodplain areas that lie outside of the corporate boundaries of the City of Maple Plain at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Maple Plain after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

- 2.11 **Detachments.** The Flood Insurance Rate Map panels adopted by reference into Section 2.3 above will include floodplain areas that lie inside the corporate boundaries of municipalities at the time of adoption of this ordinance. If any of these floodplain land areas are detached from a municipality and come under the jurisdiction of the City of Maple Plain after the date of adoption of this ordinance, the newly detached floodplain lands will be subject to the provisions of this ordinance immediately upon the date of detachment.

SECTION 3.0 ESTABLISHMENT OF ZONING DISTRICTS

3.1 Districts:

- 3.11 Floodway District. The Floodway District includes areas within Zones AE delineated as floodway as shown on the Flood Insurance Rate Map adopted in Section 2.3.
- 3.12 Flood Fringe District. The Flood Fringe District includes areas within Zones AE as designated on the Flood Insurance Rate Map adopted in Section 2.3, but located outside of the floodway.
- 3.13 RESERVED FOR GENERAL FLOODPLAIN DISTRICT (GF)

- 3.2 **Applicability:** Within the floodplain districts established in this ordinance, the use, size, type and location of development must comply with the terms of this ordinance and other applicable regulations. In no cases shall floodplain development adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems. All uses not listed as permitted uses or conditional uses in Sections 4.0, 5.0 and 6.0 are prohibited. In addition, critical facilities, as defined in Section 2.915, are prohibited in all floodplain districts.

SECTION 4.0 FLOODWAY DISTRICT (FW)

- 4.1 **Permitted Uses:** The following uses, subject to the standards set forth in Section 4.2, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

- 4.11 General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- 4.12 Industrial-commercial loading areas, parking areas, and airport landing strips.
- 4.13 Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.
- 4.14 Residential lawns, gardens, parking areas, and play areas.
- 4.15 Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit.

4.2 Standards for Floodway Permitted Uses:

- 4.21 The use must have a low flood damage potential.
- 4.22 The use must not obstruct flood flows or cause any increase in flood elevations and must not involve structures, obstructions, or storage of materials or equipment.
- 4.23 Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

- 4.3 **Conditional Uses:** The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 10.4 of this ordinance and further subject to the standards set forth in Section 4.4, if otherwise allowed in the underlying zoning district or any applicable overlay district.

- 4.31 Structures accessory to the uses listed in 4.11 – 4.13 above and the uses listed in 4.32 - 4.33 below.
- 4.32 Extraction and storage of sand, gravel, and other materials.
- 4.33 Marinas, boat rentals, docks, piers, wharves, and water control structures.
- 4.34 Storage yards for equipment, machinery, or materials.
- 4.35 Placement of fill or construction of fences that obstruct flood flows. Farm fences, as defined in section 2.918, are permitted uses.
- 4.36 Travel-ready recreational vehicles meeting the exception standards in Section 9.3.
- 4.37 Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

4.4 Standards for Floodway Conditional Uses:

- 4.41 All Uses. A conditional use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.
- 4.42 Fill; Storage of Materials and Equipment:
 - (a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - (b) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.
 - (c) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the City Council has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.
- 4.43 Accessory Structures. Accessory structures, as identified in Section 4.31, may be permitted, provided that:
 - (a) structures are not intended for human habitation;
 - (b) structures will have a low flood damage potential;
 - (c) structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;
 - (d) Service utilities, such as electrical and heating equipment, within these structures must be elevated to or above the regulatory flood protection elevation or properly floodproofed;
 - (e) Structures must be elevated on fill or structurally dry floodproofed in accordance with the FP1 or FP2 floodproofing classifications in the State Building Code. All floodproofed structures must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls.
 - (f) As an alternative, an accessory structure may be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment and does not exceed 576 square feet in size. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:
 - (1) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - (2) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human

intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

- 4.44 Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.
- 4.45 A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.
- 4.46 Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

SECTION 5.0 FLOOD FRINGE DISTRICT (FF)

- 5.1 **Permitted Uses:** Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Sections 5.2. If no pre-existing, underlying zoning districts exist, then any residential or nonresidential structure or use of a structure or land is a permitted use provided it does not constitute a public nuisance.
- 5.2 **Standards for Flood Fringe Permitted Uses:**
 - 5.21 All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.
 - 5.22 Accessory Structures. As an alternative to the fill requirements of section 5.21, structures accessory to the uses identified in Section 5.1 may be permitted to be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided that:
 - (a) the accessory structure constitutes a minimal investment, does not exceed 576 square feet in size, and is only used for parking and storage.
 - (b) All portions of floodproofed accessory structures below the Regulatory Flood Protection Elevation must be: (i) adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls, (ii) be constructed with materials resistant to flood damage, and (iii) must have all service utilities be water-tight or elevated to above the regulatory flood protection elevation
 - (c) Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:
 - (1) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - (2) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.
 - 5.23 The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Section 5.21 of this ordinance, or if allowed as a conditional use under Section 5.33 below.
 - 5.24 The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.

- 5.25 All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.
 - 5.26 The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
 - 5.27 All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.
 - 5.28 All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the City Council.
 - 5.29 Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.
 - 5.30 Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.
 - 5.31 Manufactured homes and recreational vehicles must meet the standards of Section 9 of this ordinance.
- 5.3 **Conditional Uses:** The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Section 10.4 of this ordinance.
- 5.31 Any structure that is not elevated on fill or floodproofed in accordance with Sections 5.21 and 5.22 of this ordinance.
 - 5.32 Storage of any material or equipment below the regulatory flood protection elevation.
 - 5.33 The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Section 5.21 of this ordinance.
 - 5.34 The use of methods to elevate structures above the regulatory flood protection elevation, including stilts, pilings, parallel walls, or above-grade, enclosed areas such as crawl spaces or tuck under garages, shall meet the standards in Section 5.46.
- 5.4 **Standards for Flood Fringe Conditional Uses:**
- 5.41 The standards listed in Sections 5.24 through 5.30 apply to all conditional uses.
 - 5.42 Basements, as defined by Section 2.913 of this ordinance, are subject to the following:
 - (a) Residential basement construction is not allowed below the regulatory flood protection elevation.
 - (b) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with Section 5.43 of this ordinance.
 - 5.43 All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP1 or FP2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

- 5.44 The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.
- (a) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.
 - (b) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Council.
 - (c) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
- 5.45 Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.
- 5.46 Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:
- (a) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
 - (b) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
 - (1) The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and
 - (2) That the enclosed area will be designed of flood resistant materials in accordance with the FP3 or FP4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

SECTION 6.0 RESERVED FOR GENERAL FLOODPLAIN DISTRICT (GF)

SECTION 7.0 LAND DEVELOPMENT STANDARDS

- 7.1 **In General:** Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within the City of Maple Plain.
- 7.2 **Subdivisions:** No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

- 7.21 All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.
- 7.22 All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the City Council. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.
- 7.23 For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.
- 7.24 In the General Floodplain District, applicants must provide the information required in Section 6.2 of this ordinance to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.
- 7.25 If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:
- (a) All such proposals are consistent with the need to minimize flood damage within the flood prone area,
 - (b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - (c) Adequate drainage is provided to reduce exposure of flood hazard.
- 7.3 **Building Sites.** If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:
- (a) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - (b) Constructed with materials and utility equipment resistant to flood damage;
 - (c) Constructed by methods and practices that minimize flood damage; and
 - (d) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

SECTION 8.0 PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES

- 8.1 **Public Utilities:** All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.
- 8.2 **Public Transportation Facilities:** Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 4.0 and 5.0 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
- 8.3 **On-site Water Supply and Sewage Treatment Systems:** Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.

SECTION 9.0 MANUFACTURED HOMES, MANUFACTURED HOME PARKS, AND RECREATIONAL VEHICLES.

- 9.1 **Manufactured Homes:** New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record, the following requirements apply:
- 9.11 Placement or replacement of manufactured home units is prohibited in the Floodway District.
 - 9.12 If allowed in the Flood Fringe District, placement or replacement of manufactured home units is subject to the requirements of Section 5 of this ordinance and the following standards.
 - (a) New and replacement manufactured homes must be elevated in compliance with Section 5 of this ordinance and must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
 - (b) New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 7.22.
- 9.2 **Recreational Vehicles:** New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this ordinance.
- 9.21 Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in Section 9.22:
 - (a) Individual lots or parcels of record.
 - (b) Existing commercial recreational vehicle parks or campgrounds.
 - (c) Existing condominium-type associations.
 - 9.22 Criteria for Exempt Recreational Vehicles:
 - (a) The vehicle must have a current license required for highway use.
 - (b) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
 - (c) No permanent structural type additions may be attached to the vehicle.
 - (d) The vehicle and associated use must be permissible in any pre-existing, underlying zoning district.
 - (e) Accessory structures are not permitted within the Floodway District. Any accessory structure in the Flood Fringe District must be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in Section 9.22.
 - (f) An accessory structure must constitute a minimal investment
 - 9.23 Recreational vehicles that are exempt in Section 9.22 lose this exemption when development occurs on the site that exceeds a minimal investment for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and floodproofing requirements of Section 5.0 of this ordinance. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.

SECTION 10.0 ADMINISTRATION

10.1 Zoning Administrator: A Zoning Administrator or other official designated by the City Council must administer and enforce this ordinance.

10.2 Permit Requirements:

10.21 Permit Required. A permit must be obtained from the Zoning Administrator prior to conducting the following activities:

- (a) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.
- (b) The use or change of use of a building, structure, or land.
- (c) The construction of a dam, fence, or on-site septic system, although a permit is not required for a farm fence as defined in this ordinance.
- (d) The change or extension of a nonconforming use.
- (e) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
- (f) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
- (g) Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for.
- (h) Any other type of "development" as defined in this ordinance.

10.22 Application for Permit. Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:

- (a) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
- (b) Location of fill or storage of materials in relation to the stream channel.
- (c) Copies of any required municipal, county, state or federal permits or approvals.
- (d) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

10.23 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.

10.24 Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.

10.25 Record of First Floor Elevation. The Zoning Administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.

10.26 Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as

adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

10.27 Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

10.3 Variances:

10.31 Variance Applications. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable state statutes and Section 153.110 of the zoning ordinance/code.

10.32 Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.

10.33 Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

(a) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(b) Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(c) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

10.34 Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

10.35 General Considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:

(a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;

(b) The danger that materials may be swept onto other lands or downstream to the injury of others;

(c) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;

(d) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;

(e) The importance of the services to be provided by the proposed use to the community;

(f) The requirements of the facility for a waterfront location;

(g) The availability of viable alternative locations for the proposed use that are not subject to flooding;

(h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

- (i) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;
- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

10.36 Submittal of Hearing Notices to the Department of Natural Resources (DNR). The City Administrator or their designee must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

10.37 Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

10.38 Record-Keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

10.4 Conditional Uses:

10.41 Administrative Review. An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section 153.140 of the zoning ordinance/code.

10.42 Factors Used in Decision-Making. In passing upon conditional use applications, the City Council must consider all relevant factors specified in other sections of this ordinance, and those factors identified in Section 10.35 of this ordinance.

10.43 Conditions Attached to Conditional Use Permits. The City Council may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- (a) Modification of waste treatment and water supply facilities.
- (b) Limitations on period of use, occupancy, and operation.
- (c) Imposition of operational controls, sureties, and deed restrictions.
- (d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- (e) Floodproofing measures, in accordance with the State Building Code and this ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

10.44 Submittal of Hearing Notices to the Department of Natural Resources (DNR). The City Administrator or their designee must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

10.45 Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

SECTION 11.0 NONCONFORMITIES

- 11.1 **Continuance of Nonconformities:** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 2.941(b) of this ordinance, are subject to the provisions of Sections 11.11 – 11.16 of this ordinance.
- 11.11 A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in 11.12 below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.
- 11.12 Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 11.13 and 11.17 below.
- 11.13 If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of any nonconforming structure, that shall be considered substantial improvement, and the entire structure must meet the standards of Section 4.0 or 5.0 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor.
- 11.14 If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance. The Assessor must notify the Zoning Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.
- 11.15 If any nonconformity is substantially damaged, as defined in Section 2.940 of this ordinance, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Sections 4.0 or 5.0 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.
- 11.16 If any nonconforming use or structure experiences a repetitive loss, as defined in Section 2.936 of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.
- 11.17 Any substantial improvement, as defined in Section 2.941 of this ordinance, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Section 4.0 or 5.0 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

SECTION 12.0 PENALTIES AND ENFORCEMENT

- 12.1 **Violation Constitutes a Misdemeanor:** Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.
- 12.2 **Other Lawful Action:** Nothing in this ordinance restricts the City of Maple Plain from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.
- 12.3 **Enforcement:** Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of Section 153.009 of the zoning ordinance/code. In responding to a suspected ordinance violation, the Zoning Administrator and City Council may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The

City of Maple Plain must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

SECTION 13.0 AMENDMENTS

- 13.1 **Floodplain Designation – Restrictions on Removal:** The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.
- 13.2 **Amendments Require DNR Approval:** All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.
- 13.3 **Map Revisions Require Ordinance Amendments.** The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 2.3 of this ordinance.

EFFECTIVE DATE: This ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law and/or charter.



Minnesota Sample Floodplain Ordinance Three District Ordinance

This sample ordinance includes the three primary types of floodplain districts: Floodway, Flood Fringe, and General Floodplain. It can be used in a variety of situations, where all three districts or only some of them are present.

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| Ordinance Language | Commentary |
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| <p>SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE</p> <p>1.1 Statutory Authorization: The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter [394/462] delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the [City Council/ Board of Commissioners] of [community], Minnesota, does ordain as follows.</p> <p>1.2 Purpose:</p> <p>1.21 This ordinance regulates development in the flood hazard areas of [community]. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.</p> <p>1.22 National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community’s eligibility in the National Flood Insurance Program.</p> <p>1.23 This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.</p> | <p>1.1. is mandatory language. The zoning enabling statute reference is Chapter 394 for counties and Chapter 462 for cities and townships. “Governing body” is the City Council or County or Township Board.</p> <p>1.21 7 1.22 is mandatory language</p> <p>1.23 is optional language referencing the natural beneficial functions of floodplains.</p> |
| <p>SECTION 2.0 GENERAL PROVISIONS</p> <p>2.1 How to Use This Ordinance: This ordinance adopts the floodplain maps applicable to [community] and includes three floodplain districts: Floodway, Flood Fringe, and General Floodplain.</p> <p>2.11 Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Sections 4 or 5 will apply, depending on the location of a property.</p> <p>2.12 Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Section 4 apply unless the floodway boundary is determined, according to the process outlined in Section 6. Once the floodway boundary is determined, the Flood Fringe District standards in Section 5 may apply outside the floodway.</p> <p>2.2 Lands to Which Ordinance Applies: This ordinance applies to all lands within the jurisdiction of [Community] shown on the Official Zoning Map and/or the attachments to the map as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain Districts.</p> <p>2.21 The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.</p> <p>2.3 Incorporation of Maps by Reference: The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for _____ County, Minnesota, and Incorporated Areas, dated _____ and the Flood Insurance Rate Map panels enumerated below, dated _____,</p> | <p>The types of floodplain zones present in a community will vary, depending on hydrologic conditions and the level of detail of the applicable maps.</p> <p>If the General Floodplain District (the A zone or other zones without a defined floodway) is not present within the community, references to it, including the provisions of Section 6, may be deleted but Section 6 should be “reserved for future use” (i.e., in case a future annexation adds an A zone).</p> <p>2.21 is optional – if the community has a zoning ordinance – as most do – it’s helpful to define these districts as overlay districts. If not, then delete this statement and other overlay references.</p> <p>2.3 is mandatory language. Each community must adopt the Flood Insurance Study and specific map panels that encompass its boundaries. Under Minnesota Rules 6120.5700, these</p> |

all prepared by the Federal Emergency Management Agency. These materials are on file in the (list location where maps will be filed – i.e., City Clerk’s office).

(list all map panels here)

materials are considered attachments to the Zoning Map.

Listing of maps will vary by jurisdiction and map type.

- For communities with older maps, such as Flood Hazard Boundary Maps, in addition to Flood Insurance Rate Maps, these maps should also be listed in Section 2.3.
- For counties, the map index may be used in lieu of listing all the map panels individually.

Cities may need to adopt other map panels to encompass areas that may be annexed in the future. Counties and townships may need to adopt city map panels to encompass areas that may be detached from cities. See Section 2.10 & 2.11

Communities may also adopt preliminary flood studies and/or other best available data for regulatory purposes.

2.4 is optional - Reiterates information in the (mandatory) definition of this term in Section 2.9. The RFPE can be increased beyond one foot to provide enhanced flood protection.

(In A-O zones, add more detailed language: “Within the AO Zone, the RFPE is an elevation no lower than [the number shown on the FIRM] above the highest adjacent grade of an existing structure or proposed structure or a proposed structural addition.”)

2.4 **Regulatory Flood Protection Elevation:** The regulatory flood protection elevation (RFPE) is an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

2.5 **Interpretation:** The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.

2.51 Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.

2.52 Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the (Planning Commission/Board of Adjustment) and to submit technical evidence.

2.6 **Abrogation and Greater Restrictions:** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

2.7 **Warning and Disclaimer of Liability:** This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of (community) or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

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| <p>2.8 Severability: If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.</p> <p>2.9 Definitions: Unless specifically defined below, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.</p> <p>2.911 Accessory Use or Structure – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.</p> <p>2.912 Base Flood Elevation – The elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.</p> <p>2.913 Basement – any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.</p> <p>2.914 Conditional Use – a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:</p> <p>(a) Certain conditions as detailed in the zoning ordinance exist.</p> <p>(b) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.</p> <p>2.915 Critical Facilities – facilities necessary to a community’s public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.</p> <p>2.916 Development – any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.</p> <p>2.917 Equal Degree of Encroachment – a method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.</p> <p>2.918 Farm Fence – A fence as defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this ordinance.</p> <p>2.919 Flood – a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.</p> <p>2.920 Flood Frequency – the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.</p> <p>2.921 Flood Fringe – the portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for (community), Minnesota.</p> <p>2.922 Flood Prone Area – any land susceptible to being inundated by water from any source (see “Flood”).</p> | <p>2.8 This statement not needed if already included in zoning ordinance</p> <p><i>These definitions may already exist as part of zoning ordinance, but check for consistency. Definitions are mandatory unless otherwise indicated.</i></p> <p>2.912 is an optional definition</p> <p>2.914 is an optional definition – check against zoning ordinance. Some local ordinances – and the state rules that apply to floodplains – use the older term “special use.”</p> <p>2.915 is an optional definition – see the (optional) regulation of critical facilities in Section 3.2.</p> <p>2.918 is an optional definition – to be used if this type of farm fence is to be exempted from permit requirements</p> <p>2.919. Optional definition</p> <p>2.920. Optional definition</p> <p>2.921. For cities mapped as part of county-wide flood insurance study, the county name should be inserted here.</p> <p>2.922 is an optional definition – see provisions of Section 7 on flood prone areas</p> |
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| <p>2.923 Floodplain – the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.</p> <p>2.924 Floodproofing – a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.</p> <p>2.925 Floodway – the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.</p> <p>2.926 Lowest Floor – the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.</p> <p>2.927 Manufactured Home – a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”</p> <p>2.928 New Construction - Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.</p> <p>2.929 Obstruction – any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.</p> <p>2.930 One Hundred Year Floodplain – lands inundated by the “Regional Flood” (see definition).</p> <p>2.931 Principal Use or Structure – all uses or structures that are not accessory uses or structures.</p> <p>2.932 Reach – a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.</p> <p>2.933 Recreational Vehicle – a vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”</p> <p>2.934 Regional Flood – a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a flood insurance study.</p> <p>2.935 Regulatory Flood Protection Elevation (RFPE) - an elevation not less than one foot above the elevation of the regional flood plus any increases in flood</p> | <p>2.929. <i>Optional definition</i></p> <p>2.931. <i>Optional definition</i></p> <p>2.932. <i>Optional definition</i></p> <p>2.935. <i>The one-foot elevation is mandated by state law, but a higher elevation can yield increased protection.</i></p> |
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elevation caused by encroachments on the floodplain that result from designation of a floodway.

- 2.936 Repetitive Loss: Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.
- 2.937 Special Flood Hazard Area – a term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”
- 2.938 Start of Construction – includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit’s expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- 2.939 Structure - anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 9.22 of this ordinance and other similar items.
- 2.940 Substantial Damage - means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- 2.941 Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:
- (a) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
 - (b) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.

2.936. This is an optional definition linked to the optional provision for repetitive loss properties in Section 11.16.

2.941(b). “Historic structures” as defined in the CFR generally include sites listed on or eligible for the National Register of Historic Places and state- or locally-designated historic properties.

2.10 applies to cities only. It is optional but recommended – if not included, any

2.10 Annexations: The Flood Insurance Rate Map panels adopted by reference into Section 2.3 above may include floodplain areas that lie outside of the corporate boundaries of the (community) at the time of adoption of this ordinance. If any of these floodplain land

areas are annexed into the (community) after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

annexation will trigger an amendment of the floodplain ordinance.

Section 2.11 applies only to counties or townships that exercise zoning authority. Counties may choose to adopt specific map panels or adopt the countywide map index.

2.11 Detachments. The Flood Insurance Rate Map panels adopted by reference into Section 2.3 above will include floodplain areas that lie inside the corporate boundaries of municipalities at the time of adoption of this ordinance. If any of these floodplain land areas are detached from a municipality and come under the jurisdiction of (community) after the date of adoption of this ordinance, the newly detached floodplain lands will be subject to the provisions of this ordinance immediately upon the date of detachment.

SECTION 3.0 ESTABLISHMENT OF ZONING DISTRICTS

3.1 Districts:

- 3.11 Floodway District. The Floodway District includes those areas within Zones AE/AO/AH (that have a floodway delineated) as shown on the Flood Insurance Rate Map adopted in Section 2.3.
- 3.12 Flood Fringe District. The Flood Fringe District includes areas within Zones AE/AO/AH (that have a floodway delineated) on the Flood Insurance Rate Map adopted in Section 2.3, but located outside of the floodway.
- 3.13 General Floodplain District. The General Floodplain District includes those areas within (Zone A or Zones AE/AO/AH) as shown on the Flood Insurance Rate Map adopted in Section 2.3.

3.11. For lakes, ponds and wetlands, the floodway is usually administratively defined as the area at or below the Ordinary High Water Level.

3.12 & 3.13. If a community has floodplain delineations on the FIRM for lakes, ponds and wetland without delineated floodways, contact DNR Floodplain Program staff for specific language.

Zones AO and AH are areas prone to flooding due to overland flow or small ponds, and are not typically found on most FIRMs. If not present, references in 3.12 and 3.13 can be deleted.

3.2 Applicability: Within the floodplain districts established in this ordinance, the use, size, type and location of development must comply with the terms of this ordinance and other applicable regulations. In no cases shall floodplain development adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems. All uses not listed as permitted uses or conditional uses in Sections 4.0, 5.0 and 6.0 are prohibited. In addition, critical facilities, as defined in Section 2.915, are prohibited in all floodplain districts.

3.2. The last sentence is optional, but recommended language that would prohibit critical facilities in all floodplain districts. This is a higher regulatory standard intended to keep critical infrastructure and concentrations of people out of floodplain areas.

SECTION 4.0 FLOODWAY DISTRICT (FW)

4.1 Permitted Uses: The following uses, subject to the standards set forth in Section 4.2, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

4.0. It is critical that the floodway be protected so that it can transport and store the waters of the regional (100-year) flood without increased flood heights or velocities or threats to public health and safety.

- 4.11 General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- 4.12 Industrial-commercial loading areas, parking areas, and airport landing strips.
- 4.13 Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.
- 4.14 Residential lawns, gardens, parking areas, and play areas.
- 4.15 Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit.

Note that communities are not required to adopt all of the listed uses, but must provide for some use of the floodway land. Other similar uses may be included in this section if they meet the standards in Section 4.2. If a community wishes to restrict all floodplain districts to only these permitted floodway uses, that could be carried out through the DNR's model "Restrictive Ordinance."

4.15. Earlier versions of the DNR sample ordinances listed utility and transportation uses as conditional uses. In this version, these uses are permitted if DNR is notified and certain standards are met

4.2 Standards for Floodway Permitted Uses:

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| <p>4.21 The use must have a low flood damage potential.</p> <p>4.22 the use must not obstruct flood flows or cause any increase in flood elevations and must not involve structures, obstructions, or storage of materials or equipment.</p> <p>4.23 Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.</p> <p>4.3 Conditional Uses: The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 10.4 of this ordinance and further subject to the standards set forth in Section 4.4, if otherwise allowed in the underlying zoning district or any applicable overlay district.</p> <p>4.31 Structures accessory to the uses listed in 4.11 – 4.13 above and the uses listed in 4.32 - 4.33 below.</p> <p>4.32 Extraction and storage of sand, gravel, and other materials.</p> <p>4.33 Marinas, boat rentals, docks, piers, wharves, and water control structures.</p> <p>4.34 Storage yards for equipment, machinery, or materials.</p> <p>4.35 Placement of fill or construction of fences that obstruct flood flows. Farm fences, as defined in section 2.918, are permitted uses.</p> <p>4.36 Travel-ready recreational vehicles meeting the exception standards in Section 9.3.</p> <p>4.37 Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.</p> <p>4.4 Standards for Floodway Conditional Uses:</p> <p>4.41 All Uses. A conditional use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.</p> <p>4.42 Fill; Storage of Materials and Equipment:</p> <p>(a) The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.</p> <p>(b) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.</p> <p>(c) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the (Governing Body) has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.</p> <p>4.43 Accessory Structures. Accessory structures, as identified in Section 4.31, may be permitted, provided that:</p> | <p><i>4.2. Higher standards for floodway protection could include limiting impervious coverage in the floodway, in order to facilitate infiltration of rainfall.</i></p> <p><i>4.3. Note that these conditional uses are optional for the community but, if allowed, must meet the standards in Sections 4.4. Communities are encouraged to select only those conditional uses that are appropriate for their community.</i></p> <p><i>4.35. Optional statement in 4.35 allows typical farm fences such as barbed wire fences that don't obstruct flood flows as permitted uses. See also Section 10.21(c).</i></p> <p><i>4.36 is optional. We recommend treating recreational vehicles as a conditional use so that road access and warning systems are carefully reviewed to ensure public safety in times of flooding.</i></p> <p><i>4.4. Note that flood control projects intended to remove areas from the floodway to allow development of single or multiple structures are not permitted unless a Letter of Map Revision (LOMR) can be obtained to change the floodway boundary. Contact DNR Floodplain Program staff for further information.</i></p> <p><i>4.42(a) and (b) must be included if deposition or storage of fill is allowed in the floodway</i></p> <p><i>4.42(c) is an optional alternative allowing temporary storage of fill or other materials that could increase flood stage, suitable for locations where adequate flood warning times will be available to allow removal of materials.</i></p> |
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- (a) structures are not intended for human habitation;
- (b) structures will have a low flood damage potential;
- (c) structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;
- (d) Service utilities, such as electrical and heating equipment, within these structures must be elevated to or above the regulatory flood protection elevation or properly floodproofed;
- (e) Structures must be elevated on fill or structurally dry floodproofed in accordance with the FP1 or FP2 floodproofing classifications in the State Building Code. All floodproofed structures must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls.
- (f) As an alternative, an accessory structure may be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment and does not exceed 576 square feet in size. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:
 - (1) To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - (2) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

4.44 Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.

4.45 A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.

4.46 Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

SECTION 5.0 FLOOD FRINGE DISTRICT (FF)

5.1 **Permitted Uses:** Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Sections 5.2. If no pre-existing, underlying zoning districts exist, then any residential or nonresidential structure or use of a structure or land is a permitted use provided it does not constitute a public nuisance.

5.2 Standards for Flood Fringe Permitted Uses:

5.21 All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.

4.43. If accessory structures are to be allowed in the floodway, items (a) through (d) are required.

4.43(e) is optional language allowing for wet floodproofing of small accessory structures that constitute a minimal investment.

4.44 is an optional provision providing notice that work in public waters requires a DNR permit.

5.1. If underlying zoning district(s) are present (as in most communities) the second sentence can be deleted.

5.21. “Lowest floor” is defined as the lowest floor of the lowest enclosed area, including basements, crawl spaces, etc. See Section 2.926.

5.22 Accessory Structures. As an alternative to the fill requirements of section 5.21, structures accessory to the uses identified in Section 5.1 may be permitted to be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided that:

(a) the accessory structure constitutes a minimal investment, does not exceed 576 square feet in size, and is only used for parking and storage.

(b) All portions of floodproofed accessory structures below the Regulatory Flood Protection Elevation must be: (i) adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls, (ii) be constructed with materials resistant to flood damage, and (iii) must have all service utilities be water-tight or elevated to above the regulatory flood protection elevation

(c) Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:

(1) To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

(2) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

5.23 The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Section 5.21 of this ordinance, or if allowed as a conditional use under Section 5.33 below.

5.24 The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.

5.25 All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.

5.26 The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

5.27 All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.

5.28 All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the **(Governing Body)**.

5.29 Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

5.30 Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In

5.22(a). A special note that the bulk standards here slightly exceed those allowed through 6120.330(Subp 3)(H) of the Shoreland Rules.

5.22(b). If an accessory structure exceeds 576 square feet, then FEMA will not allow internal floodproofing, and the structure must be elevated on fill in accordance to 5.21 or dry floodproofed in accordance with 5.43.

5.23 is an optional provision. Treating large volumes of fill as a conditional use allows communities to require an erosion control and emergency removal plan for uses such as sand and gravel mining or dredge spoil storage.

5.28 is optional, but is mandatory for subdivisions, including manufactured home parks and recreational vehicle parks/campgrounds. See also Section 7.13.

considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.

5.31 Manufactured homes and recreational vehicles must meet the standards of Section 9 of this ordinance.

5.3 **Conditional Uses:** The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Section 10.4 of this ordinance.

5.31 Any structure that is not elevated on fill or floodproofed in accordance with Sections 5.21 and 5.22 of this ordinance.

5.32 Storage of any material or equipment below the regulatory flood protection elevation.

5.33 The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Section 5.21 of this ordinance.

5.34 **(OPTIONAL)** The use of methods to elevate structures above the regulatory flood protection elevation, including stilts, pilings, parallel walls, or above-grade, enclosed areas such as crawl spaces or tuck under garages, shall meet the standards in Section 5.46.

5.4 **Standards for Flood Fringe Conditional Uses:**

5.41 The standards listed in Sections 5.24 through 5.30 apply to all conditional uses.

5.42 Basements, as defined by Section 2.913 of this ordinance, are subject to the following:

(a) Residential basement construction is not allowed below the regulatory flood protection elevation.

(b) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with Section 5.43 of this ordinance.

5.43 All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP1 or FP2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

5.44 The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.

(a) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.

(b) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the **(Governing Body)**.

(c) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

5.3. As with conditional uses in the floodway, conditional uses in the flood fringe are optional – communities should determine which of these uses are needed and appropriate in their floodplain areas.

5.34. The DNR refers to these as “alternative elevation methods”, meaning it is an alternative to fill. This is designated optional because they are burdensome to administer – typically requiring nonconversion agreements and detailed monitoring and inspections. See 5.46.

5.44. Optional provisions to be used if placement of this amount of fill is regulated as a conditional use.

5.45 Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.

5.46 **(OPTIONAL)** Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

(a) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

(b) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

(1) The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and

(2) That the enclosed area will be designed of flood resistant materials in accordance with the FP3 or FP4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

SECTION 6.0 GENERAL FLOODPLAIN DISTRICT (GF)

6.1 Permitted Uses:

6.11 The uses listed in Section 4.1 of this ordinance, Floodway District Permitted Uses, are permitted uses.

6.12 All other uses are subject to the floodway/flood fringe evaluation criteria specified in Section 6.2 below. Section 4.0 applies if the proposed use is determined to be in the Floodway District. Section 5.0 applies if the proposed use is determined to be in the Flood Fringe District.

6.2 Procedures for Floodway and Flood Fringe Determinations:

6.21 Upon receipt of an application for a permit or other approval within the General Floodplain District, the Zoning Administrator must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.

6.22 If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall

5.46. Standard tied to the optional 5.34. The DNR refers to these as "alternative elevation methods", meaning it is an alternative to fill. This is designated optional because they are burdensome to administer – typically requiring nonconversion agreements and detailed monitoring and inspections.

6.1. If the General Floodplain District (the A zone, or the AE, AO or AH zones without a defined floodway) is not present within the community, delete the contents of this section and retitle it "Reserved for Future Use" (i.e., in case a future annexation or map update would add an A zone).

6.2. State and federal rules establish standards for this determination but do not specify a procedure to be followed. (However, the community is required under 44 CFR 60.3(b)(4) to "obtain, review and reasonably utilize" base flood elevation and floodway data.) The procedure shown here is one that DNR suggests that communities follow. DNR Floodplain Program staff can assist communities in obtaining relevant data and completing the determination.

within the Floodway or Flood Fringe District. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in 6.23 below.

6.23 The determination of floodway and flood fringe must include the following components, as applicable:

- (a) Estimate the peak discharge of the regional (1% chance) flood.
- (b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
- (c) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.

6.24 The Zoning Administrator will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Zoning Administrator may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.

6.25 Once the Floodway and Flood Fringe District boundaries have been determined, the Zoning Administrator must process the permit application consistent with the applicable provisions of Section 4.0 and 5.0 of this ordinance.

6.24. Federal rules require that communities assess the cumulative effects of floodway encroachments on both sides of a stream. Contact Floodplain Program staff for assistance in making this assessment.

SECTION 7.0 LAND DEVELOPMENT STANDARDS

7.1 **In General:** Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within (community).

7.2 **Subdivisions:** No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

7.1 is optional – this and related provisions in 7.25 and 7.3 are designed to enable communities to manage flood risks in unmapped but flood-prone areas (i.e., wetlands, ditches, isolated basins). If these standards are not needed, Section 7 can be retitled “Subdivisions.”

7.21 All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.

7.22 All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the (Governing Body). The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.

7.21 – 7.24 is mandatory. These provisions can be integrated into a city or county subdivision ordinance, where one exists. Note that manufactured home and recreational vehicle parks are treated as subdivisions.

7.23 For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.

7.24 In the General Floodplain District, applicants must provide the information required in Section 6.2 of this ordinance to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

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| <p>7.25 If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:</p> <ul style="list-style-type: none"> (a) All such proposals are consistent with the need to minimize flood damage within the flood prone area, (b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (c) Adequate drainage is provided to reduce exposure of flood hazard. <p>7.3 Building Sites. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:</p> <ul style="list-style-type: none"> (a) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; (b) Constructed with materials and utility equipment resistant to flood damage; (c) Constructed by methods and practices that minimize flood damage; and (d) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding. | <p><i>7.25 is optional, to be used in conjunction with 7.1.</i></p> <p><i>7.3 is optional, to be used in conjunction with 7.1.</i></p> |
| <p>SECTION 8.0 PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES</p> | |
| <p>8.1 Public Utilities: All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.</p> <p>8.2 Public Transportation Facilities: Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 4.0 and 5.0 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.</p> <p>8.3 On-site Water Supply and Sewage Treatment Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.</p> | <p><i>8.3. MPCA oversees the Rules regulating septic systems (7080.2270) and wells (4725.4350), which regulate location and design in relation to floodplains.</i></p> |
| <p>SECTION 9.0 MANUFACTURED HOMES, MANUFACTURED HOME PARKS, AND RECREATIONAL VEHICLES.</p> | |
| <p>9.1 Manufactured Homes: New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record, the following requirements apply:</p> <p>9.11 Placement or replacement of manufactured home units is prohibited in the Floodway District.</p> | <p><i>9.1. This subsection is mandatory; the remainder of Section 9.0 is optional but recommended if manufactured home parks are located in any floodplain districts.</i></p> |

- 9.12 If allowed in the Flood Fringe District, placement or replacement of manufactured home units is subject to the requirements of Section 5 of this ordinance and the following standards.
- (a) New and replacement manufactured homes must be elevated in compliance with Section 5 of this ordinance and must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
 - (b) New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 7.22.

9.2 **Recreational Vehicles:** New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this ordinance.

9.21 Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in Section 9.22:

- (a) Individual lots or parcels of record.
- (b) Existing commercial recreational vehicle parks or campgrounds.
- (c) Existing condominium-type associations.

9.22 Criteria for Exempt Recreational Vehicles:

- (a) The vehicle must have a current license required for highway use.
- (b) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
- (c) No permanent structural type additions may be attached to the vehicle.
- (d) The vehicle and associated use must be permissible in any pre-existing, underlying zoning district.
- (e) Accessory structures are not permitted within the Floodway District. Any accessory structure in the Flood Fringe District must be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in Section 9.22.
- (f) An accessory structure must constitute a minimal investment

9.23 Recreational vehicles that are exempt in Section 9.22 lose this exemption when development occurs on the site that exceeds a minimal investment for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and floodproofing requirements of Section 5.0 of this ordinance. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.

9.2 has recently been revised to recognize MN Department of Health rules (Section 4630.0200), which prohibit mobile home parks and recreational camping areas in flood-prone areas. Placement or replacement of manufactured home units may be allowed in existing manufactured home parks or on lots of record.

9.21 – 9.23. These exemption criteria are required if recreational vehicles are allowed within any floodplain district. If this section is not used, recreational vehicle placement must be explicitly prohibited in floodplain districts.

9.22(e) is optional. Recreational vehicles in existing campgrounds may be allowed within the Floodway District, if defined as a permitted or conditional use, but we recommend they be treated as a temporary use, without accessory structures and with an emergency plan in place.

9.22 (f) and 9.23 are optional. Communities may apply a monetary limit such as \$500 as a threshold for a “minimal investment,” recognizing that this threshold will vary from place to place.

SECTION 10.0 ADMINISTRATION

10.0. Many of the standards and procedures in this section are likely to exist in other parts of the community's zoning

10.1 Zoning Administrator: A Zoning Administrator or other official designated by the **(Governing Body)** must administer and enforce this ordinance.

10.2 Permit Requirements:

10.21 Permit Required. A permit must be obtained from the Zoning Administrator prior to conducting the following activities:

- (a) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.
- (b) The use or change of use of a building, structure, or land.
- (c) The construction of a dam, fence, or on-site septic system, although a permit is not required for a farm fence as defined in this ordinance.
- (d) The change or extension of a nonconforming use.
- (e) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
- (f) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
- (g) Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for.
- (h) Any other type of “development” as defined in this ordinance.

10.22 Application for Permit. Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:

- (a) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
- (b) Location of fill or storage of materials in relation to the stream channel.
- (c) Copies of any required municipal, county, state or federal permits or approvals.
- (d) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

10.23 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.

10.24 Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.

10.25 Record of First Floor Elevation. The Zoning Administrator must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning

ordinance, and may be cross-referenced rather than repeated here. However, the community must be able to demonstrate that these procedures or comparable ones are in place.

The term “Zoning Administrator” is used throughout this section for ease of reference, but in some communities the City Clerk or other official may fill this role.

10.21(c). The exemption for farm fences in (c) is optional.

10.21(g). Any change in the course, current or cross-section of public waters requires a public waters work permit from the DNR under MN Stat. 103G.245.

10.22. This section may cross-reference any other permitting requirements in the zoning ordinance.

Administrator must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.

10.26 Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

10.27 Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

10.3 Variances:

10.31 Variance Applications. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable state statutes and Section(s) _____ of the zoning ordinance/code.

10.32 Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.

10.33 Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

- (a) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- (b) Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- (c) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

10.34 Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and 2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

10.35 General Considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:

- (a) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
- (b) The danger that materials may be swept onto other lands or downstream to the injury of others;

10.31 should cross-reference all sections of the zoning ordinance that regulate processing and review of variance applications. 10.3 only contains DNR/FEMA – mandated regulatory & notification provisions.

Communities that administer zoning ordinances (including floodplain ordinances) must establish a board of adjustment to hear appeals and variance requests. In many communities, the city council, county board, or planning commission serves as the board of adjustment. If a community does not have existing variance procedures or a board of adjustment, contact Floodplain Program staff for sample ordinance language.

10.33 (a-c) is language required by FEMA and must be adopted verbatim. Note specifically that the reference to “exceptional hardship” in (b)(ii) must remain in the ordinance, even though it has been replaced by the term “practical difficulties” in state zoning enabling statutes.

10.34 is required by FEMA.

Section 10.35 is optional but recommended as guidance for communities in reviewing variance applications. The same factors are recommended for review of conditional use applications, below.

- (c) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
- (d) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
- (e) The importance of the services to be provided by the proposed use to the community;
- (f) The requirements of the facility for a waterfront location;
- (g) The availability of viable alternative locations for the proposed use that are not subject to flooding;
- (h) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- (i) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;
- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (k) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

10.36 Submittal of Hearing Notices to the Department of Natural Resources (DNR). The (designated body/community official) must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

10.37 Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

10.38 Record-Keeping. The Zoning Administrator must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

10.4 Conditional Uses:

10.41 Administrative Review. An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section(s) _____ of the zoning ordinance/code.

10.42 Factors Used in Decision-Making. In passing upon conditional use applications, the (Governing Body) must consider all relevant factors specified in other sections of this ordinance, and those factors identified in Section 10.35 of this ordinance.

10.43 Conditions Attached to Conditional Use Permits. The (Governing Body) may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- (a) Modification of waste treatment and water supply facilities.
- (b) Limitations on period of use, occupancy, and operation.

10.41 should cross-reference any conditional use procedures in the zoning ordinance, if these exist. If not, contact Floodplain Program staff for administrative language.

Section 10.42 is optional but recommended as guidance for decisions on conditional uses (and variances, as noted above).

10.43 is also optional; conditions are intended to be specific to the particular site and proposed use.

- (c) Imposition of operational controls, sureties, and deed restrictions.
- (d) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- (e) Floodproofing measures, in accordance with the State Building Code and this ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

10.44 Submittal of Hearing Notices to the Department of Natural Resources (DNR). The (designated body/community official) must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

10.45 Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

SECTION 11.0 NONCONFORMITIES

11.1 **Continuance of Nonconformities:** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 2.941(b) of this ordinance, are subject to the provisions of Sections 11.11 – 11.16 of this ordinance.

11.11 A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in 11.12 below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.

11.12 Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 11.13 and 11.17 below.

11.13 If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of any nonconforming structure, that shall be considered substantial improvement, and the entire structure must meet the standards of Section 4.0 or 5.0 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor.

11.14 If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance. The Assessor must notify the Zoning Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.

11.15 If any nonconformity is substantially damaged, as defined in Section 2.940 of this ordinance, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new

11.11. Buildings and structures within the Floodway District may not be enlarged or expanded. In some cases, a floodway area can be filled without causing any rise in flood stage. In such cases, a Letter of Map Revision may be obtained that changes the floodway boundary, placing the area in the Flood Fringe. Contact Floodplain Program staff for details.

11.13. The language presented is recommended, in order to gradually eliminate nonconformities over time. Federal standards require that substantial improvement, is tracked over a one-year period.

Section 11.14 reflects an optional provision in statute (462.357(Subd 1e)(1) and 394.36) – local government may impose reasonable conditions on the nonconforming use or structure. Many communities have adopted similar provisions in their zoning ordinances.

Section 11.15 is specific to floodplain uses in state and federal statute, as distinct from

structures in Sections 4.0 or 5.0 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.

11.16 If any nonconforming use or structure experiences a repetitive loss, as defined in Section 2.936 of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.

11.17 Any substantial improvement, as defined in Section 2.941 of this ordinance, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Section 4.0 or 5.0 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

the standard provisions for nonconformities in the Chapters 394 and 462.

Section 11.16 is optional but recommended, in order to gradually eliminate nonconformities that are frequently damaged but not to the "50%" level.

11.17 is a mandatory federal requirement. As defined, "substantial improvement" is monitored over a one-year period.

SECTION 12.0 PENALTIES AND ENFORCEMENT

12.1 **Violation Constitutes a Misdemeanor:** Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.

12.2 **Other Lawful Action:** Nothing in this ordinance restricts the (community) from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.

12.3 **Enforcement:** Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of Section(s) _____ of the zoning ordinance/code. In responding to a suspected ordinance violation, the Zoning Administrator and (Governing Body) may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The (community) must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

12.3. Cross-reference any sections of the zoning ordinance that deal with enforcement procedures. If such provisions don't exist, contact Floodplain Program staff for sample language.

SECTION 13.0 AMENDMENTS

13.1 **Floodplain Designation – Restrictions on Removal:** The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

13.2 **Amendments Require DNR Approval:** All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.

13.3 **Map Revisions Require Ordinance Amendments.** The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 2.3 of this ordinance.

EFFECTIVE DATE: This ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law and/or charter.

Adopted by the _____ Board/City Council
(Community Name)

This _____ of _____, _____
(Day) (Month) (Year)

Attest: _____, County Board
Chairperson/Mayor
(Name of Elected Official)

Attest: _____, County
Administrator/City Clerk
(Name of Community Official)

Stamp With Community Seal:

NOTES TO USERS

This map is for use in administering the National Flood Insurance Program. It does not necessarily identify all areas subject to flooding, particularly from local drainage sources of small size. The **community map repository** should be consulted for possible updated or additional flood hazard information.

To obtain more detailed information in areas where **Base Flood Elevations (BFEs)** and/or **floodways** have been determined, users are encouraged to consult the Flood Profiles and Floodway Data and/or Summary of Stillwater Elevations tables contained within the Flood Insurance Study (FIS) Report that accompanies this FIRM. Users should be aware that BFEs shown on the FIRM represent rounded whole-foot elevations. These BFEs are intended for flood insurance rating purposes only and should not be used as the sole source of flood elevation information. Accordingly, flood elevation data presented in the FIS Report should be utilized in conjunction with the FIRM for purposes of construction and/or floodplain management.

Coastal Base Flood Elevations shown on this map apply only landward of 0.0' National Geodetic Vertical Datum of 1929 (NGVD 29). Users of this FIRM should be aware that coastal flood elevations are also provided in the Summary of Stillwater Elevations table in the Flood Insurance Study Report for this jurisdiction. Elevations shown in the Summary of Stillwater Elevations table should be used for construction and/or floodplain management purposes when they are higher than the elevations shown on this FIRM.

Boundaries of the **floodways** were computed at cross sections and interpolated between cross sections. The floodways were based on hydraulic considerations with regard to requirements of the National Flood Insurance Program. Floodway widths and other pertinent floodway data are provided in the Flood Insurance Study Report for this jurisdiction.

Certain areas not in Special Flood Hazard Areas may be protected by **flood control structures**. Refer to Section 2.4 "Flood Protection Measures" of the Flood Insurance Study Report for information on flood control structures for this jurisdiction.

The **projection** used in the preparation of this map was Universal Transverse Mercator (UTM) zone 15. The **horizontal datum** was NAD 27, GRS 1980 spheroid. Differences in datum, spheroid, projection or UTM zones used in the production of FIRMs for adjacent jurisdictions may result in slight positional differences in map features across jurisdiction boundaries. These differences do not affect the accuracy of this FIRM.

Flood elevations on this map are referenced to the National Geodetic Vertical Datum of 1929. These flood elevations must be compared to structure and ground elevations referenced to the same **vertical datum**. For information regarding conversion between the National Geodetic Vertical Datum of 1929 and the North American Vertical Datum of 1988, visit the National Geodetic Survey website at <http://www.ngs.noaa.gov> or contact the National Geodetic Survey at the following address:

NGS Information Services
NOAA, NNGS12
National Geodetic Survey
SSMC-3, #9202
1315 East-West Highway
Silver Spring, Maryland 20910-3282
(301) 713-3242

To obtain current elevation, description, and/or location information for **bench marks** shown on this map, please contact the Information Services Branch of the National Geodetic Survey at (301) 713-3242, or visit its website at <http://www.ngs.noaa.gov>.

Base map information shown on this FIRM was provided in digital format by the Minnesota Department of Natural Resources. This information was photogrammetrically compiled at a scale of 1:12,000 from aerial photography dated 2010 or later.

The **profile baselines** depicted on this map represent the hydraulic modeling baselines that match the flood profiles in the FIS report. As a result of improved topographic data, the **profile baseline**, in some cases, may deviate significantly from the channel centerline or appear outside the SFHA.

Corporate limits shown on this map are based on the best data available at the time of publication. Because changes due to annexations or de-annexations may have occurred after this map was published, map users should contact appropriate community officials to verify current corporate limit locations.

Please refer to the separately printed **Map Index** for an overview map of the county showing the layout of map panels; community map repository addresses; and a Listing of Communities table containing National Flood Insurance Program dates for each community as well as a listing of the panels on which each community is located.

For information on available products associated with this FIRM visit the **Map Service Center (MSC)** website at <http://msc.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the MSC website.

 ADMINISTRATIVE FLOODWAY

*Administrative floodway designated in accordance with local regulations for management of these areas

 MODELED NODE LABEL

LEGEND

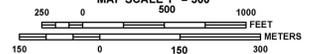
-  SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD
The 1% annual chance flood (100-year flood), also known as the base flood, is the flood that has a 1% chance of being equaled or exceeded in any given year. The Special Flood Hazard Area is the area subject to flooding by the 1% annual chance flood. Areas of Special Flood Hazard include Zones A, AE, AH, AO, AR, AV, and VE. The Base Flood Elevation is the water-surface elevation of the 1% annual chance flood.
- ZONE AE** No Base Flood Elevations determined.
- ZONE AE** Base Flood Elevations determined.
- ZONE AH** Flood depths of 1 to 3 feet (usually areas of ponding); Base Flood Elevations determined.
- ZONE AO** Flood depths of 1 to 3 feet (usually sheet flow on sloping terrain); average depths determined. For areas of alluvial fan flooding, velocities also determined.
- ZONE AR** Special Flood Hazard Areas formerly protected from the 1% annual chance flood by a flood control system that was subsequently described. Zone AR indicates that the former flood control system is being restored to provide protection from the 1% annual chance or greater flood.
- ZONE AV** Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
- ZONE VE** Coastal flood zone with velocity hazard (wave action); Base Flood Elevations determined.
-  FLOODWAY AREAS IN ZONE AE
The floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights.
- OTHER FLOOD AREAS**
- ZONE X** Areas of 0.2% annual chance flood; areas of 1% annual chance flood with average depths of less than 1 foot or with drainage areas less than 1 square mile; and areas protected by levees from 1% annual chance flood.
- OTHER AREAS**
- ZONE X** Areas determined to be outside the 0.2% annual chance floodplain.
- ZONE D** Areas in which flood hazards are undetermined, but possible.
-  COASTAL BARRIER RESOURCES SYSTEM (CBRS) AREAS
-  OTHERWISE PROTECTED AREAS (OPAs)
- CBRS areas and OPAs are normally located within or adjacent to Special Flood Hazard Areas.
-  1% Annual Chance Floodplain Boundary
-  0.2% Annual Chance Floodplain Boundary
-  Floodway boundary
-  Zone D boundary
-  CBRS and OPA boundary
-  Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths, or flood velocities.
-  Base Flood Elevation line and value; elevation in feet*
-  Base Flood Elevation value where uniform within zone; elevation in feet*
- *Referenced to the National Geodetic Vertical Datum of 1929
-  Cross section line
-  Transect line
- Geographic coordinates referenced to the North American Datum of 1983 (NAD 83) Western Hemisphere
- 3100000 FT
- 5000-foot ticks: Minnesota State Plane coordinate system, South Zone (FIPSZONE 2203), Lambert Conformal Conic projection
- 1000-meter Universal Transverse Mercator grid values, zone 15
-  Bench mark (see explanation in Notes to Users section of this FIRM panel)
-  M1.5 River Mile
-  MAP REPOSITORIES
Refer to Map Repositories list on Map Index
- EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP
September 2, 2004
- EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL
November 4, 2016 - to add Special Flood Hazard Areas, to change Base Flood Elevations, to change floodway, to change Special Flood Hazard Areas, to decrease Base Flood Elevations, to incorporate previously issued Letters of Map Revisions, to increase Base Flood Elevations, to reflect updated topographic information, to update corporate limits, to update map format

For community map revision history prior to countywide mapping, refer to the Community Map History table located in the Flood Insurance Study report for this jurisdiction.

To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.



MAP SCALE 1" = 500'




NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0144F

FIRM

FLOOD INSURANCE RATE MAP

HENNEPIN COUNTY, MINNESOTA (ALL JURISDICTIONS)

PANEL 144 OF 500
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

| COMMUNITY | NUMBER | PANEL | SUFFIX |
|-----------------------|--------|-------|--------|
| INDEPENDENCE, CITY OF | 270167 | 0144 | F |
| MAPLE PLAIN, CITY OF | 270170 | 0144 | F |
| MEDINA, CITY OF | 270171 | 0144 | F |
| ORONO, CITY OF | 270178 | 0144 | F |

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.



MAP NUMBER
27053C0144F

MAP REVISED
NOVEMBER 4, 2016

Federal Emergency Management Agency

NOTES TO USERS

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 ADMINISTRATIVE FLOODWAY

* Administrative floodway designated in accordance with local regulations for management of these areas

 MODELED NODE LABEL

LEGEND

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- ZONE A99** Area to be protected from 1% annual chance flood by a Federal flood protection system under construction; no Base Flood Elevations determined.
- ZONE V** Coastal flood zone with velocity hazard (wave action); no Base Flood Elevations determined.
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-  Floodway Boundary
-  Zone D boundary
-  CBRS and OPA boundary
-  Boundary dividing Special Flood Hazard Area Zones and boundary dividing Special Flood Hazard Areas of different Base Flood Elevations, flood depths, or flood velocities.
-  Base Flood Elevation value where uniform within zone; elevation in feet*

*Referenced to the National Geodetic Vertical Datum of 1929

 Cross section line

 Transect line

45° 02' 08", 93° 02' 12"

3100000 FT
5000-foot ticks: Minnesota State Plane coordinate system, South Zone (FIPSZONE 2203), Lambert Conformal Conic projection
1000-meter Universal Transverse Mercator grid values, zone 15

 Bench mark (see explanation in Notes to Users section of this FIRM panel)

 M1.5
River Mile

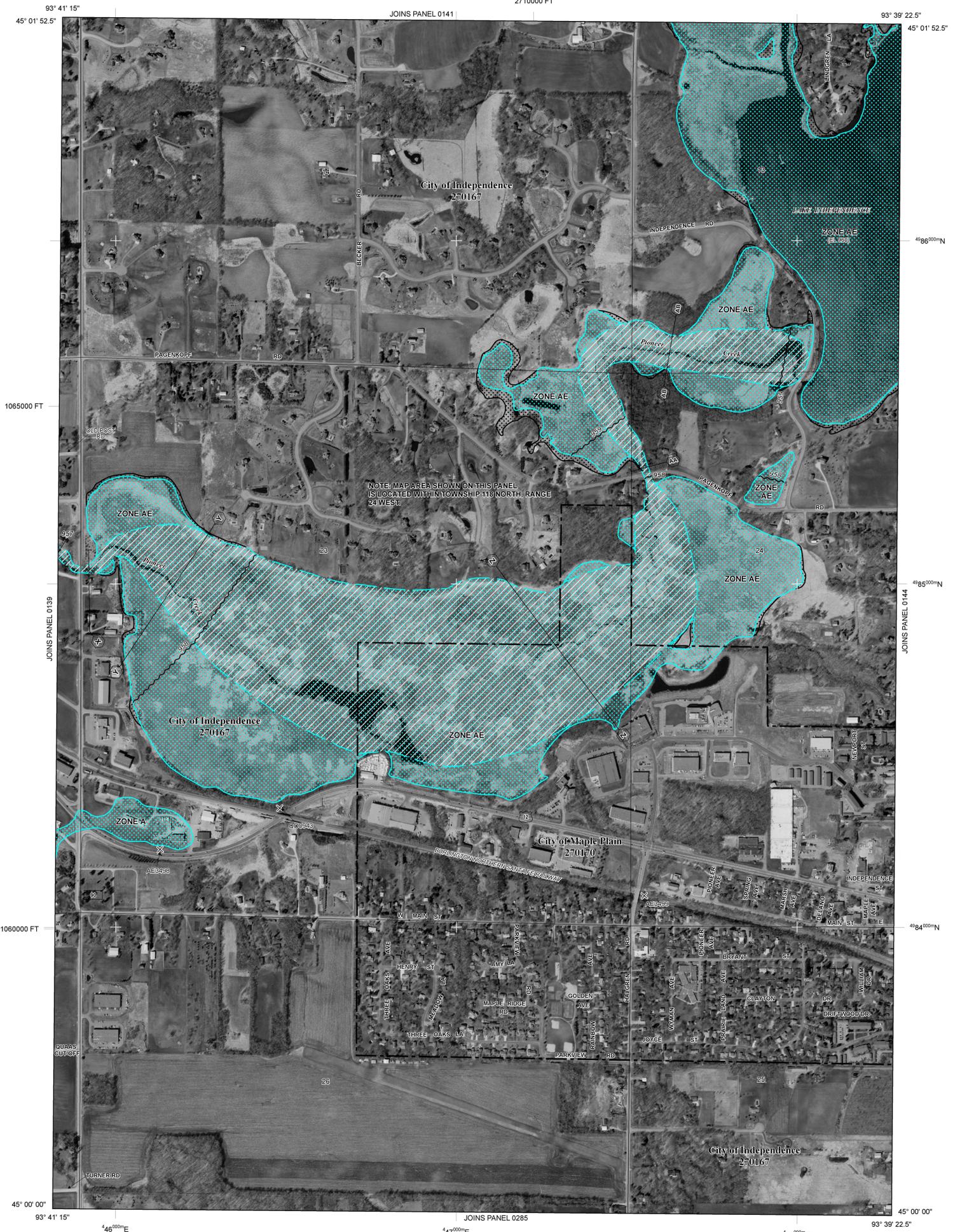
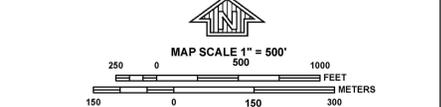
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Refer to Map Repositories list on Map Index

EFFECTIVE DATE OF COUNTYWIDE FLOOD INSURANCE RATE MAP
September 2, 2004

EFFECTIVE DATE(S) OF REVISION(S) TO THIS PANEL
November 4, 2016 - to add Special Flood Hazard Areas, to change Base Flood Elevations, to change floodway, to change Special Flood Hazard Areas, to decrease Base Flood Elevations, to incorporate previously issued Letters of Map Revisions, to increase Base Flood Elevations, to reflect updated topographic information, to update corporate limits, to update map format

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NATIONAL FLOOD INSURANCE PROGRAM

PANEL 0143F

FIRM

FLOOD INSURANCE RATE MAP

HENNEPIN COUNTY, MINNESOTA (ALL JURISDICTIONS)

PANEL 143 OF 500
(SEE MAP INDEX FOR FIRM PANEL LAYOUT)

CONTAINS:

| COMMUNITY | NUMBER | PANEL | SUFFIX |
|-----------------------|--------|-------|--------|
| INDEPENDENCE, CITY OF | 270167 | 0143 | F |
| MAPLE PLAIN, CITY OF | 270170 | 0143 | F |

Notice to User: The **Map Number** shown below should be used when placing map orders; the **Community Number** shown above should be used on insurance applications for the subject community.

 **MAP NUMBER 27053C0143F**
MAP REVISED NOVEMBER 4, 2016
Federal Emergency Management Agency