



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
CC: JOSHUA M. TETZLAFF, CITY ADMINISTRATOR
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: INTRODUCTION OF ORDINANCE #349 REPEALING CHAPTER 152 OF THE NEW PRAGUE CITY CODE AND REPLACING IT WITH A NEW CHAPTER 152 REGARDING FLOODPLAIN REGULATIONS
DATE: MAY 2, 2024

Earlier this year, city staff was notified by FEMA that new Le Sueur County FEMA Flood Insurance Rate Maps (FIRMs) will become effective on July 17, 2024 and cover all of New Prague city limits. In order to continue to participate in the FEMA National Flood Insurance Program (NFIP), the City must adopt a floodplain ordinance that is in compliance with the program.

City Staff and the Planning Commission reviewed two model ordinances developed by the DNR to be compliant. One model ordinance was an updated version of the city's current ordinance which is considered their "typical" ordinance, and another considered a "simplified" version. The DNR encouraged the City to consider adoption of the "simplified" version as New Prague has historically had little to no development in the floodplain and the new ordinance would continue to not allow development in the floodplain.

The Planning Commission held the required public hearing on the zoning ordinance amendment on May 1, 2024 (following the rescheduling of the April 24, 2024 Planning Commission due to a lack of a quorum) and received no public comments during the hearing. The Planning Commission motioned (3-0) to forward the zoning ordinance amendment to the City Council.

Recommendation

Staff recommends that the City Council conduct a first reading and approve the introduction of Ordinance #349.

**ORDINANCE NO. 349
CITY OF NEW PRAGUE**

**AN ORDINANCE REPEALING CHAPTER 152 OF THE NEW PRAGUE CITY CODE AND
REPLACING IT WITH A NEW CHAPTER 152 REGARDING FLOODPLAIN REGULATIONS**

**THE CITY COUNCIL OF THE CITY OF NEW PRAGUE, SCOTT AND LE SUEUR COUNTIES,
MINNESOTA ORDAINS:**

SECTION 1. Chapter 152 of the City Code of the City of New Prague is hereby repealed in its entirety.

SECTION 2. The City Code of the City of New Prague is hereby amended by replacing it with a new Chapter 152 as follows:

Chapter 152 FLOODPLAIN REGULATIONS

- 152.01 Statutory Authorization and Purpose.
- 152.02 Definitions.
- 152.03 Jurisdiction and Districts.
- 152.04 Permitted Activities and Standards in the Floodplain District.
- 152.05 Nonconformities.
- 152.06 Administration.
- 152.07 Penalties and Enforcement.
- 152.08 Amendments.

152.01 STATUTORY AUTHORIZATION AND PURPOSE

- A. **Statutory Authorization.** This floodplain ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program (NFIP) in 44 CFR § 59 to 80; and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.

- B. **Purpose**
 - a. This ordinance regulates development in the flood hazard areas of the City of New Prague. 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.
 - b. This ordinance is adopted in the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding.
 - c. This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.

- d. 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.
- C. **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or private agreements. The standards in this ordinance take precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- D. **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. Not all flood risk is mapped. Larger floods do occur and the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. This ordinance does not create liability on the part of the City of New Prague or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- E. **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.

152.02 DEFINITIONS

- A. **Definitions.** Unless specifically defined, 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.
 - a. **Base Flood.** The flood having a one-percent chance of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in Minnesota Rules, part 6120.5000.
 - b. **Base Flood Elevation (BFE).** The elevation of the base flood, regional flood, or one-percent annual chance flood. The term "base flood elevation" is used in the flood insurance study.
 - c. **Development.** Any man-made change to improved or unimproved real estate including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of materials or equipment.
 - d. **Farm Fence.** An open type of fence of posts and horizontally run wire, further specified in Minnesota Statutes, section 344.02 Subd. 1(a - d).
 - e. **Flood Fringe.** The portion of the one-percent annual chance floodplain located outside of the floodway.
 - f. **Flood Insurance Rate Map (FIRM).** An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
 - g. **Floodplain.** The beds, channel and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.
 - h. **Floodway.** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which must be reserved to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.

- i. **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.”
- j. **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. Those vehicles not meeting this definition shall be considered a structure for the purposes of this ordinance. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”
- k. **Regulatory Flood Protection Elevation (RFPE).** An elevation no lower than one foot above the elevation of the base flood plus any increases in water surface elevation caused by encroachments on the floodplain that result from designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.
- l. **Structure.** A roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in Section 4.40, shall also be considered a nonconforming structure for the purposes of this ordinance.
- m. **Substantial Damage.** 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.
- n. **Substantial Improvement.** Any reconstruction, rehabilitation, 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:
 - i. 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.
 - ii. 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 defined in 44 CFR § 59.1.

152.03 JURISDICTION AND DISTRICTS

- A. **Lands to Which Ordinance Applies.** This ordinance applies to all lands under the jurisdiction of the City of New Prague within the Floodplain, shown as Zones A or AE on the Flood Insurance Rate Map panels referenced in Section 3.2.
 - a. The standards imposed in this overlay district are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.
 - b. Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions (as illustrated in Figure 1), the Base Flood Elevation (BFE) shall be

the governing factor in locating the outer boundaries of the one-percent annual chance floodplain.

- c. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the City and to submit technical evidence.

B. **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:

- Flood Insurance Studies
 - Flood Insurance Study for Scott County and Incorporated Areas, dated February 12, 2021
 - Flood Insurance Study for Le Sueur County and Incorporated Areas, dated July 17, 2024
- Flood Insurance Rate Map Panels
 - Scott County Panel 27139C0280E, dated February 12, 2024
 - Scott County Panel 27139C0290E, dated February 12, 2024
 - Scott County Panel 27139C0295E, dated February 12, 2024
 - Le Sueur County Panel 27079C0086E, dated July 17, 2024
 - Le Sueur County Panel 27079C0087E, dated July 17, 2024
 - Le Sueur County Panel 27079C0089E, dated July 17, 2024
 - Le Sueur County Panel 27079C0091E, dated July 17, 2024
 - Le Sueur County Panel 27079C0093E, dated July 17, 2024
 - Le Sueur County Panel 27079C0100E, dated July 17, 2024

These materials are prepared by the Federal Emergency Management Agency, and are on file at New Prague City Hall.

- C. **Annexations:** The Flood Insurance Rate Map panels referenced in Section 3.2 may include floodplain areas that lie outside of the corporate boundaries of the City of New Prague at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of New Prague 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. Annexations into panels not referenced in Section 3.2 require ordinance amendment in accordance with Section 8.0.

152.04 PERMITTED ACTIVITIES AND STANDARDS IN THE FLOODPLAIN DISTRICT

- A. **Permitted Activities.** A permit must be obtained from the Zoning Administrator to verify compliance with all applicable standards outlined in this ordinance prior to the following uses or activities:
 - a. Any addition, modification, rehabilitation, repair, or alteration to a nonconforming structure as specified in Section 5.0 of this ordinance. 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 Section 2.0 of this ordinance.
 - b. Any use that requires fill, excavation, storage of materials, or placement of anything that may cause a potential obstruction, as well as any other form of development as defined in Section 2.0 of this ordinance.
- B. **Activities Not Requiring a Permit.** Certain uses or activities may be exempt from obtaining a permit, such as planting a garden, farming, or other obviously insignificant activities such as putting

up a mailbox or flagpole. Farm fences, as defined in Section 2.0 of this ordinance, are not considered to be an obstruction, and as such, do not require a permit. A local permit is not required if a public waters work permit has been obtained from the Department of Natural Resources, unless a significant area above the ordinary high water level is also to be disturbed. The continuation of existing uses, when the associated activities do not encroach further on the regulatory floodplain or trigger associated standards in this ordinance, do not require a permit.

C. **Minimum Development Standards.**

A. **All development must:**

- a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b. Be constructed with materials and equipment resistant to flood damage;
- c. Be constructed by methods and practices that minimize flood damage;
- d. Be reasonably safe from flooding and consistent with the need to minimize flood damage;
- e. Be assured to provide adequate drainage to reduce exposure to flood hazards;
- f. Not be detrimental to uses in adjoining areas; and
- g. Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

B. **Buildings and Structures.** No new structures, such as buildings or accessory structures may be permitted in the regulatory floodplain. Modifications and alterations of nonconforming structures is subject to the standards in Section 5.0.

C. **Subdivisions.** All new lots must be able to accommodate for a building site with a natural grade outside of the floodplain. All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE).

D. **Encroachment Analysis.** Development in the following areas requires hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices (e.g. projects that restore the site to the previous cross-sectional area).

- a. In a floodway, development may not result in any of the following during the one-percent annual chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities.
- b. In areas where a floodway has not been delineated, development may not allow stage increases more than one-half (0.5) foot at any point during the one-percent chance flood. This evaluation must include the cumulative effects of previous encroachments. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result.

E. **Fences** not meeting the definition of farm fences are not permitted.

F. **Transportation Facilities.** Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. 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.

All public transportation facilities should be designed to minimize increases in flood elevations.

- G. **Public Utilities.** All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage, and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.
- H. **Potential Pollutants.** Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life, as well as those likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, Section 115.01, are prohibited.
- I. **Land Alterations.** In areas within 25 feet of the ordinary high water level, land alterations shall be restricted to:
 - a. the minimum required to accommodate beach and access areas, not to exceed a volume greater than 10 cubic yards; and
 - b. the minimum required to accommodate for public utilities, roads, railroad tracks, bridges, and shoreline stabilization projects to correct an identified erosion problem, as verified by a qualified resource agency or the zoning administrator.
- J. **Recreational vehicles** must be travel ready, meeting the following criteria:
 - a. The vehicle must be fully licensed.
 - b. The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.
 - c. No permanent structural type additions may be attached to the vehicle.
- K. **Private On-site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities** shall be subject to applicable provisions detailed in Section 4.37. Replacement of on-site sewage treatment systems are to be constructed to avoid impairment to them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270. No new private service facilities may be permitted in the regulatory floodplain.

152.05 NONCONFORMITIES

- A. **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:
 - a. Within the floodway, or where the floodway has not been delineated, any expansion or enlargement of uses or structures is prohibited.
 - b. Any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this ordinance, shall not increase the flood damage potential or increase the

degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).

- c. If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in Section 5.3, it may not be reconstructed except in conformity with the provisions of this ordinance.
- d. 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.

B. Standards for Modifications and Alterations of Nonconforming Structures. In addition to the standards identified in 4.3, the following standards and procedures apply to additions, modifications, rehabilitations, repairs, alterations, or maintenance of nonconforming structures:

- a. All structures, including manufactured homes, must be elevated on fill so that the lowest floor of the lowest enclosed area (including basement) is at or above the Regulatory Flood Protection Elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus any stage increases that result from designation of a floodway. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the Zoning Administrator.
- b. Electrical, heating, ventilation, ductwork, plumbing, and air conditioning equipment and other service facilities are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Substantial Improvement and Substantial Damage Determinations. Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the Zoning Administrator is required to determine if such work constitutes substantial improvement or repair of a substantially damaged structure. A determination must be made in accordance with the following procedures:

- a. Estimate the market value of the structure. In the case of repairs, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.
- b. Estimate the cost of the project. The property owner shall accommodate for inspection, and furnish other documentation needed by the zoning administrator to evaluate costs.
 - i. Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one year.
 - ii. Costs to repair damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.
- c. Compare the cost of the improvement, repairs, or combination thereof to the estimated market value of the structure, and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure, as defined in Section 2.0 of this ordinance.
- d. Based on this determination, the zoning administrator shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this ordinance.

152.06 ADMINISTRATION

- A. **Duties.** A Zoning Administrator or other official must administer and enforce this ordinance.
- a. **Permit Application Requirements.** Permit applications must be submitted to the Zoning Administrator. The permit application must include the following, as applicable:
 - i. A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.
 - ii. Location and detail of grading, fill, or storage of materials.
 - iii. Copies of any required local, state or federal permits or approvals.
 - iiii. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
 - b. **Recordkeeping.** The Zoning Administrator must maintain applicable records in perpetuity documenting:
 - i. Encroachment analysis, as detailed in Section 4.34.
 - ii. Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Zoning Administrator.
 - iii. Substantial damage and substantial improvement determinations, as detailed in Section 5.3, including the cost of improvements, repairs, and market value.
 - iiii. All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.
- B. **Variances**
- a. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, section 462.357, Subd. 6(2) and this ordinance.
 - b. Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - c. Variances from the provisions in this ordinance 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.
 - d. Variances from the provisions in this ordinance may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - e. Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law.

- f. Though variances may be used to modify permissible methods of flood protection, no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).
- g. The Zoning Administrator must notify the applicant for a variance that:
 - i. 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
 - ii. 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.
- C. **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 Statute, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.
- D. **Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations:** Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, the City of New Prague must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available. Within areas where the floodway has not been delineated, a map revision is only required if development results in stage increases greater than 0.5 feet.
- E. **Notifications to the Department of Natural Resources.**
 - a. All notices of public hearings to consider variances or conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.
 - b. A copy of all decisions granting variances and conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

152.07 PENALTIES AND ENFORCEMENT

- A. **Uses in Violation of the Ordinance.** Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this ordinance shall be considered a public nuisance.
- B. **Civil Remedies.** The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this ordinance may be abated by an action brought by the City of New Prague or the Department of Natural Resources.
- C. **Enforcement.** Violations of the provisions of this ordinance constitutes a misdemeanor and is punishable as defined by law. The Zoning Administrator 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. The City of New Prague 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.

152.08 AMENDMENTS

- A. **Ordinance Amendments.** Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in Section 3.2 of this ordinance.
- B. **Required Approval:** All amendments to this ordinance must be submitted to the Department of Natural Resources (DNR) for review and approval prior to adoption, for compliance with state and federal rules and requirements. The floodplain ordinance shall not be considered valid until approved.

SECTION 3. This Ordinance shall take effect and be in force upon its publication, in accordance with Section 3.13 of the New Prague City Charter.

Introduced to the city council of the city of New Prague, Minnesota, the 6th day of May, 2024.

The required 10 days posted notice was completed on the city website and city hall bulletin board on or before May 7th, 2024.

Passed by the city council of the city of New Prague, Minnesota, the ____ day of _____ 2024 and to be published on the _____ of _____, 2024.

Mayor

City Administrator



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: PLANNING COMMISSION
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: PUBLIC HEARING – FLOODPLAIN ORDINANCE UPDATE
DATE: APRIL 17, 2024

Update Since February 28, 2024

At the February 28th, 2024 Planning Commission Meeting, it was consensus of the Planning Commission to move forward with a public hearing with the “simplified” floodplain ordinance. Before we could set a public hearing date, we had to send the drafted floodplain ordinance language to the DNR to review and “conditionally” approve. The DNR completed their review and issued a letter of conditional approval on April 3, 2024 (see attached letter) which allowed the public hearing to be scheduled for tonight’s meeting.

Background

The City was recently notified by FEMA that the new Le Sueur County FEMA Flood Insurance Rate Maps (FIRMs) will become effective on July 17, 2024. The Le Sueur County map updates cover all of New Prague City Limits as when the Scott County Maps were previously updated, they excluded all of the City of New Prague.

Shortly after receiving notification from FEMA regarding the effective date of the new flood maps, the DNR contacted the City regarding the requirement that all communities must prove to FEMA that their floodplain management regulations are in compliance with FEMA regulations, specifically for continued participation in the National Flood Insurance Program (NFIP). The DNR is the state coordinating agency for NFIP and will assist the City.

Garry Bennett with the DNR provided the City with two model ordinance options for adopting a conforming ordinance. One option was called a “simplified model floodplain ordinance” and the other was their typical “model floodplain ordinance” with the City choosing which model to utilize.

The City’s current floodplain ordinance (see attached) is similar to the typical model ordinance. Mr. Bennett suggested the City consider the simplified model ordinance as New Prague has historically had little to no floodplain development in flood zones. This simplified ordinance is easier to administer than the typical model. During my nearly 20 years with the City, we have not allowed any development within the floodplain and there are very few structures that exist within the floodplain today.

Existing Floodplain Ordinance Language

See attached.

Proposed Zoning Ordinance Language-

See attached proposed Floodplain Regulation Ordinance.

Recommendation

I recommend that the Planning Commission hold the required public hearing and forward a recommendation to the City Council regarding the proposed new floodplain regulation ordinance.

Attachments:

1. Proposed Floodplain Regulation Ordinance
2. Conditional Approval Letter from DNR – Dated 4/3/24
3. Chapter 152: Flood Hazard Regulations (Existing Ordinance)
4. FEMA Letter – Dated 4/8/24
5. Updated FEMA FIRM Maps for New Prague Area – July 17, 2024

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CITY OF NEW PRAGUE

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REPLACING IT WITH A NEW CHAPTER 152 REGARDING FLOODPLAIN REGULATIONS**

**THE CITY COUNCIL OF THE CITY OF NEW PRAGUE, SCOTT AND LE SUEUR COUNTIES,
MINNESOTA ORDAINS:**

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- B. **Purpose**
 - a. This ordinance regulates development in the flood hazard areas of the City of New Prague. 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.
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 - c. This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.

- d. 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.
- C. **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or private agreements. The standards in this ordinance take precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- D. **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. Not all flood risk is mapped. Larger floods do occur and the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. This ordinance does not create liability on the part of the City of New Prague or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- E. **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.

152.02 DEFINITIONS

- A. **Definitions.** Unless specifically defined, 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.
 - a. **Base Flood.** The flood having a one-percent chance of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in Minnesota Rules, part 6120.5000.
 - b. **Base Flood Elevation (BFE).** The elevation of the base flood, regional flood, or one-percent annual chance flood. The term "base flood elevation" is used in the flood insurance study.
 - c. **Development.** Any man-made change to improved or unimproved real estate including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of materials or equipment.
 - d. **Farm Fence.** An open type of fence of posts and horizontally run wire, further specified in Minnesota Statutes, section 344.02 Subd. 1(a - d).
 - e. **Flood Fringe.** The portion of the one-percent annual chance floodplain located outside of the floodway.
 - f. **Flood Insurance Rate Map (FIRM).** An official map of a community, on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
 - g. **Floodplain.** The beds, channel and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.
 - h. **Floodway.** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which must be reserved to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.

- i. **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.”
- j. **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. Those vehicles not meeting this definition shall be considered a structure for the purposes of this ordinance. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”
- k. **Regulatory Flood Protection Elevation (RFPE).** An elevation no lower than one foot above the elevation of the base flood plus any increases in water surface elevation caused by encroachments on the floodplain that result from designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.
- l. **Structure.** A roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in Section 4.40, shall also be considered a nonconforming structure for the purposes of this ordinance.
- m. **Substantial Damage.** 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.
- n. **Substantial Improvement.** Any reconstruction, rehabilitation, 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:
 - i. 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.
 - ii. 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 defined in 44 CFR § 59.1.

152.03 JURISDICTION AND DISTRICTS

- A. **Lands to Which Ordinance Applies.** This ordinance applies to all lands under the jurisdiction of the City of New Prague within the Floodplain, shown as Zones A or AE on the Flood Insurance Rate Map panels referenced in Section 3.2.
 - a. The standards imposed in this overlay district are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.
 - b. Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions (as illustrated in Figure 1), the Base Flood Elevation (BFE) shall be

the governing factor in locating the outer boundaries of the one-percent annual chance floodplain.

- c. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the City and to submit technical evidence.

B. **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:

- Flood Insurance Studies
 - Flood Insurance Study for Scott County and Incorporated Areas, dated February 12, 2021
 - Flood Insurance Study for Le Sueur County and Incorporated Areas, dated July 17, 2024
- Flood Insurance Rate Map Panels
 - Scott County Panel 27139C0280E, dated February 12, 2024
 - Scott County Panel 27139C0290E, dated February 12, 2024
 - Scott County Panel 27139C0295E, dated February 12, 2024
 - Le Sueur County Panel 27079C0086E, dated July 17, 2024
 - Le Sueur County Panel 27079C0087E, dated July 17, 2024
 - Le Sueur County Panel 27079C0089E, dated July 17, 2024
 - Le Sueur County Panel 27079C0091E, dated July 17, 2024
 - Le Sueur County Panel 27079C0093E, dated July 17, 2024
 - Le Sueur County Panel 27079C0100E, dated July 17, 2024

These materials are prepared by the Federal Emergency Management Agency, and are on file at New Prague City Hall.

- C. **Annexations:** The Flood Insurance Rate Map panels referenced in Section 3.2 may include floodplain areas that lie outside of the corporate boundaries of the City of New Prague at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of New Prague 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. Annexations into panels not referenced in Section 3.2 require ordinance amendment in accordance with Section 8.0.

152.04 PERMITTED ACTIVITIES AND STANDARDS IN THE FLOODPLAIN DISTRICT

- A. **Permitted Activities.** A permit must be obtained from the Zoning Administrator to verify compliance with all applicable standards outlined in this ordinance prior to the following uses or activities:
 - a. Any addition, modification, rehabilitation, repair, or alteration to a nonconforming structure as specified in Section 5.0 of this ordinance. 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 Section 2.0 of this ordinance.
 - b. Any use that requires fill, excavation, storage of materials, or placement of anything that may cause a potential obstruction, as well as any other form of development as defined in Section 2.0 of this ordinance.
- B. **Activities Not Requiring a Permit.** Certain uses or activities may be exempt from obtaining a permit, such as planting a garden, farming, or other obviously insignificant activities such as putting

up a mailbox or flagpole. Farm fences, as defined in Section 2.0 of this ordinance, are not considered to be an obstruction, and as such, do not require a permit. A local permit is not required if a public waters work permit has been obtained from the Department of Natural Resources, unless a significant area above the ordinary high water level is also to be disturbed. The continuation of existing uses, when the associated activities do not encroach further on the regulatory floodplain or trigger associated standards in this ordinance, do not require a permit.

C. **Minimum Development Standards.**

A. **All development must:**

- a. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- b. Be constructed with materials and equipment resistant to flood damage;
- c. Be constructed by methods and practices that minimize flood damage;
- d. Be reasonably safe from flooding and consistent with the need to minimize flood damage;
- e. Be assured to provide adequate drainage to reduce exposure to flood hazards;
- f. Not be detrimental to uses in adjoining areas; and
- g. Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

B. **Buildings and Structures.** No new structures, such as buildings or accessory structures may be permitted in the regulatory floodplain. Modifications and alterations of nonconforming structures is subject to the standards in Section 5.0.

C. **Subdivisions.** All new lots must be able to accommodate for a building site with a natural grade outside of the floodplain. All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE).

D. **Encroachment Analysis.** Development in the following areas requires hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices (e.g. projects that restore the site to the previous cross-sectional area).

- a. In a floodway, development may not result in any of the following during the one-percent annual chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities.
- b. In areas where a floodway has not been delineated, development may not allow stage increases more than one-half (0.5) foot at any point during the one-percent chance flood. This evaluation must include the cumulative effects of previous encroachments. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result.

E. **Fences** not meeting the definition of farm fences are not permitted.

F. **Transportation Facilities.** Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. 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.

All public transportation facilities should be designed to minimize increases in flood elevations.

- G. **Public Utilities.** All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage, and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.
- H. **Potential Pollutants.** Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life, as well as those likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, Section 115.01, are prohibited.
- I. **Land Alterations.** In areas within 25 feet of the ordinary high water level, land alterations shall be restricted to:
 - a. the minimum required to accommodate beach and access areas, not to exceed a volume greater than 10 cubic yards; and
 - b. the minimum required to accommodate for public utilities, roads, railroad tracks, bridges, and shoreline stabilization projects to correct an identified erosion problem, as verified by a qualified resource agency or the zoning administrator.
- J. **Recreational vehicles** must be travel ready, meeting the following criteria:
 - a. The vehicle must be fully licensed.
 - b. The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.
 - c. No permanent structural type additions may be attached to the vehicle.
- K. **Private On-site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities** shall be subject to applicable provisions detailed in Section 4.37. Replacement of on-site sewage treatment systems are to be constructed to avoid impairment to them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270. No new private service facilities may be permitted in the regulatory floodplain.

152.05 NONCONFORMITIES

- A. **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:
 - a. Within the floodway, or where the floodway has not been delineated, any expansion or enlargement of uses or structures is prohibited.
 - b. Any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this ordinance, shall not increase the flood damage potential or increase the

degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).

- c. If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in Section 5.3, it may not be reconstructed except in conformity with the provisions of this ordinance.
- d. 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.

B. Standards for Modifications and Alterations of Nonconforming Structures. In addition to the standards identified in 4.3, the following standards and procedures apply to additions, modifications, rehabilitations, repairs, alterations, or maintenance of nonconforming structures:

- a. All structures, including manufactured homes, must be elevated on fill so that the lowest floor of the lowest enclosed area (including basement) is at or above the Regulatory Flood Protection Elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus any stage increases that result from designation of a floodway. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the Zoning Administrator.
- b. Electrical, heating, ventilation, ductwork, plumbing, and air conditioning equipment and other service facilities are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

C. Substantial Improvement and Substantial Damage Determinations. Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the Zoning Administrator is required to determine if such work constitutes substantial improvement or repair of a substantially damaged structure. A determination must be made in accordance with the following procedures:

- a. Estimate the market value of the structure. In the case of repairs, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.
- b. Estimate the cost of the project. The property owner shall accommodate for inspection, and furnish other documentation needed by the zoning administrator to evaluate costs.
 - i. Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one year.
 - ii. Costs to repair damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.
- c. Compare the cost of the improvement, repairs, or combination thereof to the estimated market value of the structure, and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure, as defined in Section 2.0 of this ordinance.
- d. Based on this determination, the zoning administrator shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this ordinance.

152.06 ADMINISTRATION

- A. **Duties.** A Zoning Administrator or other official must administer and enforce this ordinance.
- a. **Permit Application Requirements.** Permit applications must be submitted to the Zoning Administrator. The permit application must include the following, as applicable:
 - i. A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.
 - ii. Location and detail of grading, fill, or storage of materials.
 - iii. Copies of any required local, state or federal permits or approvals.
 - iiii. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
 - b. **Recordkeeping.** The Zoning Administrator must maintain applicable records in perpetuity documenting:
 - i. Encroachment analysis, as detailed in Section 4.34.
 - ii. Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Zoning Administrator.
 - iii. Substantial damage and substantial improvement determinations, as detailed in Section 5.3, including the cost of improvements, repairs, and market value.
 - iiii. All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.
- B. **Variances**
- a. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, section 462.357, Subd. 6(2) and this ordinance.
 - b. Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - c. Variances from the provisions in this ordinance 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.
 - d. Variances from the provisions in this ordinance may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - e. Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law.

- f. Though variances may be used to modify permissible methods of flood protection, no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).
 - g. The Zoning Administrator must notify the applicant for a variance that:
 - i. 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
 - ii. 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.
- C. **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 Statute, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.
- D. **Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations:** Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, the City of New Prague must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available. Within areas where the floodway has not been delineated, a map revision is only required if development results in stage increases greater than 0.5 feet.
- E. **Notifications to the Department of Natural Resources.**
- a. All notices of public hearings to consider variances or conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.
 - b. A copy of all decisions granting variances and conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

152.07 PENALTIES AND ENFORCEMENT

- A. **Uses in Violation of the Ordinance.** Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this ordinance shall be considered a public nuisance.
- B. **Civil Remedies.** The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this ordinance may be abated by an action brought by the City of New Prague or the Department of Natural Resources.
- C. **Enforcement.** Violations of the provisions of this ordinance constitutes a misdemeanor and is punishable as defined by law. The Zoning Administrator 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. The City of New Prague 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.

152.08 AMENDMENTS

- A. **Ordinance Amendments.** Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in Section 3.2 of this ordinance.
- B. **Required Approval:** All amendments to this ordinance must be submitted to the Department of Natural Resources (DNR) for review and approval prior to adoption, for compliance with state and federal rules and requirements. The floodplain ordinance shall not be considered valid until approved.

SECTION 3. This Ordinance shall take effect and be in force upon its publication, in accordance with Section 3.13 of the New Prague City Charter.

Introduced to the city council of the city of New Prague, Minnesota, the _____ day of _____, 2024.

The required 10 days posted notice was completed on the city website and city hall bulletin board on or before _____, 2024.

Passed by the city council of the city of New Prague, Minnesota, the ____ day of _____ 2024 and to be published on the _____ of _____, 2024.

Mayor

City Administrator

April 3, 2024

The Honorable Duane Jirik
Mayor, City of New Prague
118 Central Avenue North
New Prague, MN 56071

Dear Mayor Jirik:

RE: CONDITIONAL STATE APPROVAL OF FLOODPLAIN ORDINANCE & REQUIRED NEXT STEPS

On behalf of the Department of Natural Resources (DNR), I am writing to conditionally approve the City of New Prague's draft floodplain management ordinance.

We received the most recent draft of the City's floodplain management ordinance via email on February 29, 2024, from Planning/Community Development Director, Kenneth Ondich. The ordinance is being amended to incorporate the updated Flood Insurance Rate Map panels and accompanying Flood Insurance Study for Le Sueur County, with an effective date of July 17, 2024, and to maintain participation in the National Flood Insurance Program (NFIP).

In accordance with Minnesota Statutes, Section 103F.121, we find that the City's draft floodplain management ordinance substantially complies with the state floodplain management rules (Minnesota Rules, parts 6120.5000 to 6120.6200) and, to the best of our knowledge, with the floodplain management standards of the Federal Emergency Management Agency. It is hereby conditionally approved.

We will provide final approval of the City's draft ordinance once the DNR has received a copy of the following, **no later than July 15, 2024:**

- ***the adopted ordinance (signed and stamped with the community seal),***
- ***the affidavit of publication, and***
- ***the completed "Ordinance Processing Checklist" (enclosed).***

Please forward these documents via email to the DNR Floodplain Program email at floodplain.dnr@state.mn.us, and copy the DNR's State NFIP Coordinator, Ceil Strauss at ceil.strauss@state.mn.us. Upon receipt and verification, we will send a final approval letter. Ms. Strauss will then transmit the ordinance and final approval letter to our contacts at FEMA's Chicago Regional Office. Be advised that any future amendments to this ordinance or change in the designation of flood prone areas require prior DNR approval. In addition, you are required to send copies of hearing notices and final decisions pertaining to floodplain variances, conditional uses, and ordinance amendments to this agency. Please email these notices to Ceil Strauss. Should you have any questions on this ordinance or related matters, please contact Ms. Strauss via email or at (651) 259-5713.

Though FEMA must receive a signed, certified, and effective ordinance no later than July 17, 2024, we request that you submit the materials noted above to the DNR ***no later than July 15, 2024***, to accommodate for processing. ***If FEMA has not received the documentation by the map effective date, FEMA will suspend the City from the National Flood Insurance Program.***

While our office in St. Paul will be the main contact for this ordinance update, your DNR Area Hydrologist will continue to be your main contact for day-to-day assistance with administering your floodplain management ordinance and questions about other DNR water-related programs and permits. Your Area Hydrologists are Alan Gleisner (Le Sueur County), who may be contacted at (320) 753-0344 or alan.gleisner@state.mn.us, and Taylor Huinker (Scott County), who may be contacted at (651) 259-5790 or taylor.huinker@state.mn.us.

The DNR greatly appreciates your community's cooperation and initiative in providing for the reduction of flood damages through the adoption and administration of this ordinance.

Sincerely,

Emily Javens
Land Use Unit Supervisor
DNR Ecological and Water Resources

Enclosures: Ordinance Processing Checklist
Sample Floodplain Ordinance Summary

c: Kenneth Ondich, Planning/Community Development Director – City of New Prague
Dan Lais, DNR EWR R3 Regional Manager
Korey Woodley, DNR EWR R4 Regional Manager
Megan Moore, DNR EWR R3 District Manager
Ethan Jenzen, DNR EWR R4 District Manager
John Gleason, DNR EWR R3 South District Hydrologist Supervisor
Taylor Huinker, DNR Area Hydrologist (Scott County)
Alan Gleisner, DNR Area Hydrologist (Le Sueur County)
Ceil Strauss, DNR State Floodplain Manager/NFIP Coordinator

CHAPTER 152: FLOOD HAZARD REGULATIONS

Section

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GENERAL PROVISIONS

§ 152.01 STATUTORY AUTHORIZATION.

The legislature of the state, in M.S. Chapter 103E and 462, as they may be amended from time to time, has delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the city does enact the flood hazard regulations set out herein.

(Ord. 148, passed 2-6-95)

§ 152.02 FINDINGS OF FACT.

(A) The flood hazard areas of the city are subject to periodic inundation, which results in potential loss of life, loss of 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, all of which adversely affect the public health, safety and general welfare.

(B) This chapter is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the State Department of Natural Resources.

(Ord. 148, passed 2-6-95)

§ 152.03 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize those losses described in § 152.02 by provisions contained herein.

(Ord. 148, passed 2-6-95)

§ 152.04 DEFINITIONS.

The definitions of the City Zoning Ordinance are hereby adopted by reference and incorporated into this chapter as if fully set out herein.

§ 152.05 APPLICABILITY.

This chapter shall apply to all lands within the jurisdiction of the city shown on the official zoning map and/or the attachments thereto as being located within the boundaries of the Floodway or Flood Fringe Districts or General Flood Plain District.

(Ord. 148, passed 2-6-95)

§ 152.06 ESTABLISHMENT OF THE OFFICIAL ZONING MAP.

The official zoning map, together with all materials attached thereto, is hereby adopted by reference and declared to be a part of this chapter. The attached materials shall include the "Flood Insurance Study, Le Sueur County, Minnesota, and Incorporated Areas," prepared by the Federal Emergency Management Agency and dated July 21, 1999, and the flood insurance rate map panels numbered 27079C0087D, 27079C0088D, 27079C0089D, and 27079C0093 therein, dated July 21, 1999, and flood insurance rate map panel 27079C0091D, dated July 21, 1999 and revised March 11, 2004 to reflect a LOMR. The flood insurance rate map together with the official zoning map shall be on file in the office of the City Clerk and the Zoning Administrator.

(Ord. 148, passed 2-6-95; Am. Ord. passed 8-2-99; Am. Ord. passed 3-6-00; Am. Ord. passed 4-5-04)

§ 152.07 INTERPRETATION.

(A) In their interpretation and application, the provisions of this chapter shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

(B) The boundaries of the zoning districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional 100-year flood profile and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board and to submit technical evidence.

(Ord. 148, passed 2-6-95)

§ 152.08 ABROGATION AND GREATER RESTRICTIONS.

It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

(Ord. 148, passed 2-6-95)

§ 152.09 WARNING AND DISCLAIMER OF LIABILITY.

This chapter does not imply that areas outside the flood plain districts or land uses permitted within the flood plain districts will be free from flooding or flood damages. This chapter shall not create liability on the part of the city or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. 148, passed 2-6-95)

FLOOD HAZARD REDUCTION

§ 152.20 REGULATORY FLOOD PROTECTION ELEVATION.

The regulatory flood protection elevation shall be 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 flood plain that resulted from designation of a floodway.

(Ord. 148, passed 2-6-95)

§ 152.21 DISTRICTS.

(A) *Floodway District.* The Floodway District shall include those areas designated as floodway on the flood insurance rate map panels adopted in § 152.06.

(B) *Flood Fringe District.* The Flood Fringe District shall include those areas designated as Zone AE on the Flood Insurance Rate Map panels adopted in § 152.06 that are located outside of the floodway.

(C) *General Floodplain District.* The General Floodplain District shall include those areas within the corporate limits of the city as being within Zone A on the flood insurance rate map adopted in § 152.06.

(Ord. 148, passed 2-6-95; Am. Ord. passed 3-6-00)

§ 152.22 COMPLIANCE.

(A) No new structure or land shall hereafter be used, and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter. Within the Floodway and Flood Fringe Districts, all uses not listed as permitted uses or conditional uses in §§ 152.23 through 152.25 shall be prohibited. In addition, a caution is provided here that new manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this chapter, and specifically § 152.28.

(B) Modifications, additions, structural alteration or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this chapter, and specifically § 152.29.

(C) As-built elevations for elevated or flood proofed structures must be certified by ground surveys, and flood proofing techniques must be designed and certified by a registered professional engineer or architect, as specified in the general provisions of this chapter and specifically as stated in § 152.41.

(Ord. 148, passed 2-6-95) Penalty, see § 10.99

§ 152.23 FLOODWAY DISTRICT.

(A) *Permitted uses.*

(1) General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting;

(2) Industrial-commercial loading areas, parking areas, and airport landing strips;

(3) 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, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails; and/or

(4) Residential lawns, gardens, parking areas, and play areas.

(B) *Standards for floodway permitted uses.*

(1) The use shall have a low flood damage potential.

(2) The use shall be permissible in the underlying zoning district if one exists.

(3) The use shall not obstruct flood flows or increase flood elevations, and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

(C) *Conditional uses.*

(1) Structures accessory to the uses listed in division (A) above and the uses listed in subsections (2) through (8) below;

(2) Extraction and storage of sand, gravel, and other materials;

(3) Marinas, boat rentals, docks, piers, wharves and water control structures;

(4) Railroads, streets, bridges, utility transmission lines and pipelines;

(5) Storage yards for equipment, machinery, or materials;

(6) Placement of fill;

(7) Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of § 152.28; and/or

(8) Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures, and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the one-year frequency flood event.

(D) *Standards for floodway conditional uses.*

(1) No structure, temporary or permanent, or fill, including fill roads and levees, deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood, or cause an increase in flood damages in the reach or reaches affected.

(2) All floodway conditional uses shall be subject to the procedures and standards contained in §152.43.

(3) The conditional use shall be permissible in the underlying zoning district if one exists.

(4) The standards for fill are as follows:

(a) Fill, dredge spoil and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.

(b) Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.

(c) As an alternative, and consistent with subsection (b) above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood, but only after the governing body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the office of the County Recorder.

(5) The standards for accessory structures are as follows:

(a) Accessory structures shall not be designed for human habitation.

(b) Accessory structures, if permitted, shall be constructed according to the following provisions and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:

1. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and

2. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

(c) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code, provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards, as appropriate:

1. The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure, and shall be designed to equalize hydrostatic flood forces on exterior walls; and

2. Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood proofed.

(6) The standards for storage of materials and equipment are as follows:

(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) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.

(7) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of M.S. Chapter 1036, as it may be amended from time to time. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

(8) A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and technique analysis must assume equal conveyance or storage loss on both sides of a stream.

(Ord. 148, passed 2-6-95) Penalty, see § 10.99

§ 152.24 FLOOD FRINGE DISTRICT.

(A) *Permitted uses.* Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no preexisting, underlying zoning use districts exist, then any residential or nonresidential structure or use of a structure or land shall be a permitted use in the Flood Fringe District, provided the use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe permitted uses listed in division (B) below and the standards for all Flood Fringe uses listed in division (E) below.

(B) *Standards for Flood Fringe permitted uses.*

(1) All structures, including accessory structures, must be elevated on fill so that the lowest floor including the basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one foot below the regulatory flood protection elevation and the fill shall extend at the elevation at least 15 feet beyond the outside limits of the structure erected thereon.

(2) As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet for the outside dimension at ground level may be internally flood proofed in accordance with §

152.23(D)(5).

(3) The cumulative placement of fill, where at any one time in excess of 1,000 cubic yards of fill is located on the parcel, shall be allowed only as a conditional use, unless the fill is specifically intended to elevate a structure in accordance with division (B)(1) above.

(4) The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.

(5) The provisions of division (E) below shall apply.

(C) *Conditional uses.* Any structure that is not elevated on fill or flood proofed in accordance with subsections (1) through (4) above, or any use of land that does not comply with the standards in subsections (3) and (4) above shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in divisions (D) and (E) below, and § 152.43.

(D) *Standards for Flood Fringe conditional uses.*

(1) 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. These alternative methods may include the use of stilts, pilings, parallel walls and the like, or above-grade, enclosed areas such as crawl spaces or tuck-under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if:

(a) The enclosed area is above-grade on at least one side of the structure;

(b) It is designed to internally flood and is constructed with flood resistant materials; and

(c) 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:

1. The structure's design and as-built condition must be certified by a registered professional engineer or architect 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.

2. 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:

a. The minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one foot above-grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters; and

b. That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code, and shall be used solely for building access, parking of vehicles or storage.

(2) Basements, as defined in the City Zoning Ordinance, shall be subject to the following:

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

(b) Nonresidential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with subsection (3) below.

(3) All areas of nonresidential structures including basements to be placed below the regulatory flood protection elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FF-1 or FP-2 flood proofing classification in the State Building Code, and this shall require making the structure watertight with the walls substantially impermeable to the passage of water, and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

(4) When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for activities such as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the governing body. The plan may incorporate alternative procedures for removal of the material from the flood plain when adequate flood warning time exists.

(5) The standards for storage of materials and equipment are as follows:

(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) The storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.

(6) The provisions of division (E) below shall also apply.

(E) *Standards for all Flood Fringe uses.*

(1) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning and local flood emergency response procedures exist.

(2) For commercial uses, accessory land uses such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for these facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two feet or be subject to flood velocities greater than four feet per second upon occurrence of the regional flood.

(3) For manufacturing and industrial uses, measures shall be taken to minimize interference with normal plant operations, especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in subsection (2) above. In considering permit applications, due consideration shall be given to the needs of an industry whose business requires that it be located in flood plain areas.

(4) Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

(5) Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the official zoning map.

(6) Standards for travel trailers and travel vehicles are contained in §152.23.

(7) All manufactured homes 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 to be 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.

(Ord. 148, passed 2-6-95)

§ 152.25 GENERAL FLOOD PLAIN DISTRICT.

(A) *Permissible uses.*

(1) The uses listed in § 152.23(A) shall be permitted uses.

(2) All other uses shall be subject to the Floodway/Flood Fringe evaluation criteria pursuant to division (B) below. Section 152.23 shall apply if the proposed use is in the Floodway District and § 152.24 shall apply if the proposed use is in the Flood Fringe District.

(B) *Procedures for Floodway and Flood Fringe Determinations within the General Flood Plain District.*

(1) Upon receipt of an application for a conditional use permit for a use within the General Flood Plain District, the applicant shall be required to furnish any of the following information as is deemed necessary by the Zoning Administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the Floodway or Flood Fringe District.

(a) A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development and high water information.

(b) A plan (surface view) showing elevations or contours of the ground; pertinent structure, fill, or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.

(c) A profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.

(2) The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District, and to determine the regulatory flood protection elevation. Procedures consistent with Minn. Rules, Parts 6120.5000 through 6120.6200, as they may be amended from time to time, shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:

(a) Estimate the peak discharge of the regional 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 foot. A lesser stage increase than inch shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

(3) The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert of the governing body. The governing body must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The governing body, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and Flood Fringe boundaries have been determined, the governing body shall refer the matter back to the Zoning Administrator, who shall process the permit application consistent with the applicable provisions of §§ 152.23 and 152.24.

(Ord. 148, passed 2-6-95; Am. Ord. passed 8-2-99)

§ 152.26 SUBDIVISIONS.

(A) No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall contain a building site at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this chapter and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. For all subdivisions in the flood plain, and the Floodway and Flood Fringe boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

(B) The Federal Emergency Management Agency has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 200-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

(C) In the General Floodplain District, applicants shall provide the information required in §152.25(B) to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

(Ord. 148, passed 2-6-95; Am. Ord. passed 8-2-99) Penalty, see § 10.99

§ 152.27 UTILITIES, RAILROADS, ROADS AND BRIDGES.

(A) All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.

(B) Railroad tracks, roads and bridges to be located within the flood plain shall comply with §§152.23 and 152.24. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety, or where the 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.

(C) 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

(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, and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the state's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this section.

(Ord. 148, passed 2-6-95)

§ 152.28 MANUFACTURED HOMES; TRAVEL TRAILERS AND TRAVEL VEHICLES.

(A) New manufactured home parks and expansions to existing mobile manufactured home parks shall be subject to the provisions placed on subdivisions by § 152.26.

(B) The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with § 152.23. If vehicular road access for preexisting manufactured home parks is not provided in accordance with § 152.23(A), then replacement manufactured homes will not be allowed until the property owner(s) develops a flood

warning emergency plan acceptable to the governing body.

(C) All manufactured homes 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 to be 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.

(D) Travel trailers and travel vehicles that do not meet the exemption criteria specified in division (E) below shall be subject to the provisions of this chapter and as specifically spelled out in divisions (G) and (H) below.

(E) Travel trailers and travel vehicles are exempt from the provisions of this chapter if they are placed in any of the areas listed in division (F) below, and further if they meet the following criteria:

(1) The travel trailer or travel vehicle has current licenses required for highway use.

(2) The travel trailer or travel vehicle is highway ready, meaning on wheels or the internal jacking systems are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks, and the trailer or vehicle has no permanent structural type additions attached to it.

(3) The travel trailer or travel vehicle and associated use must be permissible in any preexisting, underlying zoning use district.

(F) Areas exempted for placement of travel/recreational vehicles are as follows:

(1) Individual lots or parcels of record;

(2) Existing commercial recreational vehicle parks or campgrounds; and

(3) Existing condominium type associations.

(G) Travel trailers and travel vehicles exempted in division (E) above lose this exemption when development occurs on the parcel exceeding \$500 dollars for a structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer or travel vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in §§ 152.23 and 152.24.

(H) New commercial travel trailer or travel vehicle parks or campgrounds, and new residential type divisions and condominium associations and the expansion of any existing similar use exceeding five units or dwelling sites shall be subject to the following:

(1) Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe Districts, provided the trailer or vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation and proper elevated road access to the site exists in accordance with § 152(E)(1). Any fill placed in a floodway for the purpose of elevating a travel trailer shall be subject to the requirements of § 152.23.

(2) All new or replacement travel trailers or travel vehicles not meeting the criteria of subsection (1) above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of § 152.43. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. The plan shall be prepared by a registered engineer or other qualified individual, and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with § 152.27(C).

(Ord. 148, passed 2-6-95)

§ 152.29 NONCONFORMING USES.

(A) A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter but which is not in conformity with provisions of this chapter may be continued subject to the conditions of this section.

(B) A nonconforming use shall not be expanded, changed, enlarged or altered in a way which increases its nonconformity.

(C) Any alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or flood proofing techniques, such as the FP-1 through FP-4 flood proofing classifications, allowable in the State Building Code, except as further restricted in division (D) below.

(D) The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50% of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the community's initial flood plain controls must be calculated into today's current cost, which will include all costs such as construction materials and a reasonable cost placed on all manpower labor. If the current cost of all previous and proposed alterations and additions exceeds 50% of the current market value of the structure, then the structure must meet the standards of §§ 152.23 or 152.24 for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

(E) If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this chapter. The assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses which have been discontinued for a period of 12 months.

(F) If any nonconforming use or structure is destroyed by any means, including floods, to an extent of 50% or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. The applicable provisions for establishing new uses or new structures in §§ 152.23 or 152.24 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe District, respectively.

(Ord. 148, passed 2-6-95) Penalty, see § 10.99

ADMINISTRATION AND ENFORCEMENT

§ 152.40 ZONING ADMINISTRATOR.

A Zoning Administrator or other official designated by the governing body shall administer and enforce this chapter. If the Zoning Administrator finds a violation of the provisions of this chapter, he or she shall notify the person responsible for the violation in accordance with the procedures stated in § 152.45.

(Ord. 148, passed 2-6-95)

§ 152.41 PERMITS, CERTIFICATION REQUIREMENT AND RECORD KEEPING.

(A) A permit issued by the Zoning Administrator in conformity with the provisions of this chapter shall be secured prior to the erection, addition, or alternation of any building, structure, or portion thereof, shall be prior to the change or extension of a nonconforming use, and prior to the placement of fill, evacuation of materials, or the storage of materials or equipment within the flood plain.

(B) Application for a permit shall be made to the Zoning Administrator on forms furnished by the Zoning Administrator, and shall include the following where applicable: plans drawn to scale, showing the nature, location, dimensions, and evaluations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

(C) Prior to granting a permit or processing an application for a conditional use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.

(D) It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered or enlarged in its use or structure until a Certificate of Zoning Compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this chapter.

(E) Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in the approved plans and applications, and no other use, arrangement or construction. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of this chapter.

(F) The applicant shall be 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 chapter. Flood proofing measures shall be certified by a registered professional engineer or registered architect.

(G) The Zoning Administrator shall maintain a record of the elevation of the lowest floor, including the basement, of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures are flood proofed.

(Ord. 148, passed 2-6-95) Penalty, see § 10.99

§ 152.42 APPEALS AND VARIANCES; DUTIES OF THE BOARD OF ADJUSTMENT.

(A) The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on the Board by state law.

(B) The Board shall hear and decide appeals where it is alleged there is error in any order, requirements, decision, or determination made by an administrative official in the enforcement or administration of this chapter.

(C) The Board may hear requests for variances from the literal provisions of this chapter in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the section chapter. **UNDUE HARDSHIP** as used in connection with the granting of a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of this chapter. **UNDUE HARDSHIP** also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in M.S. § 216C.06, Subdivision 2, as it may be amended from time to time, when in harmony with the chapter. The Board may not permit as a variance any use that is not permitted under the chapter for property in the zone where the affected person's land is located. The Board may permit as a variance the

temporary use of a one family dwelling as a two family dwelling. The Board may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

(D) Upon filing with the Board of Adjustment of an appeal from a decision of the Zoning Administrator or an application for a variance, the Board shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed Variances sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.

(E) The Board shall arrive at a decision on an appeal or variance within 30 days. In passing upon an appeal, the Board may, so long as the action is in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing, setting forth the findings of fact and the reasons for its decisions. In granting a variance the Board may prescribe appropriate conditions and safeguards such as those specified in § 152.43(G), which are in conformity with the purposes of this chapter. Violations of the conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten days of the action.

(F) Appeal from any decision of the Board may be made, and as specified in the community's official controls and also state statutes.

(G) (1) The Zoning Administrator shall notify the applicant for a variance that:

(a) 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 \$20 to \$100 of insurance coverage; and

(b) Construction below the 100-year or regional flood level increases risks to life and property.

(2) The notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report the variances issued in its annual or biennial report submitted to the administration of the National Flood Insurance Program.

(Ord. 148, passed 2-6-95) Penalty, see § 10.99

§ 152.43 CONDITIONAL USES; STANDARDS AND EVALUATION PROCEDURES.

(A) The City Planning and Zoning Commission shall hear and make recommendations to the City Council concerning applications for conditional uses permissible under this chapter. Applications shall be submitted to the Zoning Administrator, who shall forward the application to the Planning and Zoning Commission for consideration.

(B) Upon filing with the Planning and Zoning commission an application for a conditional use Permit, the Zoning Administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application for the proposed conditional use sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.

(C) The Planning and Zoning Commission shall arrive at a decision on a conditional use within 30 days, and forward their recommendation to the City Council. In granting a conditional use permit, the City Council shall prescribe appropriate conditions and safeguards, in addition to those specified in division (G) below, which are in conformity with the purposes of this chapter. Violations of these conditions and safeguards, when made part of the terms under which the conditional use permit is granted, shall be deemed a violation of this chapter. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten days of the action.

(D) Procedures to be followed by the Planning and Zoning Commission in passing on conditional use permit applications within all flood plain districts are as follows:

(1) The applicant shall be required to furnish the following information and additional information deemed necessary by the Planning and Zoning Commission for determining the suitability of the particular site for the proposed use:

(a) Plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures and the relationship of the above to the location of the stream channel; and

(b) Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

(2) One copy of the information described in subsection (1) above is to be transmitted to a designated engineer or other expert person or agency for technical assistance, where necessary, in elevating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

(3) Based upon the technical evaluation of the designated engineer or expert, the Planning and Zoning Commission shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

(4) In passing upon conditional use applications, the Planning and Zoning Commission shall consider all relevant factors specified in other sections of this chapter, and:

- (a) The 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, or they may block bridges, culverts or other hydraulic structures;
- (c) The proposed water supply and sanitation systems, and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of the damage on the individual owner;
- (e) The importance of the services provided by the proposed facility to the community;
- (f) The requirements of the facility for a waterfront location;
- (g) The availability of alternative locations not subject to flooding for the proposed use;
- (h) The compatibility of the proposed use with existing development anticipated in the foreseeable future;
- (i) The relationship of the proposed use to the comprehensive 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; and
- (l) Any other factors which are relevant to the purposes of this chapter.

(E) The Planning and Zoning Commission shall act in the manner described above within 30 days from receiving the application, except that where additional information is required pursuant to this chapter. The Planning and Zoning Commission shall render a written decision within 30 days from the receipt of the additional information.

(F) Upon consideration of the factors listed above and the purpose of this chapter, the Planning and Zoning Commission shall attach any conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this chapter. The conditions may include, but are not limited to the following:

- (1) Modification of waste treatment and water supply facilities;
- (2) Limitations on period of use, occupancy and operation;
- (3) Imposition of operational controls, sureties, and deed restrictions;
- (4) Requirements for construction of channel modifications, compensatory storage, dikes, levees and other protective measures; and
- (5) Flood proofing measures, in accordance with the State Building Code and this chapter. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(Ord. 148, passed 2-6-95) Penalty, see § 10.99

§ 152.44 AMENDMENTS.

(A) The flood plain designated on the official zoning map shall not be removed from flood plain 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 regional flood and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he or she determines that, through other measures, lands are adequately protected for the intended use.

(B) All amendments to this chapter, including amendments to the official zoning map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption.

(C) Changes in the official zoning map must meet the Federal Emergency Management Agency's technical conditions and criteria, and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given ten days written notice of all hearings to consider an amendment to this chapter, and the notice shall include a draft of the ordinance or technical study under consideration.

(Ord. 148, passed 2-6-95)

§ 152.99 VIOLATIONS.

(A) Violation of the provisions of this chapter 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, shall constitute a misdemeanor and shall be punishable as provided for in § 10.99.

(B) Nothing herein contained shall prevent the city from taking any other lawful action as is necessary to prevent or remedy any violation. The actions may include but are not limited to:

- (1) In responding to a suspected violation, the Zoning Administrator and local government 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 violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

(2) When a violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources and Federal Emergency Management Agency regional office along with the community's plan of action to correct the violation to the degree possible.

(3) The Zoning Administrator shall notify the suspected party of the requirements of this chapter and all other official controls, and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the construction or development shall be immediately halted until a proper permit or approval is granted by the community. If the construction or development is already completed, then the Zoning Administrator may either:

(a) Issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or

(b) Notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed 30 days.

(4) If the responsible party does not appropriately respond to the Zoning Administrator within a specified period of time, each additional day that lapses shall constitute an additional violation of this chapter and shall be prosecuted accordingly. The Zoning Administrator shall also, upon the lapse of the specified response period, notify the landowner to restore the condition which existed prior to the violation of this chapter.

(Ord. 148, passed 2-6-95) Penalty, see § 10.99



FEMA

April 8, 2024

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

The Honorable Duane Jirik
Mayor, City of New Prague
118 Central Avenue North
New Prague, Minnesota 56071

Dear Mayor Jirik:

I commend you for the efforts that have been put forth in implementing the floodplain management measures for the City of New Prague, Minnesota, to participate in the National Flood Insurance Program (NFIP). As you implement these measures, I want to emphasize the following:

- a Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed for your community;
- the FIS and FIRM will become effective on July 17, 2024; and
- by the FIS and FIRM effective date, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office is required to approve the legally enforceable floodplain management measures your community adopts in accordance with Title 44 Code of Federal Regulations (CFR) Section 60.3(d).

As noted in FEMA's letter dated January 17, 2024, no significant changes have been made to the flood hazard data on the Preliminary and/or revised Preliminary copies of the FIRM for Le Sueur County. Therefore, the City of New Prague should use the Preliminary and/or revised Preliminary copies of the FIRM as the basis for adopting the required floodplain management measures. Final printed copies of the FIRM for the City of New Prague will be sent to you within the next few months.

If you encounter difficulties in enacting the measures, I recommend you contact the Minnesota Department of Natural Resources, Ecological and Water Resources Division. You may contact Ceil Strauss, CFM, the NFIP State Coordinator, by telephone at (651) 259-5713, in writing at 500 Lafayette Road, Saint Paul, Minnesota 55155, or by electronic mail at ceil.strauss@state.mn.us.

The FEMA Regional staff in Chicago, Illinois, is also available to provide technical assistance and guidance in the development of floodplain management measures. The adoption of compliant

The Honorable Duane Jirik

April 8, 2024

Page 2

floodplain management measures will provide protection for the City of New Prague and will ensure its participation in the NFIP. The Regional Office may be contacted by telephone at (312) 408-5500 or in writing. Please send your written inquiries to the Director, Mitigation Division, FEMA Region 5, at 536 South Clark Street, Sixth Floor, Chicago, Illinois 60605.

You may have already contacted the NFIP State Coordinator and/or the FEMA Regional Office, and may be in the final adoption process or recently adopted the appropriate measures. However, in the event your community has not adopted the appropriate measures, this letter is FEMA's official notification that you only have until July 17, 2024, to adopt and/or submit a floodplain management ordinance that meets or exceeds the minimum NFIP requirements, and request approval from the FEMA Regional Office by the effective date. Your community's adopted measures will be reviewed upon receipt and the FEMA Regional Office will notify you when the measures are approved.

I appreciate your cooperation to ensure that your community's floodplain management measures are approved by the FEMA Regional Office by July 17, 2024. Your compliance with these mandatory program requirements will enable your community to avoid suspension from the NFIP.

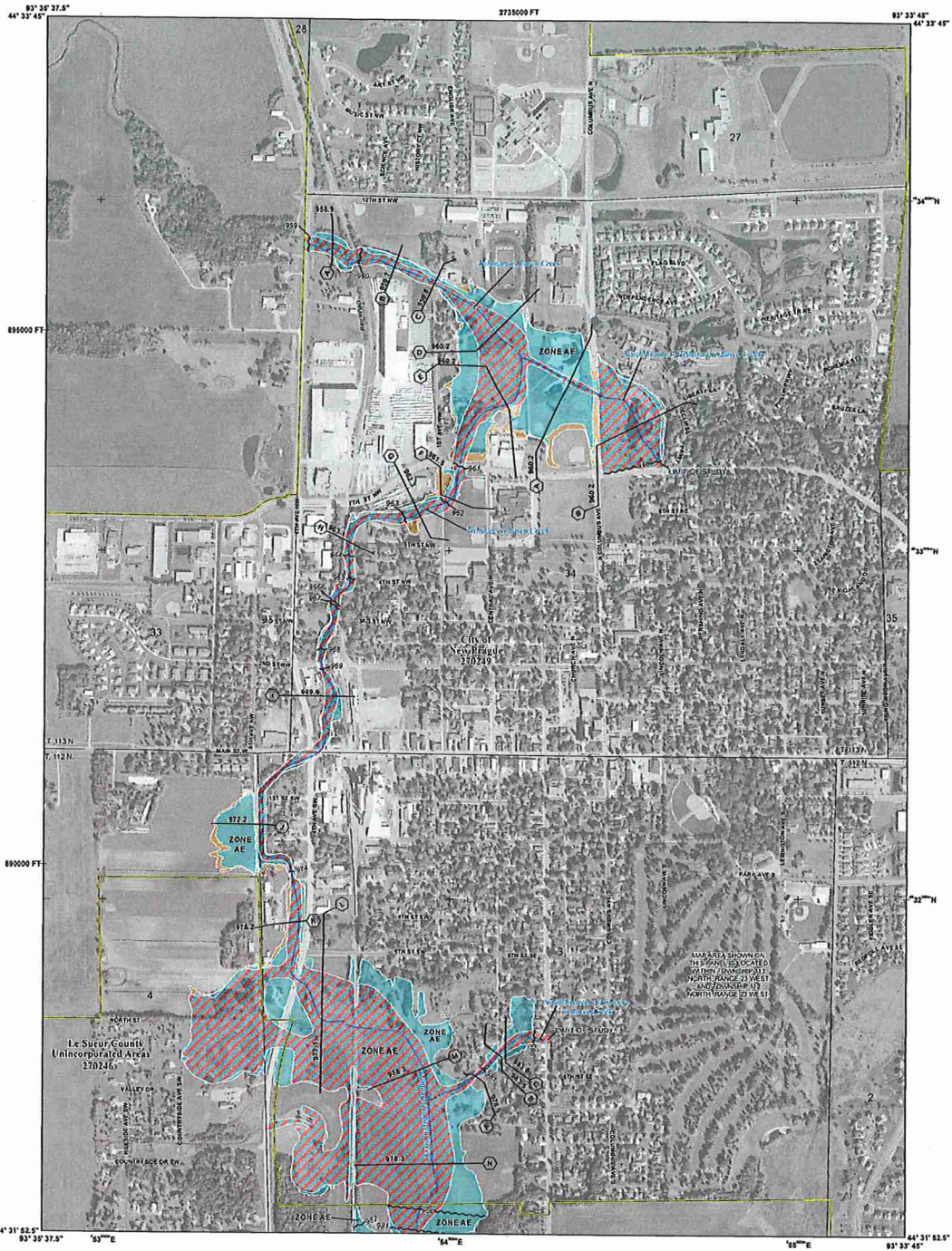
Additional information on community suspensions as proposed, other notices of current NFIP community status information, and details regarding updated publication requirements of community eligibility status information under the NFIP can be found on the Community Status Book section of our website at www.fema.gov/flood-insurance/work-with-nfip/community-status-book. Notices for scheduled suspension will be available on the National Flood Insurance Community Status and Public Notification section of our website at www.fema.gov/flood-insurance/work-with-nfip/community-status-book/public-notification. Individuals without internet access will be able to contact their local floodplain management official and/or NFIP State Coordinating Office directly for assistance.

Sincerely,



Rachel Sears, Director
Floodplain Management Division
Mitigation Directorate | FEMA

cc: Thomas C. Sivak, Regional Administrator, FEMA Region 5
Ceil Strauss, CFM, NFIP State Coordinator, Minnesota Department of Natural Resources,
Ecological and Water Resources Division
Ken Ondich, Planning and Community Development Director, City of New Prague



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT
THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT [HTTPS://MSC.FEMA.GOV](https://msc.fema.gov)

- SPECIAL FLOOD HAZARD AREAS**
 - Without Base Flood Elevation (BFE) Zone AE, AH, VE, AR
 - With BFE or Depth Zone AE, AH, VE, AR
 - Regulatory Floodway
 - 0.2% Annual Chance Flood Hazard, Areas of 1% Annual Chance Flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
 - Future Conditions 1% Annual Chance Flood Hazard Zone X
 - Area with Reduced Flood Risk due to Levee See Notes, Zone X
 - Area with Flood Risk due to Levee Zone D
- OTHER AREAS OF FLOOD HAZARD**
 - NO SCREEN Area of Minimal Flood Hazard Zone X
 - Area of Undetermined Flood Hazard Zone D
- OTHER AREAS**
 - Channel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall
- GENERAL STRUCTURES**
 - Cross Sections with 1% Annual Chance Water Surface Elevation
 - Coastal Transverse
 - Coastal Transverse Baseline
 - Profile Baseline
 - Hydrographic Feature
 - Base Flood Elevation Line (BFE)
 - Limit of Study
 - Jurisdiction Boundary

NOTES TO USERS

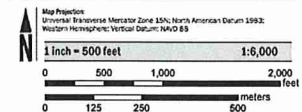
For information and questions about the Flood Insurance Rate Map (FIRM), available products associated with the FIRM, including basic versions, the current map date for each FIRM panel, how to order products, or the National Flood Hazard Program (NFHP) in general, please call the FEMA Mapping and Insurance Exchange at 1-877-FEMA-MAP (1-877-366-2623) or visit the FEMA Flood Map Service Center website at www.fema.gov. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of the map. Many of these products can be ordered or obtained directly from the website.

Comments received based on adjacent FIRM panels must obtain a current copy of the adjacent panels as well as the current FIRM data. These may be ordered directly from the Flood Map Service Center at the number listed above.

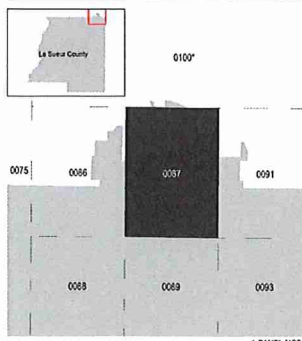
For community and countywide map uses refer to the Flood Insurance Study Report for this jurisdiction. To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-4625.

Base map information shown on the FIRM was provided in digital format from U.S. Department of Agriculture Inventory Program, dated 2015 and captured at a one meter ground surface elevation resolution. Spatial data provided by Minnesota Department of Natural Resources, dated 2017.

SCALE



PANEL LOCATOR





National Flood Insurance Program

**NATIONAL FLOOD INSURANCE PROGRAM
 FLOOD INSURANCE RATE MAP**

**LE SUEUR COUNTY, MINNESOTA
 and Incorporated Areas**

PANEL 87 of 435

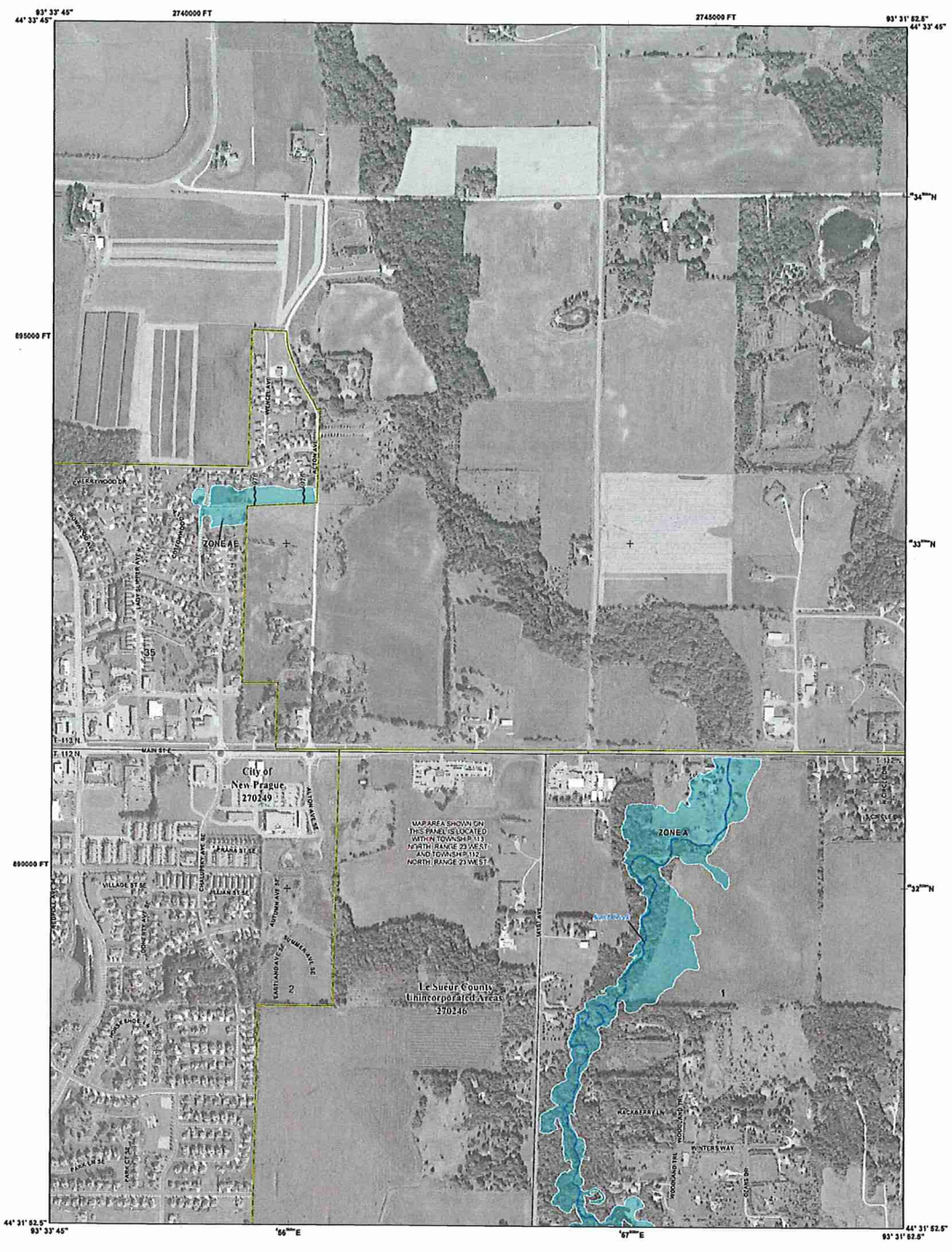
Panel Conflicts:

COMMUNITY	NUMBER	PANEL	SUFFIX
LE SUEUR COUNTY NEW PRAGUE, CITY OF	270246	0087	E

VERSION NUMBER
2.6.3.5

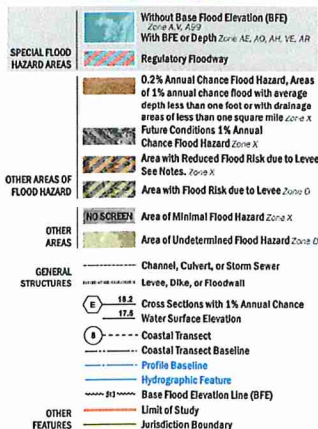
MAP NUMBER
27079C0087E

MAP REVISED
MAY 17 2024



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT
 THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT [HTTPS://MSC.FEMA.GOV](https://MSC.FEMA.GOV)



NOTES TO USERS

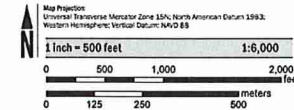
For information and questions about the Flood Insurance Rate Map (FIRM), available products associated with the FIRM, including mobile versions, the current map data for each FIRM panel, how to order products for the National Flood Insurance Program (NFIP), in general, please call the FEMA Mapping and Insurance Exchange at 1-877-FEMA-MAP (1-877-366-2627) or visit the FEMA Flood Map Service Center website at floodmaps.fema.gov. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of the map. Many of these products can be ordered or obtained directly from the website.

Communities acquiring land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM index. These may be ordered directly from the Flood Map Service Center at the number listed above.

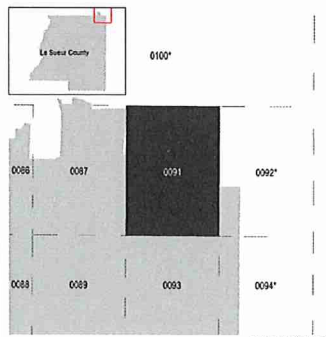
For community and shoreline map data refer to the Flood Insurance Study Report for the jurisdiction. To determine if flood insurance is available in this community contact your insurance agent or call the National Flood Insurance Program at 1-800-452-6622.

Base map information shown on the FIRM was provided in digital format from U.S. Department of Agriculture Imagery Program, color 2015 and captured at a one meter ground sample distance and spatial data provided by Minnesota Department of Natural Resources, dated 2017.

SCALE



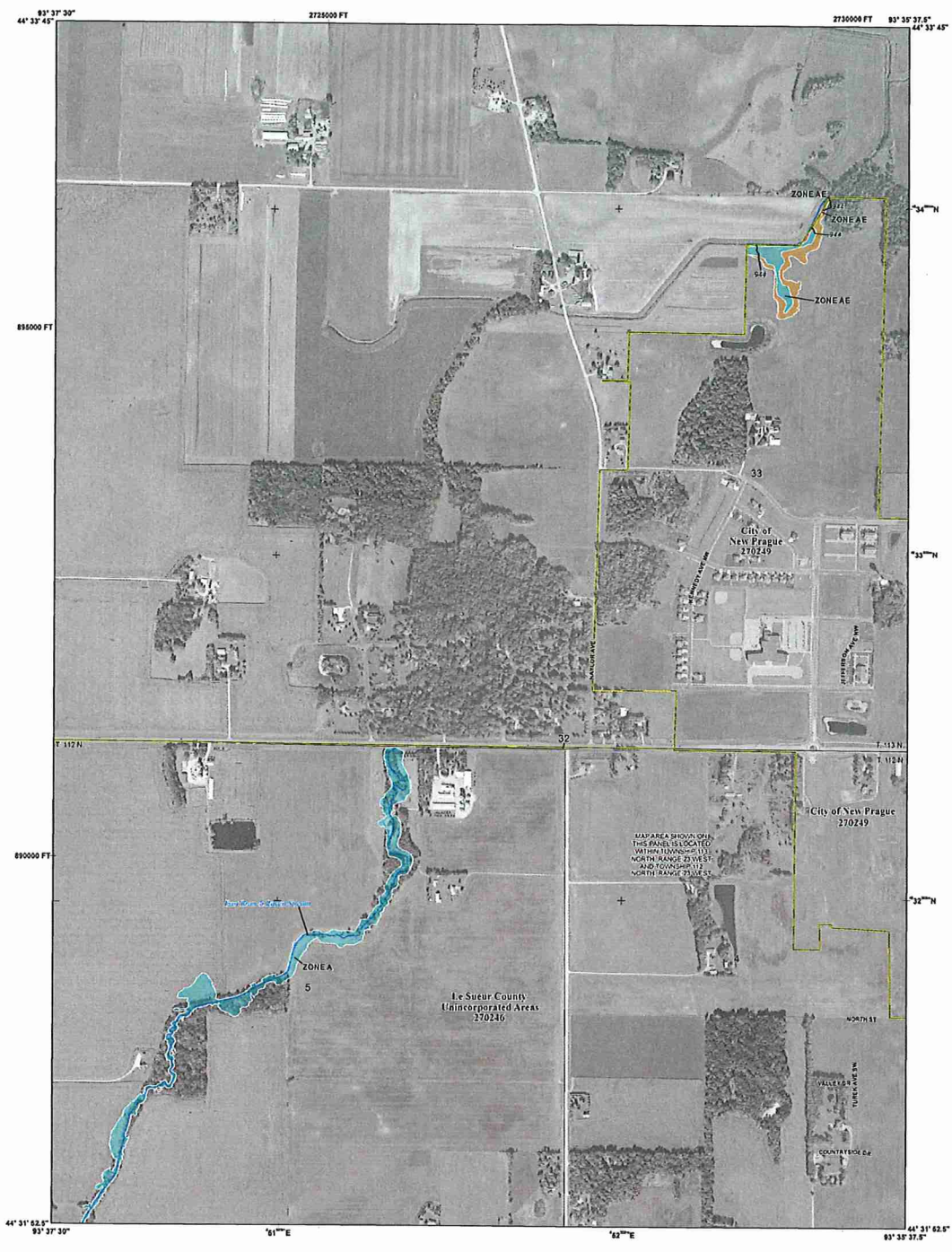
PANEL LOCATOR



**NATIONAL FLOOD INSURANCE PROGRAM
 FLOOD INSURANCE RATE MAP**
 LE SUEUR COUNTY, MINNESOTA
 and Incorporated Areas
 PANEL 01 of 435

COMMUNITY	NUMBER	PANEL	SUFFIX
LE SUEUR COUNTY NEW PRAGUE, CITY OF	270246	0091	E

VERSION NUMBER
 2.6.3.5
 MAP NUMBER
 27079C0091E
 MAP REVISED
 JULY 17 2024



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT
THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT [HTTPS://MSC.FEMA.GOV](https://MSC.FEMA.GOV)

- SPECIAL FLOOD HAZARD AREAS**
 - Without Base Flood Elevation (BFE) Zone AE, APF
 - With BFE or Depth Zone AE, AO, AH, VE, AR
 - Regulatory Floodway
 - 0.2% Annual Chance Flood Hazard, Areas of 1% Annual Chance Flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
 - Future Conditions 1% Annual Chance Flood Hazard Zone X
 - Area with Reduced Flood Risk due to Levee See Notes, Zone X
- OTHER AREAS OF FLOOD HAZARD**
 - Area with Flood Risk due to Levee Zone D
 - Area of Minimal Flood Hazard Zone X
 - Area of Undetermined Flood Hazard Zone D
- OTHER AREAS**
 - Channel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall
- GENERAL STRUCTURES**
 - Cross Sections with 1% Annual Chance Water Surface Elevation
 - Coastal Transect
 - Coastal Transect Baseline
 - Profile Baseline
 - Hydrographic Feature
 - Base Flood Elevation Line (BFE)
- OTHER FEATURES**
 - Limit of Study
 - Jurisdiction Boundary

NOTES TO USERS

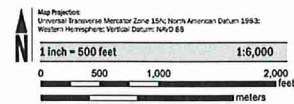
For information and questions about the Flood Insurance Rate Map (FIRM), available products associated with the FIRM, including historic versions, the current map data for each FIRM panel, how to order products, or the National Flood Insurance Program (NFIP), in general, please call the FEMA Mapping and Insurance Exchange at 1-877-FEMA-4U (1-877-368-2527) or visit the FEMA Flood Map Service Center website at data.fema.gov. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of the map. Many of these products can be ordered or obtained directly from the website.

Communities acquiring land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM index. These may be ordered directly from the Flood Map Service Center at the number listed above.

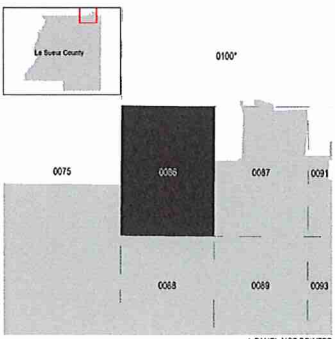
For community and countywide map data refer to the Flood Insurance Study Report for this jurisdiction. To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-438-6633.

Base map information shown on this FIRM was provided in digital format from U.S. Department of Agriculture Imagery Program, dated 2015 and captured at a one meter ground sample distance and spatial data provided by Minnesota Department of Natural Resources, dated 2011.

SCALE



PANEL LOCATOR



National Flood Insurance Program

**NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP**

LE SUEUR COUNTY, MINNESOTA
and Unincorporated Areas

PANEL 86 of 435

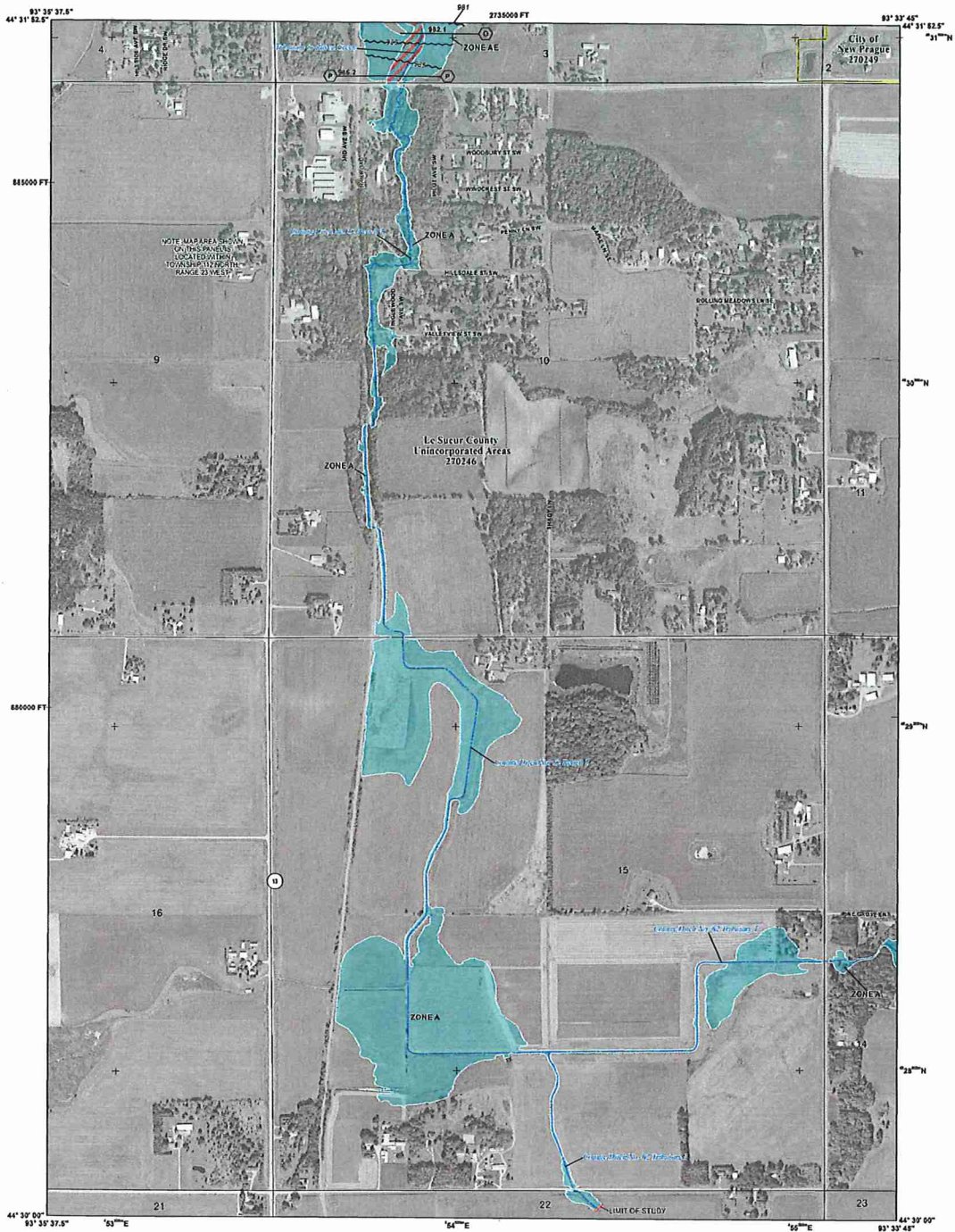
Panel Coordinates:

COMMUNITY	NUMBER	PANEL	SUFFIX
LE SUEUR COUNTY NEW PRAGUE, CITY OF	270246 270245	0085 0086	E E

VERSION NUMBER
2.6.3.5

MAP NUMBER
27079C0086E

MAP REVISED
11/17/2014



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FULL PANEL LAYOUT
THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT [HTTPS://MSC.FEMA.GOV](https://MSC.FEMA.GOV)

- SPECIAL FLOOD HAZARD AREAS**
 - Without Base Flood Elevation (BFE) Zone AE, AP
 - With BFE or Depth Zone AE, AO, AH, VE, AR
 - Regulatory Floodway
 - 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile. Zone X
 - Future Conditions 1% Annual Chance Flood Hazard Zone X
 - Area with Reduced Flood Risk due to Levee See Notes. Zone X
 - Area with Flood Risk due to Levee Zone D
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 - Cross Sections with 1% Annual Chance Water Surface Elevation
 - Coastal Transect
 - Coastal Transect Baseline
 - Profile Baseline
 - Hydrographic Feature
 - Base Flood Elevation Line (BFE)
 - Limit of Study
 - Jurisdiction Boundary
- GENERAL STRUCTURES**
- OTHER FEATURES**

NOTES TO USERS

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with the FIRM, including historic versions, the current map date for each FIRM panel, how to order products for the National Flood Insurance Program (NFIP), or general, please call the FEMA Mapping and Insurance Exchange at 1-877-FEMA-MAP (1-877-368-3272) or visit the FEMA Flood Map Service Center website at <https://www.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 website.

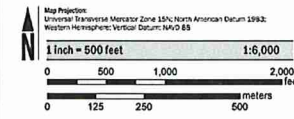
Communities seeking to be approved for FIRM panels must obtain a current copy of the approved panel as well as the current FIRM index. These may be ordered directly from the Flood Map Service Center at the number listed above.

For community and countywide map data refer to the Flood Insurance Study Report for the jurisdiction.

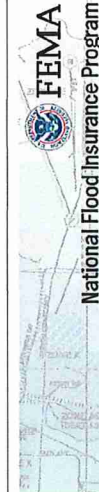
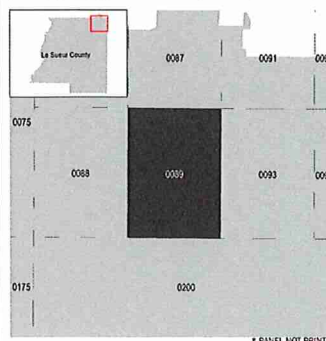
To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-368-6222.

Base map information shown on this FIRM was provided in digital format from U.S. Department of Agriculture Imagery Program, dated 2015 and derived at a one meter ground sample distance and imagery date provided by Minnesota Department of Natural Resources dated 2017.

SCALE



PANEL LOCATOR



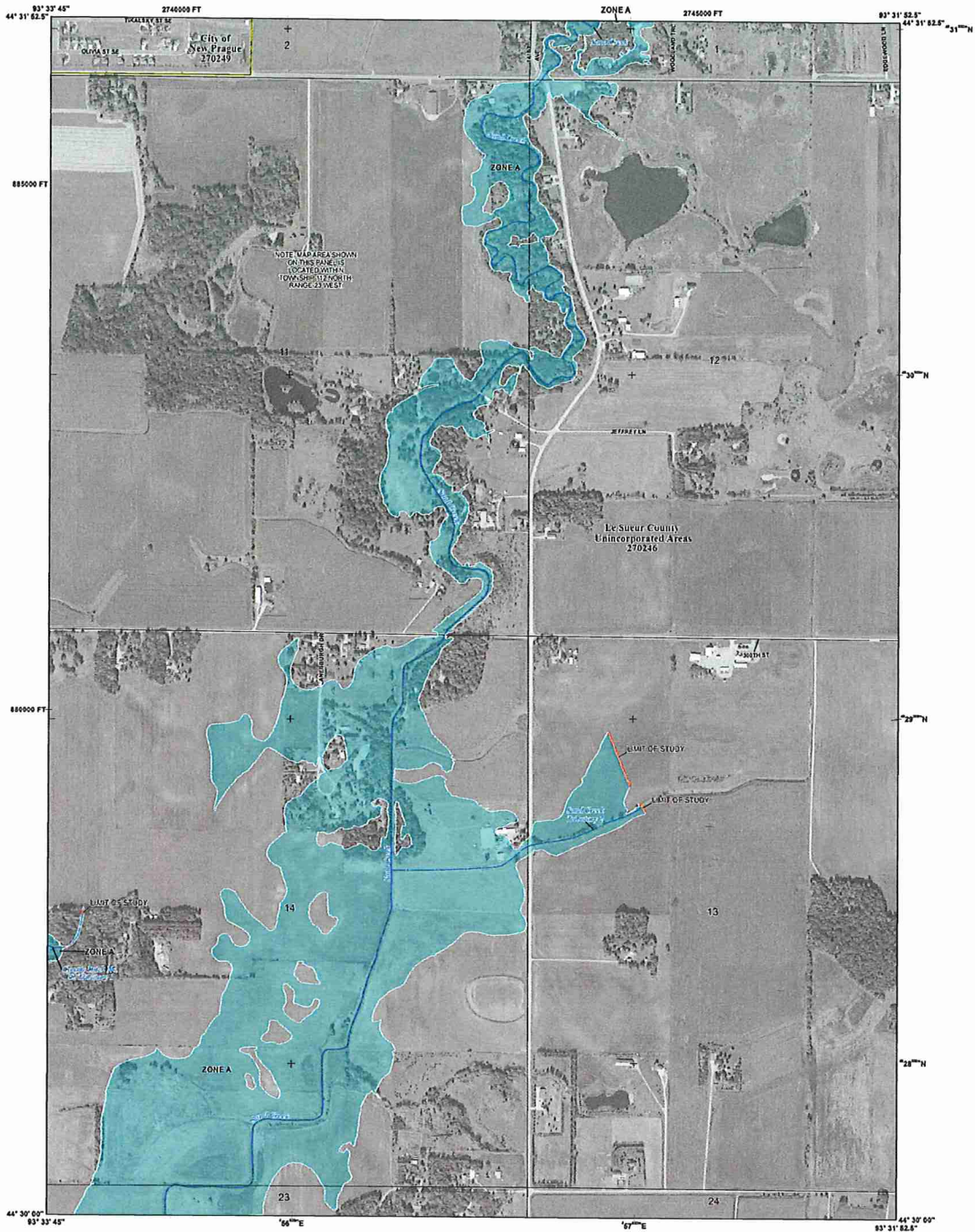
NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP
LE SUEUR COUNTY, MINNESOTA
 and Incorporated Areas

Panel 89 of 435

Panel Coordinates:

COMMUNITY	NUMBER	PANEL	SUFFIX
LE SUEUR COUNTY NEW PRAIRIE, CITY OF	270916	0089	E
	270240	0085	E

VERSION NUMBER
2.6.3.5
 MAP NUMBER
27079C0089E
 MAP REVISED



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR PANEL LAYOUT
 THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING
 DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT
[HTTPS://MSC.FEMA.GOV](https://msc.fema.gov)

- SPECIAL FLOOD HAZARD AREAS**
 - Without Base Flood Elevation (BFE) Zone A, X, AP
 - With BFE of Depth Zone AE, AO, AH, VE, AR
 - Regulatory Floodway
 - 0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
 - Future Conditions 1% Annual Chance Flood Hazard Zone X
 - Area with Reduced Flood Risk due to Levee See Notes, Zone X
 - Area with Flood Risk due to Levee Zone O
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 - NO SCREEN Area of Minimal Flood Hazard Zone X
 - Area of Undetermined Flood Hazard Zone O
- OTHER AREAS**
 - Channel, Culvert, or Storm Sewer
 - Levee, Dike, or Floodwall
 - Cross Sections with 1% Annual Chance Water Surface Elevation
 - Coastal Transect
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 - Profile Baseline
 - Hydrographic Feature
 - Base Flood Elevation Line (BFE)
- OTHER FEATURES**
 - Limit of Study
 - Jurisdiction Boundary

NOTES TO USERS

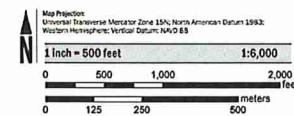
For information and questions about the Flood Insurance Rate Map (FIRM), available products associated with the FIRM, including historic versions, the current map date for each FIRM panel, how to order products or the National Flood Insurance Program (NFIP), in general, please call the FEMA Mapping and Insurance Center at 1-877-FEMA-1111 (1-877-362-6271) or visit the FEMA Flood Map Service Center website at msc.fema.gov. Available products may include: previously issued, Letter of Map Change, a Flood Insurance Study Report, and/or digital versions of the map. Many of these products can be ordered or obtained directly from the website.

Customers requesting hard-to-adjust FIRM panels must obtain a current copy of the relevant panel as well as the current FIRM data. These may be ordered directly from the Flood Map Service Center at the number listed above.

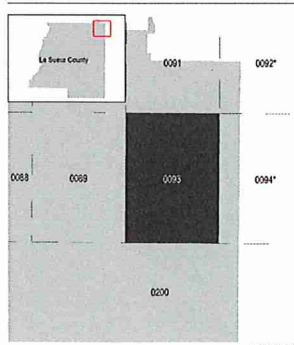
For community and countywide map dates refer to the Flood Insurance Study Report for the jurisdiction. To determine if flood insurance is available in the community contact your insurance agent or call the National Flood Insurance Program at 1-800-438-6623.

Base map information shown on the FIRM was provided in digital format from U.S. Department of Agriculture Imagery Program, dated 2015 and captured at a one-meter ground sample distance and spatial data provided by Minnesota Department of Natural Resources, dated 2017.

SCALE



PANEL LOCATOR



**NATIONAL FLOOD INSURANCE PROGRAM
 FLOOD INSURANCE RATE MAP**
LE SUEUR COUNTY, MINNESOTA
 and Incorporated Areas
 PANEL 93 of 435

COMMUNITY	NUMBER	PANEL	SUFFIX
LE SUEUR COUNTY NEW PRAGUE, CITY OF	270246 270249	0003 0003	E

VERSION NUMBER
 2.6.3.5
 MAP NUMBER
 27079C0093E
 MAP REVISED
 11/17/2024

