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**MEMORANDUM**

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**TO:** PLANNING COMMISSION  
**FROM:** KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR  
**SUBJECT:** CONCEPT REVIEW – FLOODPLAIN ORDINANCE UPDATE  
**DATE:** FEBRUARY 22, 2024

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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.

I have spoken with Garry Bennett with the DNR and he provided the City with two model ordinance options for adopting a confirming ordinance. One option is called a “simplified model floodplain ordinance” (see attached) and the other is their typical “model floodplain ordinance” (see attached). It is up to the City to choose which model ordinance to utilize.

The City’s current floodplain ordinance (see attached) is most 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.

The City is required to have the new ordinance adopted by July 17<sup>th</sup>, 2024. Also, as part of the process to adopt a new ordinance, the City must have a draft ordinance to the DNR to review by April 17<sup>th</sup>, 2024. The idea is to have discussion on which ordinance model to use at tonight’s meeting, to review a draft ordinance at the next Planning Commission meeting (likely to be April 3<sup>rd</sup>) and then hold a public hearing on the ordinance at the April or May Planning Commission meeting before ultimately forwarding to the City Council to review/approve in May or June.

### **Existing Floodplain Ordinance Language**

See attached.

### **Proposed Zoning Ordinance Language-**

See attached “simplified” and “typical” model ordinances.

### **Recommendation**

I recommend that the Planning Commission discuss the two model ordinances and would request consideration of moving forward with the Simplified Model Ordinance for a final draft review at the March Planning Commission meeting.

### **Attachments:**

1. Chapter 152: Flood Hazard Regulations (Existing Ordinance)
2. Simplified Ordinance
3. Typical Model Ordinance
4. FEMA/DNR Letters – Various Dates
5. Preliminary FEMA Firm Maps (Final Maps will be available in a couple of months)

## CHAPTER 152: FLOOD HAZARD REGULATIONS

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### 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

## **SIMPLIFIED MODEL FLOODPLAIN ORDINANCE**

This model floodplain ordinance is simplified because it includes only one floodplain district, and accommodates a more limited range of development. This ordinance is intended for communities that have little or no existing structures within the floodplain and that meet the following criteria:

- Floodplains are largely undeveloped or protected as parks or open space; and/or
- Each developable parcel can accommodate for building sites outside of the floodplain.

As written, this ordinance prohibits new building within the floodplain, but reasonably accommodates for other common types of development (existing buildings can continue as nonconformities). This ordinance should be further customized based on the mapped flood risk, as well as the current and anticipated development. If there are not any existing nonconforming structures, crossings, or waterbodies, it can be simplified further yet. Local governments are encouraged to work with the DNR to tailor the language for the community.

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## SECTION 1.0 STATUTORY AUTHORIZATION AND PURPOSE

- 1.1 **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.
- 1.2 **Purpose**
  - 1.21 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.
  - 1.22 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.
  - 1.23 This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.
  - 1.24 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.
- 1.3 **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.
- 1.4 **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.
- 1.5 **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.

## SECTION 2.0 DEFINITIONS

- 2.1 **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.
  - 2.111 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.
  - 2.112 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.
  - 2.113 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.
  - 2.114 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).
  - 2.115 Flood Fringe. The portion of the one-percent annual chance floodplain located outside of the floodway.
  - 2.116 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).



- 2.117 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.
- 2.118 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.
- 2.119 Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”
- 2.120 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.”
- 2.121 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.
- 2.122 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.
- 2.123 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.
- 2.124 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:
- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.
  - B. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is defined in 44 CFR § 59.1.

### **SECTION 3.0 JURISDICTION AND DISTRICTS**

- 3.1 **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.
- 3.11 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.
- 3.12 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.
- 3.13 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.
- 3.2 **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

These materials are prepared by the Federal Emergency Management Agency, and are on file in the *[list location where maps will be filed – i.e., City Hall]*.

- 3.3 **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.

#### **SECTION 4.0 PERMITTED ACTIVITIES AND STANDARDS IN THE FLOODPLAIN DISTRICT**

- 4.1 **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:
- 4.11 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.
- 4.12 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.
- 4.2 **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.
- 4.3 **Minimum Development Standards.**
- 4.31 **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.
- 4.32 **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.

- 4.33 **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).
- 4.34 **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.
- 4.35 **Fences** not meeting the definition of farm fences are not permitted.
- 4.36 **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.
- 4.37 **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.
- 4.38 **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.
- 4.39 **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.
- 4.40 **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.
- 4.41 **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

## SECTION 5.0 NONCONFORMITIES

- 5.1 **Continuance of Nonconformities:** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:
- 5.11 Within the floodway, or where the floodway has not been delineated, any expansion or enlargement of uses or structures is prohibited.
  - 5.12 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).
  - 5.13 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.
  - 5.14 If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.
- 5.2 **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:
- 5.21 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.
  - 5.22 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.
- 5.3 **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:
- 5.31 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.
  - 5.32 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.
    - A. 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.
    - B. 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.
  - 5.33 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.
  - 5.34 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.

## SECTION 6.0 ADMINISTRATION

- 6.1 **Duties.** A Zoning Administrator or other official must administer and enforce this ordinance.
- 6.11 **Permit Application Requirements.** Permit applications must be submitted to the Zoning Administrator. The permit application must include the following, as applicable:

- A. A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.
- B. Location and detail of grading, fill, or storage of materials.
- C. Copies of any required local, state or federal permits or approvals.
- D. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

6.12 Recordkeeping. The Zoning Administrator must maintain applicable records in perpetuity documenting:

- A. Encroachment analysis, as detailed in Section 4.34.
- B. 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.
- C. Substantial damage and substantial improvement determinations, as detailed in Section 5.3, including the cost of improvements, repairs, and market value.
- D. All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.

## 6.2 Variances

6.21 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.

6.22 Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

6.23 Variances from the provisions in this ordinance may only be issued by a community upon:

- A. A showing of good and sufficient cause,
- B. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
- C. 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.

6.24 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.

6.25 Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law.

6.26 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).

6.27 The Zoning Administrator must 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 \$25 for \$100 of insurance coverage and
- B. 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.

6.3 **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.

6.4 **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 Kasota 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.

**6.5 Notifications to the Department of Natural Resources.**

6.51 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.

6.52 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.

**SECTION 7.0 PENALTIES AND ENFORCEMENT**

7.1 **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.

7.2 **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 Kasota or the Department of Natural Resources.

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

**SECTION 8.0 AMENDMENTS**

8.1 **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.

8.2 **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.

**EFFECTIVE DATE:** This ordinance shall be in full force and effect from and after its passage and approval.

Adopted by the New Prague City Council

This \_\_\_\_ of \_\_\_\_\_, \_\_\_\_\_

(Day) (Month) (Year)

Attest: \_\_\_\_\_, Mayor

(Name of Elected Official)

Attest: \_\_\_\_\_, City Clerk

# Minnesota Model Floodplain Ordinance

This model ordinance has been developed to be consistent with Minnesota Statutes, Chapter 103F, Minnesota Rules, parts 6120.500 – 6120.6200; 44 CFR § 59 to 78; Federal Emergency Management Agency (FEMA) technical bulletins and policies; as well as other state agency statutes and rules. Ordinance provisions may differ slightly from the wording in law due to inconsistencies or for ease of administration. The model also contains administrative language not in rule to help clarify procedures for the purposes of ordinance administration. Where applicable, the most restrictive standards have been incorporated into this ordinance.

This model includes the three primary types of floodplain districts: Floodway, Flood Fringe, and General Floodplain. As presented, it incorporates ordinance provisions for a community that has all three districts present on their Flood Insurance Rate Maps. Local communities are encouraged to work with DNR to tailor the language based on the flood districts present in the community. Preparers are encouraged to reference the “Commentary” column for further considerations during ordinance development.

**Blue bold text** in the “Ordinance Language” column indicates optional standards. In most cases, these are recommended higher standards that provide better protection than the minimum state/federal standards, as well as alternative approaches that allow for easier administration. This text is identified as optional and explained in further detail in the “Commentary” column. Please note that for at least a couple of these provisions, deletion may require additional edits, which is explained further in the commentary.

Local governments are encouraged to reach out to DNR staff during your ordinance update process. For those communities interested in other forms of higher ordinance standards, the DNR would be happy to offer feedback and suggestions based on each community’s unique type of risk.

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Ordinance Language	Commentary
<p><b>SECTION 1.0 STATUTORY AUTHORIZATION AND PURPOSE</b></p> <p>1.1 <b>Statutory Authorization.</b> 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 78; and the planning and zoning enabling legislation in Minnesota Statutes, <i>[Chapter 394 (for counties) or Chapter 462 (for municipalities)]</i>.</p> <p>1.2 <b>Purpose</b></p> <p>1.21 This ordinance regulates development in the flood hazard areas of the <i>[community]</i>. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.</p> <p>1.22 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.</p> <p>1.23 This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.</p> <p>1.24 This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.</p> <p>1.3 <b>Abrogation and Greater Restrictions.</b> It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other 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.</p> <p>1.4 <b>Warning and Disclaimer of Liability.</b> 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 <i>[community]</i> or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.</p> <p>1.5 <b>Severability.</b> If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.</p>	<p><i>1.3 – 1.5. These statements not needed if already included elsewhere in zoning ordinance.</i></p>
<p><b>SECTION 2.0 DEFINITIONS</b></p> <p>2.1 <b>Definitions.</b> 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.</p> <p>2.111 Accessory Structure. A structure, as defined in this ordinance, that is on the same parcel of property as, and is incidental to, the principal structure or use; an accessory structure specifically excludes structures used for human habitation.</p>	<p><i>2.0. These definitions may already exist as part of zoning ordinance. Inconsistencies should be carefully considered, as many of these definitions are specific to floodplain management.</i></p>



Ordinance Language	Commentary
<p>2.112 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.</p>	
<p>2.113 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.</p>	
<p>2.114 Basement. Any area of a structure, including crawl spaces, having its floor subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.</p>	
<p>2.115 Building. See <i>Structure</i>.</p>	
<p>2.116 Channel. A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.</p>	
<p>2.117 Conditional Use. A land use or development that would not be appropriate generally, but may be allowed with appropriate restrictions upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.</p>	<p>2.117. Floodproofing of residential structures requires a “special use permit,” per Minnesota Rules, Chapter <a href="#">6120.5800</a>, <a href="#">Subp.4, item B</a>. This ordinance’s provisions in 5.3, 6.3, and 11.2 instead accommodates a “Conditional Use Permit.”</p>
<p>2.118 <b>Critical Facilities. Buildings and structures that contain essential facilities and services necessary for emergency response and recovery, or that pose a substantial risk to the public in the event of failure, disruption of function, or damage by flooding. Specifically, this includes facilities identified as Flood Design Class 4 in ASCE 24-14, Flood Resistant Design and Construction, as amended. Examples include health care facilities, facilities required for emergency response, power generating stations, communications towers, or electrical substations.</b></p>	<p>2.118. This is an optional definition, but Minnesota Rules, Chapter <a href="#">1335</a> is being revised to reference ASCE 24-14, which has special provisions for critical facilities that are consistent with the provision in 4.33. Once the Chapter 1335 is revised, it is expected that this will no longer be a higher standard.</p>
<p>2.119 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 equipment or materials.</p>	
<p>2.120 Equal Degree of Encroachment. A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.</p>	
<p>2.121 FEMA. Federal Emergency Management Agency.</p>	
<p>2.122 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).</p>	<p>2.122 is an optional definition, but should be left in if the local government wishes to exempt these fences from permit requirements. See 4.12.</p>
<p>2.123 Flood. A temporary rise in the stream flow or water surface elevation from any source that results in the inundation of normally dry land areas.</p>	
<p>2.124 Flood Fringe. The portion of the one-percent annual chance floodplain located outside of the floodway. <b>This district shall be extended laterally to the 0.2-percent annual chance floodplain, where mapped.</b></p>	<p>2.124. Communities are encouraged to expand the geographic reach of this ordinance to the 0.2-percent annual chance (500 year) floodplain, where such flood risk mapped. For those communities concerned this would create a burden on pre-existing structures, consider the optional language in 12.13.</p>
<p>2.125 Flood Insurance Rate Map (FIRM). An official map on which the Federal Insurance Administrator has delineated both the special flood 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).</p>	
<p>2.126 Flood Insurance Study (FIS). The study referenced in Section 3.2, which is an examination, evaluation and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.</p>	

Ordinance Language	Commentary
<p>2.127 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.</p> <p>2.128 Floodproofing. A combination of structural and non-structural additions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.</p> <p>2.129 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.</p> <p><b>2.130 General Floodplain. Those floodplains designated on the Flood Insurance Rate Maps referenced in Section 3.2, but that do not have a delineated floodway.</b></p> <p><b>2.131 Light Duty Truck. Any motor vehicle that has all three of the following:</b></p> <p style="margin-left: 20px;">A. <b>8,500 pounds Gross Vehicle Weight Rating or less;</b></p> <p style="margin-left: 20px;">B. <b>vehicle curb weight of 6,000 pounds or less; and</b></p> <p style="margin-left: 20px;">C. <b>basic vehicle frontal area less than 45 square feet.</b></p> <p>2.132 Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3.</p> <p>2.133 Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."</p> <p>2.134 New Construction. Structures for which the start of construction commenced on or after the effective date of an adopted floodplain management regulation, and includes any subsequent improvements to such structures.</p> <p>2.135 Principal Structure. The main building or other structure on a lot that is utilized for the property's principal use.</p> <p>2.136 Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.</p> <p>2.137 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."</p> <p>2.138 Regulatory Flood Protection Elevation (RFPE). An elevation that is one foot above the elevation of the base flood plus any increases in the 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.</p>	<p>2.130. This is an optional definition to support use of the term in Sections 3.33 and 7.0.</p> <p>2.131. This optional definition helps clarify the term as used in the "Recreational Vehicle" definition. This definition is a variation of what is used in 44 CFR § 86.</p> <p>2.132. The details provided after the semicolon apply to structures utilizing alternative elevation methods, outlined in 6.22.B, 6.23.D(3), and 6.31.</p> <p>2.138. Local governments are encouraged to accommodate for "freeboard" above and beyond what's shown here, as it can provide increased protection and lower insurance premiums. Adopting a higher freeboard standard can simplify the definition, allowing for the deletion of everything after "base flood..." - thereby taking stage increases (encroachments) out of the evaluation.</p>

Ordinance Language	Commentary
<p>2.139 <b>Repetitive Loss. Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.</b></p> <p>2.140 Stage Increase. Any increase in the water surface elevation during the one-percent annual chance flood caused by encroachments on the floodplain.</p> <p>2.141 Start of Construction. Includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.</p> <p>2.142 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 10.22, shall also be considered a structure for the purposes of this ordinance.</p> <p>2.143 Subdivision. Land that has been divided for the purpose of sale, rent, or lease, including planned unit developments.</p> <p>2.144 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.</p> <p>2.145 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:</p> <p>A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or</p> <p>B. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is defined in 44 CFR § 59.1.</p> <p>2.146 Variance. “Variance” means the same as that defined in 44 CFR § 59.1 and Minnesota Statutes, <b>[Section 394.27, Subd. 7 (for counties) or Section 462.357, Subd. 6(2) (for municipalities)].</b></p> <p>2.147 Watercourse. A channel in which a flow of water occurs either continuously or intermittently in a definitive direction. The term applies to either natural or artificially constructed channels.</p>	<p>2.139. This is an optional, but highly recommended definition linked to the provision for repetitive loss properties in Section 12.23.B. The repetitive loss definition provided here is the version required to maximize the eligibility for Increased Cost of Compliance – which is a rider on a flood insurance policy that provides funds to offset the costs to get substantially damaged structures into compliance.</p> <p>2.145. Communities may choose to identify a threshold less than 50% as a higher standard – further minimizing investments in these high-risk areas.</p> <p>2.145.B. In general, the definition in 44 CFR § 59.1 includes sites listed on or eligible for the National Register of Historic Places and state- or locally-designated historic properties.</p>

Ordinance Language	Commentary
<p><b>SECTION 3.0 JURISDICTION AND DISTRICTS</b></p> <p><b>3.1 Lands to Which Ordinance Applies.</b> This ordinance applies to all lands within the jurisdiction of the <b>[community]</b> within the boundaries of the Floodway, Flood Fringe and General Floodplain Districts.</p> <p>3.11 The Floodway, Flood Fringe or General Floodplain Districts are overlay districts. The standards imposed in the overlay districts are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.</p> <p>3.12 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.</p> <p><b>Figure 1: The mapped floodplain may not always align with on-the-ground contour elevations.</b></p>  <p>3.13 Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the <b>[Planning Commission/Board of Adjustment]</b> and to submit technical evidence.</p> <p><b>3.2 Incorporation of Maps by Reference.</b> The following maps together with all attached material are hereby adopted by reference and declared to be a part of the official zoning map and this ordinance. The attached material includes the Flood Insurance Study for ___ County, Minnesota, and Incorporated Areas, dated ___ and the Flood Insurance Rate map panels enumerated below, dated ___, all prepared by the Federal Emergency Management Agency. These materials are on file in the <b>[list location where maps will be filed – i.e., City Hall]</b>.</p> <p><b>3.3 Districts</b></p> <p>3.31 Floodway District. Those areas within Zones <b>[AE]</b> delineated within floodway areas as shown on the Flood Insurance Rate Maps referenced in Section 3.2.</p> <p>3.32 Flood Fringe District. Those areas within Zones <b>[AE]</b> located outside of the delineated floodway, as shown on the Flood Insurance Rate Maps referenced in Section 3.2. <b>This district shall be extended laterally to the 0.2-percent annual chance floodplain, where mapped.</b></p> <p>3.33 General Floodplain District. Those areas within Zone <b>[A and AE]</b> areas that do not have a floodway delineated as shown on the Flood Insurance Rate Maps referenced in Section 3.2.</p> <p><b>3.4 Annexations.</b> The Flood Insurance Rate Map panels referenced in Section 3.2 may include floodplain areas that lie outside of the corporate boundaries of the <b>[community]</b> at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the <b>[community]</b> after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately</p>	<p>3.0. The maps and floodplain districts present in a community vary. Communities are encouraged to work with the DNR early in the process to customize this section and more.</p> <p>3.11 If the community has a zoning ordinance – as most do – it’s helpful to define these districts as overlay districts. If not, then delete this statement and other overlay references.</p> <p>3.2 should be customized by jurisdiction and map type. For counties, the map index may be used in lieu of listing all the map panels individually. Cities should consider adopting additional map panels to encompass areas that may potentially be annexed in the future. Communities are also encouraged to adopt preliminary flood studies or other flood studies when other data is more restrictive – either identifying higher BFEs or new floodway areas.</p> <p>3.32. Communities are encouraged to regulate the 0.2-percent annual chance (500 year) floodplain, where such areas are mapped. For those communities concerned this would create a burden on pre-existing structures, consider the optional language in 12.13.</p> <p>3.4 applies to cities only.</p>

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<p>upon the date of annexation. Annexations into panels not referenced in Section 3.2 require ordinance amendment in accordance with Section 14.0.</p> <p>3.5 <b>Municipal Boundary Adjustments &amp; Townships.</b> The Flood Insurance Rate Map panels referenced in Section 3.2 apply countywide. If at any point any lands come under the jurisdiction of another local government, the following shall apply:</p> <p>3.51 City adjustments of corporate boundaries, including but not limited to annexations and detachments, shall shift floodplain administrative authority of all affected lands immediately upon the date of the boundary adjustment occurring. Cities retain jurisdiction for all incorporated lands, and the County retains jurisdiction under this ordinance on all unincorporated lands, except as provided under Section 3.52 below or through some form of administrative agreement.</p> <p>3.52 Townships wishing to adopt official controls under Minnesota Statutes, Section 394.33 may only obtain zoning authority for floodplain controls when they have adopted an ordinance that is approved by the Department of Natural Resources and has formally enrolled in the NFIP. Until this occurs, the county shall retain jurisdiction under this ordinance on all unincorporated lands. In the event that a township returns zoning authority, the county shall resume that authority.</p>	<p>3.5 only applies to counties or townships.</p>
<p><b>SECTION 4.0 REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS</b></p>	
<p>4.1 <b>Permit Required.</b> 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:</p> <p>4.11 The erection, addition, modification, rehabilitation, repair, or alteration of any building, structure, or portion thereof. Normal maintenance requires a permit to determine if such work, either separately or in conjunction with other planned work, constitutes a substantial improvement, as specified in Section 12.13.</p> <p>4.12 The construction of a fence, pool, deck, or placement of anything that may cause a potential obstruction. <b>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.</b></p> <p>4.13 The change or expansion of a nonconforming use.</p> <p>4.14 The repair of a structure that has been damaged by flood, fire, tornado, or any other source.</p> <p>4.15 The placement of fill, excavation, utilities, on-site sewage treatment systems, or other service facilities.</p> <p>4.16 The storage of materials or equipment, in conformance with Section 4.32.</p> <p>4.17 Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement dams, culverts and bridges). 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.</p> <p>4.18 Any other type of “development,” as defined in Section 2.0 of this ordinance.</p> <p>4.2 <b>No Permit Required.</b> 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. 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.</p> <p>4.3 <b>Minimum Development Standards</b></p> <p>4.31 All development must:</p>	<p>4.12. This exemption for farm fences is optional. Prompted by rural counties, DNR had negotiated this exemption with FEMA, utilizing a definition that was already in Statute.</p> <p>4.17. Any change in the course, current or cross-section of public waters is regulated under Minnesota Statutes, section <a href="#">103G.245</a>, and may require a public waters work permit from the DNR. See also 5.24.</p>



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<p>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;</p> <p>B. Be constructed with materials and equipment resistant to flood damage;</p> <p>C. Be constructed by methods and practices that minimize flood damage;</p> <p>D. Be constructed with heating, ventilation, duct work, and air conditioning equipment and other service facilities elevated at least up to the Regulatory Flood Protection Elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding;</p> <p>E. Be reasonably safe from flooding and consistent with the need to minimize flood damage;</p> <p>F. Be assured to provide adequate drainage to reduce exposure to flood hazards;</p> <p>G. Not be detrimental to uses in adjoining areas; and</p> <p>H. Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.</p> <p>I. Ensure that any fill or other materials are protected from erosion, discharge, and sediment entering surface waters by the use of vegetative cover or other methods as soon as possible.</p>	<p>4.31.B. <a href="#">FEMA Technical Bulletin 2</a> details requirements for flood-damage resistant materials.</p>
<p>4.32 Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the Regulatory Flood Protection Elevation (RFPE), floodproofed, or protected by other measures as approved by the Zoning Administrator. Storage of materials 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 unless adequate safeguards approved by the Minnesota Pollution Control Agency are provided. For projects not requiring approvals by the Minnesota Pollution Control Agency, adequate safeguards must be approved by the Zoning Administrator prior to issuance of a permit.</p>	<p>4.32. Minnesota Rules, parts 6120.5800, Subp. 3 and <a href="#">6120.5800, Subp. 4, item F</a> refer to “pollution of waters,” as defined in Minnesota Statutes, section <a href="#">115.01</a>. That definition refers to “pollutants,” which refers to “other wastes,” both of which are also defined. MPCA safeguards may include <a href="#">stormwater permits</a>, <a href="#">wastewater permits</a>, <a href="#">mining</a>, <a href="#">Clean Water Act Section 401 Water Quality Certifications</a>, and/or a mandatory EAW or EIS.</p>
<p>4.33 <b>Critical facilities shall be located so that the lowest floor is not less than two feet above the Base Flood Elevation (BFE), or the 0.2% annual chance flood elevation, whichever is higher.</b></p>	<p>4.33. This is an optional higher standard, but Minnesota Rules, Chapter <a href="#">1335</a> is being revised to reference ASCE 24-14. This provision is written to be consistent. LGUs should consider prohibiting critical facilities from the floodplain or regulatory floodplain entirely. Once the Chapter 1335 is revised, it is expected that this will no longer be a higher standard.</p>

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<b>Table 1. Summary of Permitting Requirements for Structures</b>				
Structure Type	Floodway	Flood Fringe	Standards*	
Accessory Structures – on fill	Only specific uses and types allowed – with CUP	Allowed with Permit	6.23.D(2)	
Accessory Structures – Alt. Elevation Methods	Only specific uses and types allowed – with CUP	Allowed with Permit	6.23.D(3)	
Accessory Structures – Wet Floodproofing	Only specific uses and types allowed – with CUP	Allowed with Permit	6.23.D(1)	
Accessory Structures – Dry (watertight) Floodproofing	Only specific uses and types allowed – with CUP	Allowed with Permit	6.23.D(4)	
Residential – on fill	Not allowed	Allowed with Permit	6.21.A	
Residential – Alt. Elevation Methods	Not allowed	Allowed with CUP	6.41	
Residential – Dry (watertight) Floodproofing and/or Basement Construction below RFPE	Not allowed	Not allowed	N/A	
Non-Residential – on fill	Not allowed	Allowed with Permit	6.22.A	
Non-Residential – Alt. Elevation Methods	Not allowed	Allowed with Permit	6.22.B	
Non-Residential – Dry (watertight) Floodproofing and/or Basement Construction below RFPE	Not allowed	Allowed with Permit	6.22.C	
<i>*Note - many of these standards are cross-referenced</i>				
<b>SECTION 5.0 FLOODWAY DISTRICT</b>				
<p><b>5.1 Permitted Uses in Floodway.</b> Development allowed in the floodway district is limited to that which has low flood damage potential and will not obstruct flood flows, increase velocities, or increase the water surface elevations of the one-percent annual chance flood. The following uses and activities may be allowed with a permit, subject to the standards in Section 5.2:</p>				
<p>5.11 Agricultural uses, recreational uses, parking lots, loading areas, airport landing strips, water control structures, navigational facilities, as well as public open space uses.</p>				
<p>5.12 Roads, driveways, railroads, trails, bridges, and culverts.</p>				
<p>5.13 Public utility facilities and water-oriented industries which must be in or adjacent to watercourses.</p>				
<p>5.14 Grading, filling, land alterations, and shoreline stabilization projects.</p>				
<p>5.15 No structures, as defined in Section 2.0, are allowed in the Floodway District, except structures accessory to the uses detailed in Sections 5.11 and 5.31, <b>which require a CUP under Section 5.32.</b></p>				
<p>5.16 <b>Levees or dikes intended to protect agricultural crops, provided the top of the dike does not exceed the 10-percent annual chance flood event.</b></p>				
				<p>5.0. There are countless ways in which this section can be further customized to be more restrictive. Activities in the floodway can easily impact neighboring land uses, and result in water quality issues. Ordinances may also provide further specificity of uses that require a permit, instead of broadly referring to “agricultural, recreational, or open space uses” like the rules and this ordinance do.</p>
				<p>5.12 &amp; 5.14. The uses and activities in these sections weren’t explicitly identified as a permitted use in Minnesota Rules, part <a href="#">6120.5800, Subp. 3, item A</a>. However, they are included here since they would be allowed in most any underlying zoning district, and accommodating for them ensures the development will still be permitted in conformance with the associated state and federal standards in 5.2 and 5.4.</p>
				<p>5.15. Requiring a CUP for an accessory structure in the floodway district, as presented in Section 5.32, is a higher standard.</p>
				<p>5.16. This was added to allow agricultural producers the ability to construct a levee for more frequent floods. Applicant would still need to demonstrate that project meets all applicable standards in Section 5.2. This would only be allowed in areas where a 10-percent annual chance flood event has been modeled.</p>

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<p>5.2 <b>Standards for Permitted Uses in Floodway.</b> In addition to the applicable standards detailed in Section 4.0:</p> <p>5.21 The applicant must demonstrate that the development will 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. This shall be demonstrated through 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). This is commonly documented through a “no-rise certification.”</p> <p>5.22 Any development that would result in a stage increases greater than 0.00 feet may only be allowed with a permit if the applicant has applied for and received approval for a Conditional Letter of Map Revision (CLOMR) in accordance with 44 CFR § 65.12. Map revisions must follow the procedures in Sections 11.15 and 14.0.</p> <p>5.23 Any development resulting in decreases to the water surface elevation of the base flood identified in the Flood Insurance Study requires a Letter of Map Revision (LOMR) following the procedures in Sections 11.15 and 14.0.</p> <p>5.24 Any development in the beds of public waters that will change the course, current or cross section is required to obtain a public waters work permit in accordance with Minnesota Statutes, section 103G.245 or a utility crossing license in accordance with Minnesota Statutes, section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required, before applying for a local permit.</p> <p>5.25 <b>Any facility used by employees or the general public must be designed with a flood warning system acceptable to the Zoning Administrator that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.</b></p> <p>5.26 Fill and other land alteration activities must offer minimal obstruction to the flow of flood waters, <b>and be protected from erosion and sediment entering surface waters by the use of vegetative cover, riprap or other methods as soon as possible.</b></p> <p>5.3 <b>Conditional Uses in Floodway.</b> The following uses and activities may be permitted as conditional uses, subject to the standards detailed in Sections 5.4:</p> <p>5.31 <b>Commercial extractive uses, and storage and stockpiling yards.</b></p> <p>5.32 <b>Structures accessory to uses detailed in Sections 5.11 and 5.31.</b></p> <p>5.4 <b>Standards for Conditional Uses in Floodway.</b> In addition to the applicable standards detailed in Sections 4.0, 5.2 and 11.2:</p> <p>5.41 <b>Extractive uses and storage of materials require the completion of a site development and restoration plan, to be approved by the [community].</b></p> <p>5.42 <b>Accessory Structures. Structures accessory to the uses detailed in Sections 5.11 and 5.31 must be constructed and placed so as to offer a minimal obstruction to the flow of flood waters, and are subject to the standards in Section 6.23 of this ordinance.</b></p> <p><b>SECTION 6.0 FLOOD FRINGE DISTRICT</b></p> <p>6.1 <b>Permitted Uses in Flood Fringe.</b> Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in Sections 6.2.</p>	<p>5.25 is technically a higher standard. Minnesota Rules, part <a href="#">6120.5900, Subp. 4, item C</a> only requires warning sirens in flood fringe areas, as detailed in 6.25. Adding it here ensures the same protections are applied in the high-risk floodway district as well.</p> <p>5.26. Second portion of this standard is technically a floodplain higher standard, but required in all shoreland areas, per Minnesota Rules, part <a href="#">6120.3300, Subp. 4.</a></p> <p>5.3. Minnesota Rules, part <a href="#">6120.5800, Subp. 3</a> gives communities the freedom to subject any use in the floodway to a CUP, which allows for better oversight. As such, the Conditional Uses presented here are technically a higher standard. A community that does not wish to subject these uses to a CUP may instead relocate them under 5.1, while moving relevant standards into 5.2 as appropriate. Note that relocating 5.32 and 5.42 would require rewording 5.15.</p> <p>5.41. This standard is tied to 5.31. This is technically an optional higher standard, but extractive uses require a CUP in shoreland areas, as identified in Minnesota Rules, part <a href="#">6120.3200</a>, and would be subject to additional shoreland and MPCA related standards. As such, the CUP requirement is provided for consistency.</p> <p>5.42. Considerations for accessory structures are further detailed in the margin commentary in Section 6.23.</p>



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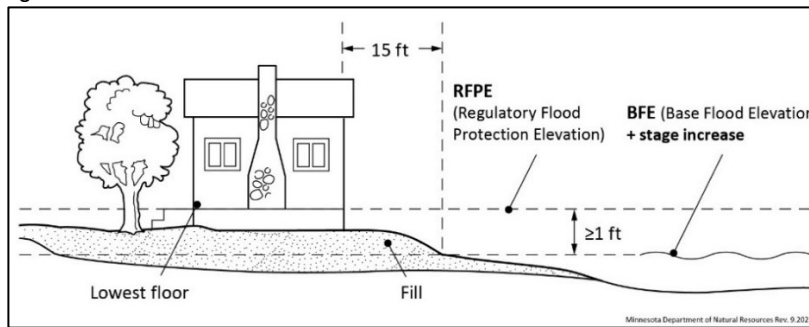
6.2 **Standards for Permitted Uses in Flood Fringe.** In addition to the applicable standards detailed in Section 4.0:

6.21 Residential Structures.

A. **Elevation on Fill.** Structures erected, constructed, reconstructed, altered, or moved on fill within the Flood Fringe District shall be placed so that the lowest floor, as defined in Section 2.0 of this ordinance, is elevated 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. Elevation methods alternative to these fill standards are subject to a Conditional Use Permit, as provided in Section 6.31 of this ordinance (Figure 2). **Construction of this type shall only be permitted in locations where the natural ground is no lower than three feet below the base flood elevation.**

6.21.A. The last sentence is a higher standard meant to prevent excessive fill and access challenges.

**Figure 2: Overview of fill standards for residential structures.**



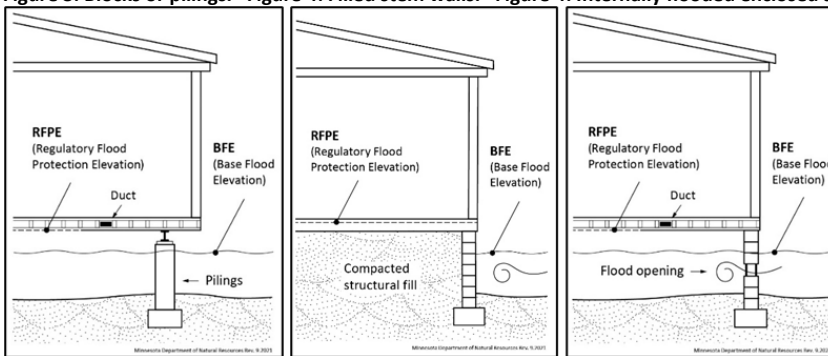
6.22 **Nonresidential Principal Structures.** Nonresidential principal structures must meet one of the following construction methods:

- A. **Elevation on Fill.** Structures may be elevated on fill, meeting the standards in Section 6.21.A of this ordinance. Fill for nonresidential structures is not required to be extended 15 feet beyond the outside limits of the structure.
- B. **Alternative Elevation Methods.** Structures may be elevated using methods alternative to the fill standards in Section 6.21.A of this ordinance. Such methods include the use of blocks, pilings (Figure 3), filled stem walls (Figure 4), or internally-flooded enclosed areas (Figure 5) such as crawl spaces, attached garages, or tuck under garages.

6.22.A. Nonresidential structures are not subject to the 15 foot fill extension requirements. Residential structures that can't meet this fill requirement must be processed as a CUP under Section 6.31.

6.22.B. The standards for alternative elevation methods and internally-flooded spaces are further detailed in [Technical Bulletins 1 and 7-93](#). Note that residential structures utilizing this type of construction require a "special use permit" under Minnesota Rules, part [6120.5800, Subp. 4, item B](#) (a CUP under this model ordinance). A sample nonconversion agreement can be accessed from [www.CRSresources.org/400](http://www.CRSresources.org/400).

**Figure 3: Blocks or pilings. Figure 4: Filled stem walls. Figure 4: Internally flooded enclosed area.**



Designs accommodating for internally-flooded enclosed areas must be certified by a registered professional engineer or architect, or meet or exceed

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<p>the standards detailed in <i>FEMA Technical Bulletin 1</i>, as amended, as well as the following standards:</p> <ol style="list-style-type: none"> <li>(1) The lowest floor, as defined in Section 2.0 of this ordinance, shall be elevated at or above the Regulatory Flood Protection Elevation (RFPE).</li> <li>(2) The floor of the enclosed area must be at or above the exterior grade on at least one side of the structure.</li> <li>(3) To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings below the base flood elevation on at least two sides of the structure. The bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, have a net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.</li> <li>(4) Internally flooded enclosed areas shall only be used for the parking of vehicles, building access, or storage. Bathrooms and toilet rooms shall not be allowed. <b>Such areas shall be subject to a deed-restricted non-conversion agreement as well as periodic inspections with the issuance of any permit.</b></li> </ol> <p>C. Dry Floodproofing. Structures having watertight enclosed basements or spaces below the Regulatory Flood Protection Elevation (RFPE) must meet the following standards:</p> <ol style="list-style-type: none"> <li>(1) Walls must be substantially impermeable to the passage of water, with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, at least up to the Regulatory Flood Protection Elevation (RFPE);</li> <li>(2) Must meet the standards of FEMA Technical Bulletin 3, as amended; and</li> <li>(3) A registered professional engineer or architect shall be required to certify that the design and methods of construction meet the standards detailed in this Section.</li> </ol> <p>6.23 Accessory Structures. All accessory structures must meet the following standards:</p> <ol style="list-style-type: none"> <li>A. Structures shall not be designed or used for human habitation.</li> <li>B. Structures will have a low flood damage potential.</li> <li>C. Structures with fewer than two rigid walls, such as carports, gazebos, and picnic pavilions, may be located at an elevation below the Regulatory Flood Protection Elevation.</li> <li>D. Structures with two or more rigid walls, must meet one of the following construction methods: <ol style="list-style-type: none"> <li>(1) Wet Floodproofing. Structures may be floodproofed in a way to accommodate internal flooding. Such structures shall constitute a minimal investment not to exceed 576 square feet in size, one-story in height, and shall only be used for parking and storage. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.</li> </ol> </li> </ol>	<p>6.23. <a href="#">FEMA Floodplain Management Bulletin P-214Q</a> details requirements for accessory structures.</p> <p>6.23.D(1). Specifications for internal flooded spaces are further detailed in <a href="#">FEMA Technical Bulletins 1 and 7-93</a>. According to FEMA policy, accessory structures exceeding 576 square feet do not meet the “minimum investment” standard and are not allowed to accommodate internal flooding (unless through a variance, which are only acceptable in rare situations). Note: the 576 square foot size limit exceeds allowable limits for “water oriented accessory structures” in shoreland areas (identified in Minnesota Rules, part <a href="#">6120.3300, Subp 3, item H</a>). If an accessory structure is proposed within the shoreland setback, it would be subject to that more restrictive size standard.</p>

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<p>(2) Elevation on Fill. Structures may be elevated on fill, meeting the standards in Section 6.21.A of this ordinance. Fill is not required to be extended 15 feet beyond the outside limits of the structure.</p> <p>(3) Alternative Elevation Methods. Structures may have their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) through methods alternative to the fill standards in Section 6.23.D(2), and must meet the standards in Section 6.22.B of this ordinance.</p> <p>(4) Dry Floodproofing. Structures may be dry-floodproofed, or watertight, meeting the standards in Section 6.22.C of this ordinance.</p>	
<p>6.24 <b>All new principal structures must provide vehicular access no lower than one foot below the Base Flood Elevation (BFE), unless a flood warning/emergency evacuation plan has been approved by the [community].</b></p>	<p>6.24. This is a recommended higher standard. Rules require ingress and egress standards for subdivisions, but not for other types of development. This standard is provided for safety and consistency.</p>
<p>6.25 Any facilities used by employees or the general public must be designed with a flood warning system acceptable to the [community] that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.</p>	<p>6.25. Under Minnesota Rules, part <a href="#">6120.5900, Subp. 4, item C</a>, this provision only applies to commercial facilities, but has been reworded to apply to uses such as schools or government facilities.</p>
<p>6.26 Manufactured homes and recreational vehicles must meet the standards of Section 10 of this ordinance.</p>	
<p>6.3 <b>Conditional Uses in Flood Fringe.</b> The following uses and activities may be permitted as conditional uses, subject to the standards in Sections 6.4:</p>	
<p>6.31 Alternative Elevation Methods – Residential Structures. Residential structures with their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) using methods alternative to the fill requirements in Section 6.21.</p>	<p>6.31. Minnesota Rules, part <a href="#">6120.5800, Subp. 4, item B</a> requires a “special use permit” to floodproof any residential structure (a CUP under this model ordinance). See also comment under 6.22.B.</p>
<p>6.4 <b>Standards for Conditional Uses in Flood Fringe.</b> In addition to the applicable standards detailed in Sections 4.0, 6.2 and 11.2:</p>	
<p>6.41 All residential structures with lowest floors elevated through alternative elevation methods must meet the standards in Section 6.22.B of this ordinance.</p>	
<p><b>SECTION 7.0 GENERAL FLOODPLAIN DISTRICT</b></p>	
<p><b>7.1 Permitted Uses in General Floodplain District</b></p>	
<p>7.11 Until the floodway is delineated, allowable uses will be restricted to those listed in the Floodway District, Section 5.0</p>	
<p>7.12 All other uses are subject to a floodway/flood fringe determination as provided in Section 7.4, in addition to the standards provided in Sections 7.2 and 7.3. Permitted uses shall be determined as follows:</p> <p>A. If the development is determined to be in the Floodway District, Section 5.0 applies.</p> <p>B. If the development is determined to be in the Flood Fringe District, Section 6.0 applies.</p>	<p>7.0. The General Floodplain District includes any mapped floodplain without a defined floodway boundary – this is typically an A zone but could also be AE zone. Many of these areas have publicly available Estimated 1% Water Surface Elevations (or “pink lines”), accessible through the DNR’s <a href="#">Lake and Flood Elevations Online (LFEO)</a> viewer, or as a shapefile through <a href="#">Minnesota Geospatial Commons</a>. Many models are available on the DNR’s <a href="#">Hydraulic Model Download Application</a>.</p>
<p><b>7.2 Determining Flood Elevations</b></p>	
<p>7.21 All development requires a determination of the Base Flood Elevation (BFE). Exceptions to this requirement include projects that restore the site to the previous cross-sectional area, such as shore stabilization or culvert replacement projects. Base Flood Elevations (BFE) may be found using best available data from any Federal, State, or other source (including MNDNR’s Lake &amp; Flood Elevations Online (LFEO) Viewer).</p>	<p>7.2. The DNR can often help to determine the best available base flood elevation data. A best practice in the General Floodplain District is to obtain the RFPE to determine the regulatory boundaries of the floodplain, and encourage applicants to avoid these areas entirely, if possible. Many of these Zone A areas around the state were not mapped using detailed modeling methods, which may result in some unpredictable flood risk. In areas with large lots and alternative development locations, a community may choose to prohibit structural development entirely.</p>
<p>7.22 The Regulatory Flood Protection Elevation (RFPE) can be determined by assuming a one-half (0.5) foot stage increase to accommodate for future cumulative</p>	

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<p>impacts. A stage increase does not need to be assumed along lakes, wetlands, and other basins that are not affected by velocities.</p> <p><b>7.3 Encroachment Analysis</b></p> <p>7.31 Encroachments due to development may not allow stage increases more than one-half (0.5) foot at any point, unless through a map revision following the procedures in Sections 11.15 and 14.0. This evaluation must include the cumulative effects of previous encroachments, and must be documented with hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices. 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.</p> <p>7.32 Alterations or changes that result in stage decreases are allowed and encouraged.</p> <p><b>7.4 Standards for the Analysis of Floodway Boundaries</b></p> <p>7.41 Requirements for Detailed Studies. Any development, as requested by the Zoning Administrator, shall be subject to a detailed study to determine the Regulatory Flood Protection Elevation (RFPE) and the limits of the Floodway District. This determination must be consistent with the minimum standards for hydrologic and hydraulic mapping standards and techniques, as detailed in Minnesota Rules, part 6120.5600, Subp. 4 and <i>FEMA Guidelines and Standards for Flood Risk Analysis and Mapping</i>, as revised. Additionally:</p> <p>A. A regulatory floodway necessary to carry the discharge of the one-percent annual chance flood must be selected without increasing the water surface elevation more than one-half (0.5) foot at any point. This determination should 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; and</p> <p>B. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries, unless topography, existing development patterns, and comprehensive land use plans justify a modified approach, as approved by the Department of Natural Resources.</p> <p>7.42 Other Acceptable Methods. For areas where a detailed study is not available or required:</p> <p>A. Development prohibited in floodways (e.g. most buildings) requires a floodway/flood fringe determination to verify the development is within the flood fringe. This determination must be done by a professional engineer or utilize other accepted engineering practices. The Department of Natural Resources may also provide technical assistance and must approve any alternative methods used to determine floodway boundaries.</p> <p>B. <b>For areas where the floodway has not been determined in and along lakes, wetlands, and other basins, the following methodology may be used as an alternative to Item A above, provided these areas are not affected by velocities and the lot is able to accommodate a building site above the Regulatory Flood Protection Elevation (RFPE):</b></p> <p><b>(1) All areas that are at or below the ordinary high water level, as defined in Minnesota Statutes, section 103G.005, Subd. 14, will be considered floodway, and all areas below the Base Flood Elevation (BFE) but above the ordinary high water level will be considered flood fringe, provided that within 25 feet of the ordinary high water level, or within the Shore</b></p>	<p><i>7.31. Increased flood damage potential has been interpreted mean that it would cause impacts insurable buildings.</i></p> <p><i>7.42. Minnesota Rules, part <a href="#">6120.5700</a>, <a href="#">Subp. 4</a> gives DNR the authority to authorize alternative methods for the delineation of the floodway. The DNR can often assist with this analysis.</i></p> <p><i>7.42.B. This optional language can be used to accommodate floodway delineations in lake situations – as long as the site is not located in an area affected by velocities – such as those near the inlet or outlet of a basin. By adhering to this methodology, a development would eliminate the need to analyze rise and avoid any kind of increased damage potential prohibited by rule.</i></p>

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<p style="text-align: center;"><b>Impact Zone as identified in the community’s Shoreland ordinance, whichever distance is greater, land alterations shall be restricted to:</b></p> <ul style="list-style-type: none"> <li>(a) <b>The minimum required to accommodate beach areas, access areas, and accessory structures as permitted, not to exceed a volume greater than 10 cubic yards; projects involving volumes exceeding 10 cubic yards require floodway/flood fringe determination in accordance with the procedures in Section 7.42, item A; and</b></li> <li>(b) <b>The minimum required to accommodate shoreline stabilization projects to correct an identified erosion problem as verified by a qualified resource agency or the zoning administrator.</b></li> </ul>	
<p><b>SECTION 8.0 SUBDIVISION STANDARDS</b></p>	
<p><b>8.1 Subdivisions.</b> All subdivided land must meet the following requirements. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.</p> <ul style="list-style-type: none"> <li>8.11 All lots within floodplain districts must be suitable for a building site outside of the Floodway District.</li> <li>8.12 Subdivision of lands within the floodplain districts may not be approved if the cost of providing governmental services would impose an unreasonable economic burden on the <i>[community]</i>.</li> <li>8.13 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), unless a flood warning/emergency evacuation plan has been approved by the <i>[community]</i>.</li> <li>8.14 The Floodway and Flood Fringe District boundaries, the Regulatory Flood Protection Elevation (RFPE) and the required elevation of all access roads must be clearly identified on all required subdivision drawings and platting documents.</li> </ul>	<p>8.13. The two foot below RFPE access requirement is a suggested standard. Minnesota Rules, part <a href="#">6120.5900, Subp. 2</a> requires the establishment of ingress/egress and road standards, but does not provide a specific depth.</p>
<p><b>SECTION 9.0 PUBLIC AND PRIVATE UTILITIES, SERVICE FACILITES, ROADS, BRIDGES, AND RAILROADS</b></p>	
<ul style="list-style-type: none"> <li>9.1 <b>Public Transportation Facilities.</b> 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.</li> <li>9.2 <b>Public Utilities.</b> 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 in the one-percent annual chance floodplain. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.</li> <li>9.3 <b>Private On-Site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities.</b> Private facilities shall be subject to applicable provisions detailed in Section 9.2. In addition, new or replacement on-site sewage treatment systems are to be located 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.</li> </ul>	<p>9.2. Minnesota Pollution Control Agency oversees the Rules regulating Solid Waste (Minnesota Rules, Chapter <a href="#">7035</a>), and Department of Health regulates wells (Minnesota Rules, Chapter <a href="#">4725</a>).</p> <p>9.3. MPCA oversees the Rules regulating Individual Subsurface Sewage Treatment Systems (Minnesota Rules, Chapter <a href="#">7080</a>), which regulate location and design in relation to floodplains.</p>



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<p><b>SECTION 10.0 MANUFACTURED HOMES AND RECREATIONAL VEHICLES</b></p> <p>10.1 <b>Manufactured Homes.</b> Manufactured homes and manufactured home parks are subject to applicable standards for each floodplain district. In addition:</p> <p>10.11 New and replacement manufactured homes must be placed and elevated in compliance with Section 6.0 of this ordinance and must be securely anchored to a system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.</p> <p>10.12 New manufactured home parks and expansions to existing manufactured home parks must meet the appropriate standards for subdivisions in Section 8.0 of this ordinance.</p> <p>10.2 <b>Recreational Vehicles.</b> New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain must either:</p> <p>10.21 Meet the requirements for manufactured homes in Section 10.1, or</p> <p>10.22 Be travel ready, meeting the following criteria:</p> <p>A. The vehicle must be fully licensed.</p> <p>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.</p> <p>C. No permanent structural type additions may be attached to the vehicle.</p> <p>D. Accessory structures may be permitted in the Flood Fringe District, provided they do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Sections 4.0 and 6.23.</p>	<p>10.2 is worded to recognize MN Department of Health Rules, identified in Minnesota Rules, part <a href="#">4630.0200</a>, which prohibits mobile home parks and recreational camping areas in flood-prone areas. Placement or replacement of manufactured home units may be allowed in existing manufactured home parks or on lots of record.</p> <p>10.21. If other provisions in your zoning ordinance prohibit RVs from establishing permanence, this provision can be omitted.</p>
<p><b>SECTION 11.0 ADMINISTRATION</b></p> <p>11.1 <b>Duties.</b> A Zoning Administrator or other official must administer and enforce this ordinance.</p> <p>11.11 Permit Application Requirements. Permit applications must be submitted to the Zoning Administrator. The permit application must include the following, as applicable:</p> <p>A. A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.</p> <p>B. Location and detail of grading, fill, or storage of materials.</p> <p>C. Copies of any required local, state or federal permits or approvals.</p> <p>D. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.</p> <p>11.12 Recordkeeping. The Zoning Administrator must maintain applicable records in perpetuity documenting:</p> <p>A. All certifications for dry floodproofing and alternative elevation methods, where applicable.</p> <p>B. Analysis of no-rise in the Floodway District, as detailed in Section 5.21, and encroachment analysis ensuring no more than one-half foot of rise in the General Floodplain District, as detailed in Sections 7.22 and 7.31.</p> <p>C. Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall</p>	<p>11.11. Communities are free to use the Minnesota Model Floodplain Development Permit Application form, or some variation of it.</p> <p>11.11.C. This could include watershed districts, drainage authorities, adjacent jurisdictions, or the DNR.</p> <p>11.12.C. Use of a <a href="#">FEMA Elevation Certificate</a> is recommended for documenting as-builts, as these can be used for getting an insurance policy or an appeal from the federal mandatory insurance requirement.</p>

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<p>be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Zoning Administrator.</p> <p>D. Substantial damage and substantial improvement determinations, as detailed in Section 12.13, including the cost of improvements, repairs, and market value.</p> <p>E. All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.</p> <p>11.13 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the finished fill and building floor elevations or other flood protection measures are in compliance with the requirements of this ordinance.</p> <p>11.14 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 in accordance with Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.</p> <p>11.15 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 <b>[community]</b> 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 the General Floodplain District, a map revision is only required if development results in stage increases greater than 0.5 feet.</p> <p><b>11.2 Conditional Uses and Variances</b></p> <p>11.21 Process.</p> <p>A. An application for a conditional use permit will be processed and reviewed in accordance with the provisions of this ordinance.</p> <p>B. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, section <b>[394.27, Subd. 7 (for counties) or 462.357, Subd. 6(2) (for municipalities)]</b> and this ordinance.</p> <p>11.22 Additional Variance Criteria. The following additional variance criteria must be satisfied:</p> <p>A. Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.</p> <p>B. Variances from the provisions of this ordinance may only be issued by a community upon:</p> <p>(1) A showing of good and sufficient cause;</p> <p>(2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and</p> <p>(3) 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.</p>	<p>11.22 includes additionally variance criteria unique for floodplains. Most of these are additional requirements of FEMA, but parts D &amp; E come from State rules. Note specifically the reference to "exceptional hardship" in 11.22.B(2). This term must remain in the ordinance, even though "hardship" has been omitted from state variance criteria in statutes. Federal standards for variances are detailed in <a href="#">44 CFR § 60.6</a>, and further clarified in <a href="#">FEMA Publication P-993 – Variances and the National Flood Insurance Program</a>.</p>

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<p>C. 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.</p> <p>D. Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law.</p> <p>E. Variances may be used to modify permissible methods of flood protection, but no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).</p> <p>F. The Zoning Administrator must notify the applicant for a variance in writing that:</p> <p>(1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and</p> <p>(2) Such construction below the base flood level increases risks to life and property. Notification must be maintained with a record of all variance actions.</p> <p>11.23 Considerations for Approval. The <b>[community]</b> must consider all relevant factors specified in other sections of this ordinance in granting variances and conditional use permits, <b>including the following:</b></p> <p>A. <b>The potential danger to life and property due to increased flood heights or velocities caused by encroachments.</b></p> <p>B. <b>The danger that materials may be swept onto other lands or downstream to the injury of others.</b></p> <p>C. <b>The safety of access to the property in times of flood for ordinary and emergency vehicles.</b></p> <p>11.24 Conditions of Approval. The <b>[community]</b> may attach such conditions to the granting of variances and conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:</p> <p>A. <b>Limitations on period of use, occupancy, and operation.</b></p> <p>B. <b>Imposition of operational controls, sureties, and deed restrictions.</b></p> <p>C. <b>The prevention of soil erosion or other possible pollution of public waters, both during and after construction.</b></p> <p>D. <b>Other conditions as deemed appropriate by the Zoning Administrator and [planning commission/city council].</b></p>	<p>11.23 and 11.24 are both optional to generate discussion during review. Decision makers are encouraged to apply reasonable conditions where it makes sense to do so.</p>
<p><b>11.3 Notifications to the Department of Natural Resources</b></p> <p>11.31 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.</p> <p>11.32 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.</p> <p><b>SECTION 12.0 NONCONFORMITIES</b></p> <p>12.1 <b>Continuance of Nonconformities.</b> A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance, but which is not in</p>	<p>12.0. This section contains federal standards that go above and beyond those detailed in the statewide standards for nonconformities detailed in Minnesota Statutes, Sections <a href="#">462.357, Subd 1e</a> and <a href="#">394.36</a>.</p>



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<p>conformity with the provisions of this ordinance, may be continued subject to the following conditions:</p> <p>12.11 Within the floodway and general floodplain districts (when a site has been determined to be located in the floodway following the procedures in Section 7.3, or when the floodway has not been delineated), any expansion or enlargement of uses or structures is prohibited.</p> <p>12.12 Within all districts, 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).</p> <p>12.13 If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in Section 12.2, it may not be reconstructed except in conformity with the provisions of this ordinance. <b>Any structures located outside the one-percent annual chance floodplain are exempt from this provision.</b></p> <p>12.14 If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.</p> <p>12.15 <b>If any nonconforming structure has utilities, electrical, or mechanical equipment damaged due to flooding, it must be rebuilt in conformance with the elevation requirements in Section 4.31.D to the greatest extent practicable. This requirement shall apply regardless of the determinations made in Section 12.2.</b></p> <p>12.2 <b>Substantial Improvement and Substantial Damage Determinations.</b> 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:</p> <p>12.21 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.</p> <p>12.22 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.</p> <p>A. 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.</p> <p>B. 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.</p> <p>12.23 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.</p> <p>A. <b>For the purposes of determining whether the proposed work would constitute substantial improvement, the evaluation shall also include all rehabilitations, additions, or other improvements completed since the community has adopted floodplain standards impacting this structure.</b></p>	<p>12.13. Recommended provision to give flexibility for communities who choose to regulate the 500-year floodplain or other additional areas beyond the 100-year floodplain. Adopting this standard would minimize burdens on pre-existing structures.</p> <p>12.15 is an optional higher standard that requires service facilities, which are frequently damaged during basement floods, to be rebuilt in a way that reduces future damages.</p> <p>12.2. Additional guidance for Substantial Improvement and Substantial Damage Determinations is provided on the page, <a href="#">Substantial Improvement and Substantial Damage Determinations in Floodplains</a>. This page contains links to other state and federal guidance. The state model floodplain permit application form also offers guidance for documenting this evaluation.</p> <p>12.23.A is an optional higher standard to reduce the extent by which at-risk structures can be expanded. The language here limits expansions to 50% over the life of the structure. Federal standards require that substantial improvement be tracked over a one-year period, which would theoretically allow expansions up to 50% expansions year after year. Expansions result greater insurance costs, increase the potential loss, and increase the costs to eventually get the structure into compliance. This provision can be further customized to instead limit expansions over a given time period (for example, no expansions beyond 50% over the course of 10 or 20 years).</p>

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<p>B. <b>If any nonconforming structure experiences a repetitive loss, as defined in Section 2.0 of this ordinance, it shall be considered substantially damaged and must not be reconstructed except in conformity with the provisions of this ordinance.</b></p> <p>12.24 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.</p> <p><b>SECTION 13.0 VIOLATIONS AND PENALTIES</b></p> <p>13.1 <b>Uses in Violation of the Ordinance.</b> Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this ordinance shall be considered a public nuisance.</p> <p>13.2 <b>Civil Remedies.</b> 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 <b>[community]</b> or the Department of Natural Resources.</p> <p>13.3 <b>Enforcement.</b> 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 <b>[community]</b> 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.</p> <p><b>SECTION 14.0 AMENDMENTS</b></p> <p>14.1 <b>Ordinance Amendments.</b> 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.</p> <p>14.2 <b>Required Approval.</b> All amendments to this ordinance must be submitted to the Department of Natural Resources 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.</p> <p><b>EFFECTIVE DATE:</b> This ordinance shall be in full force and effect from and after its passage and approval.</p> <p>Adopted by the <b>[community]</b> Board/City Council</p> <p style="text-align: center;">This _____ of _____, _____ (Day) (Month) (Year)</p> <p>Attest: _____, County Board Chairperson/Mayor (Name of Elected Official)</p> <p>Attest: _____, County Administrator/City Clerk</p>	<p>12.23.B is optional but highly encouraged, in order to gradually eliminate nonconformities that are frequently damaged but not to the "50%" level. This provision would expand the structures that would be eligible for Increased Cost of Compliance – which provides funds to elevate, demolish, or relocate, or floodproof damaged structures.</p>





# Federal Emergency Management Agency

Washington, D.C. 20472

January 17, 2024

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:  
19P

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

Community Name: City of New Prague,  
Le Sueur County,  
Minnesota  
Community No.: 270249  
Map Panels Affected: See FIRM Index

Dear Mayor Jirik:

This is to notify you of the final flood hazard determination for Le Sueur County, Minnesota and Incorporated Areas, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood hazards shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

The statutory 90-day appeal period that was initiated for your community when the Department of Homeland Security's Federal Emergency Management Agency (FEMA) published a notice of proposed flood hazard determinations for your community in the local newspaper has elapsed. FEMA did not receive any appeals of the proposed flood hazard determinations or submittals regarding the Preliminary Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) during that time.

Accordingly, the flood hazard determinations for your community are considered final. The final notice for flood hazard determinations will be published in the *Federal Register* as soon as possible. The FIS report and FIRM for your community will become effective on July 17, 2024. Before the effective date, we will send your community final printed copies of the FIS report and FIRM. For insurance purposes, the community number and new suffix code for the panels being revised are indicated on the FIRM and must be used for all new policies and renewals.

Because the FIS report for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter.

It must be emphasized that all the standards specified in 44 CFR Part 60.3(d) of the National Flood Insurance Program (NFIP) regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your

community can meet any additional requirements by taking one of the following actions in this Paragraph of the NFIP regulations:

1. Amending existing regulations to incorporate any additional requirements of 44 CFR Part 60.3(d);
2. Adopting all the standards of 44 CFR Part 60.3(d) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of 44 CFR Part 60.3(d).

Also, prior to the effective date, your community is required, as a condition of continued eligibility in the NFIP, to adopt or show evidence of adoption of the floodplain management regulations that meet the standards of 44 CFR Part 60.3(d) of the NFIP regulations by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

Many states and communities have adopted building codes based on the International Codes (I-Codes); the model I-Codes (2009 and more recent editions) contain flood provisions that either meet or exceed the minimum requirements of the NFIP for buildings and structures. The model codes also contain provisions, currently found in an appendix to the International Building Code, that apply to other types of development and NFIP requirements. In these cases, communities should request review by the NFIP State Coordinator to ensure that local floodplain management regulations are coordinated (not duplicative or inconsistent) with the State or Local building code. FEMA's resource, *Reducing Flood Losses through the International Code: Coordinating Building Codes and Floodplain Management Regulations, 5th Edition (2019)*, provides some guidance on this subject and is available at <https://www.fema.gov/emergency-managers/risk-management/building-science/building-codes/flood>.

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended, and 44 CFR Part 59.24.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions (SOMA) to document previous Letters of Map Change (LOMC) actions (i.e., Letters of Map Amendment, Letters of Map Revision) that will be affected when the revised FIRM panels referenced above become effective. If no LOMCs were issued previously for your community, you are receiving a SOMA for informational purposes only.

Once the FIS report and FIRM are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance requirements, and many other planning applications. Copies of the digital files of the

FIRM panels may be obtained by calling our FEMA Mapping and Insurance eXchange (FMIX), toll free, at (877) 336-2627 (877-FEMA MAP) or by visiting the Map Service Center at <https://www.msc.fema.gov>. In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

For assistance with your floodplain management ordinance or enacting the floodplain management regulations, please contact Ceil Strauss, CFM, NFIP State Coordinator for Minnesota by telephone at (651) 259-5713. If you should require any additional information, we suggest that you contact the Director, Mitigation Division of FEMA, Region 5 at (312) 408-5500 for assistance. If you have any questions concerning mapping issues in general or the enclosed SOMA, please call our FMIX at the telephone number shown above. Additional information and resources you may find helpful regarding the NFIP and floodplain management can be found on our website at <https://www.fema.gov/flood-maps>. Copies of these documents may also be obtained by calling our FMIX.

Sincerely,



Luis V. Rodriguez, P.E.,  
Director, Engineering and Modeling Division  
Risk Management Directorate | Resilience

Enclosure:  
Final SOMA

cc: Community Map Repository  
Ken Ondich, Planning and Community Development Director, City of New Prague

bcc: FEDD File  
Study Contractor  
Ceil Strauss, CFM, State NFIP Coordinator, Minnesota Department of Natural Resources-  
Waters  
Thomas Sivak, Region 5 Administrator

January 24, 2024

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

Dear Mayor Jirik,

**RE: Actions Due to New Flood Insurance Study for Le Sueur County, Minnesota**

You recently received a letter from the Federal Emergency Management Agency (FEMA) dated January 17, 2024, about your floodplain regulations. This letter, known as the Letter of Final Determination (LFD), explains that the Flood Insurance Rate Maps (FIRMs) and Le Sueur County Flood Insurance Study are now complete and will become effective on July 17, 2024 (which is 6 months from the date of the LFD).

This letter is intended to explain the statement in the LFD that “your community is required... to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d)... by the effective date of the FIRM.” In other words, ***your community must amend your floodplain ordinance, or adopt a new ordinance, that is effective by July 17, 2024, in order to continue participating in the National Flood Insurance Program (NFIP).*** The DNR, as the State Coordinating Agency for the NFIP, will be assisting you in this effort.

The DNR will advise your staff in detail as to the specific state and federal standards your community’s ordinance should meet. The community may also choose to consider standards beyond the state and federal minimum standards to help reduce risk. Our floodplain program staff will be contacting your staff from our shared email account – [floodplain.dnr@state.mn.us](mailto:floodplain.dnr@state.mn.us) - within the next couple of weeks. We will provide a draft ordinance tailored to your community and more detailed instructions of the adoption process. I urge you to respond and act as soon as possible to initiate this process in order to prevent your community from being suspended from the National Flood Insurance Program should you not meet the 6-month deadline.

***We strongly encourage your community to adopt and publish a new or revised floodplain ordinance and forward it to DNR’s attention at least two days prior to this date – July 15, 2024.*** Please plan ahead to accommodate for internal review, review with DNR, holding a public hearing, and completion of the adoption/publication process. A scan of the signed and/or certified copy of the ordinance, along with our final approval, must be sent to the Federal Emergency Management Agency’s Chicago Regional Office by July 17, 2024.

We anticipate that electronic versions of the final maps will be available at [“Search All Products” section of FEMA’s Map Service Center](#) within the next month or two. All communities will eventually receive one set of paper copies of the updated Le Sueur County Flood Insurance Study and the respective flood insurance rate map panels from FEMA.

FEMA has advised us that, ***without exception***, a community will be suspended from the National Flood Insurance Program if the required floodplain ordinance documents are not received in its Chicago Regional



Office by the study/map effective date. A suspended community may be reinstated if the community: 1) submits the required floodplain ordinance language; and 2) documents that no improper floodplain development has occurred since the study/map effective date and that any existing known floodplain violations have been properly mitigated. During the suspension period, no flood insurance policies can be written or renewed in the community. This would have a serious impact on people exposed to flood damage or those who are trying to purchase homes in the designated 100-year floodplain, where flood insurance is a requirement of the loan.

While our office in St. Paul will be the main contact for the ordinance update, we will coordinate with DNR Area Hydrologist Alan Gleisner of our Hutchinson area office. Mr. Gleisner will continue to be your main contact for day-to-day assistance with administering your floodplain management ordinance and for questions about other DNR water-related programs and permits. Please feel free to contact Mr. Gleisner at any time at (320) 753-0344 or [alan.gleisner@state.mn.us](mailto:alan.gleisner@state.mn.us). If you have questions for me, you may contact me at the address found in the footer of this letter, at (651) 259-5713, or at [ceil.strauss@state.mn.us](mailto:ceil.strauss@state.mn.us).

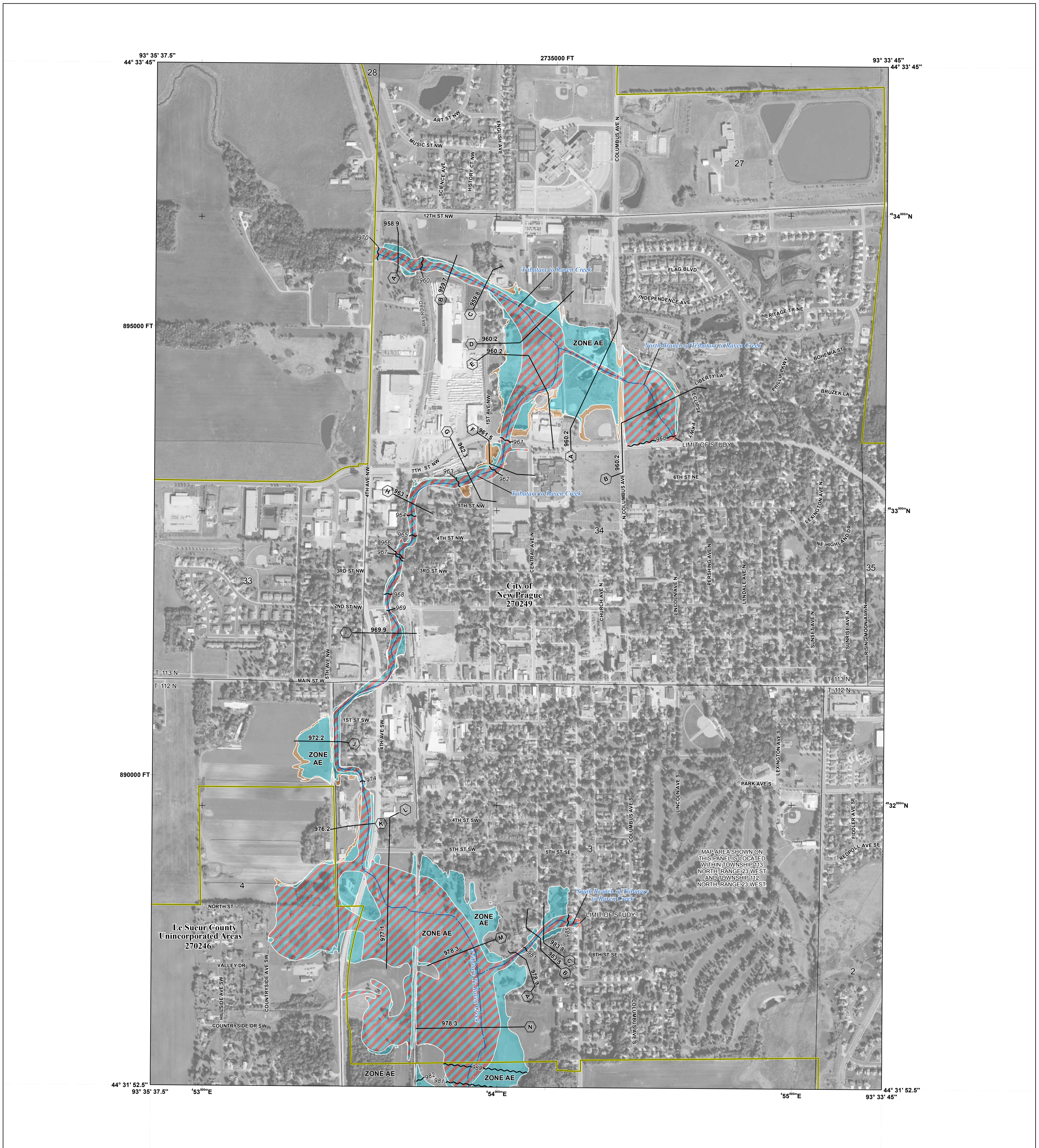
Sincerely,



Ceil Strauss, CFM  
State Coordinator, National Flood Insurance Program

c: Ken Ondich, Planning and Community Development Director – City of New Prague  
Alan Gleisner, Area Hydrologist  
[floodplain.dnr@state.mn.us](mailto:floodplain.dnr@state.mn.us)





**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)**

	Without Base Flood Elevation (BFE) Zone A, V, A99
	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
	Area of Minimal Flood Hazard Zone X
	Area of Undetermined Flood Hazard Zone D
	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall
	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

**NOTES TO USERS**

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this 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 eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Flood Map Service Center website at <https://msc.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website.

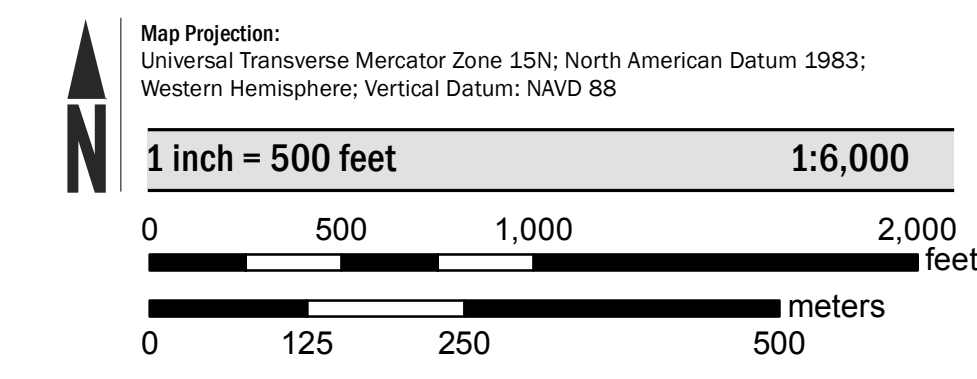
Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Flood Map Service Center at the number listed above.

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

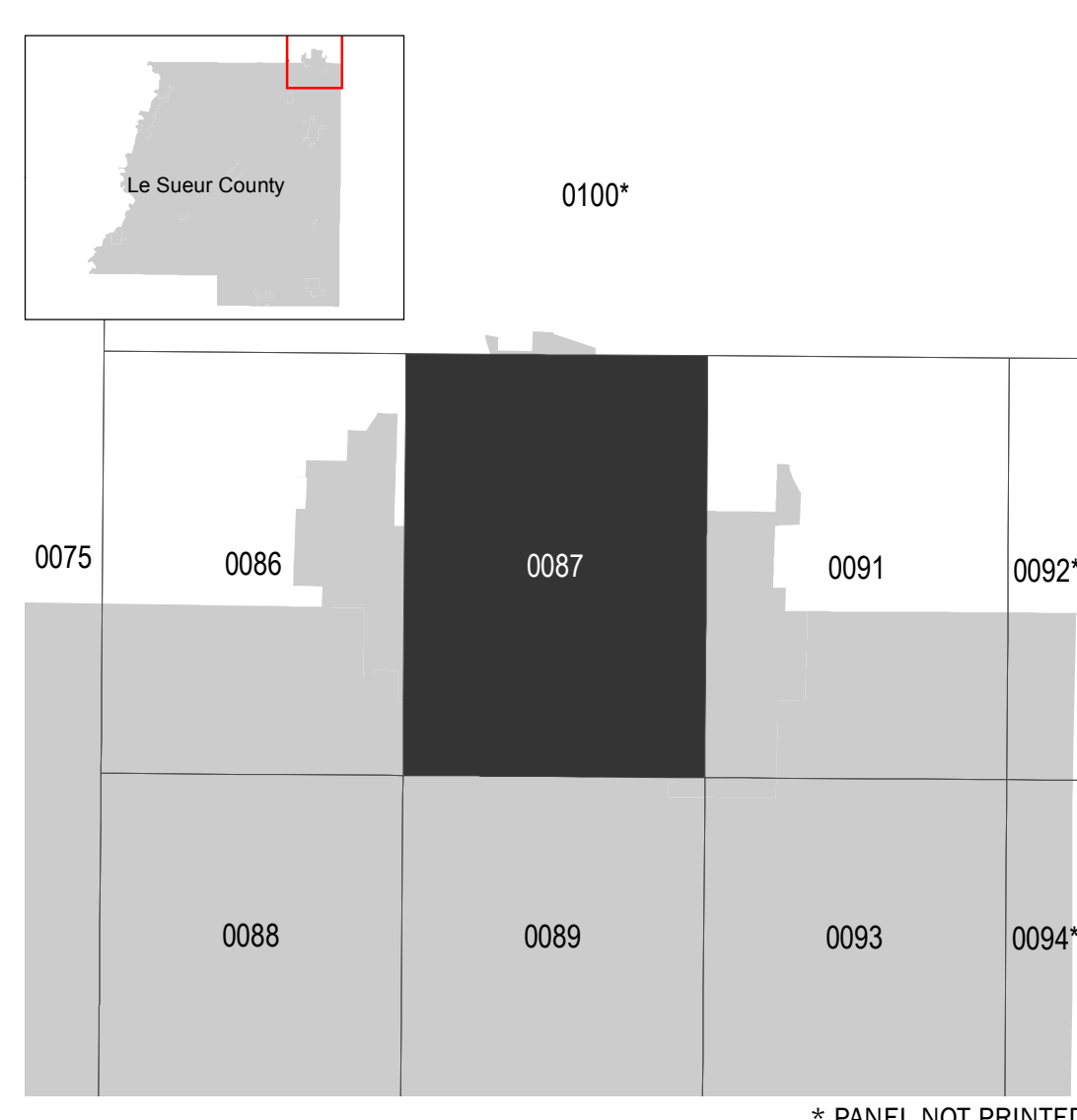
To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Base map information shown on this FIRM was derived from USDA Aerial Photography Field Office Imagery, dated 2015, and digital data provided by Le Sueur County GIS, 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

COMMUNITY	NUMBER	PANEL	SUFFIX
LE SUEUR COUNTY	270246	0087	E
NEW PRAGUE, CITY OF	270249	0087	E

**PRELIMINARY**

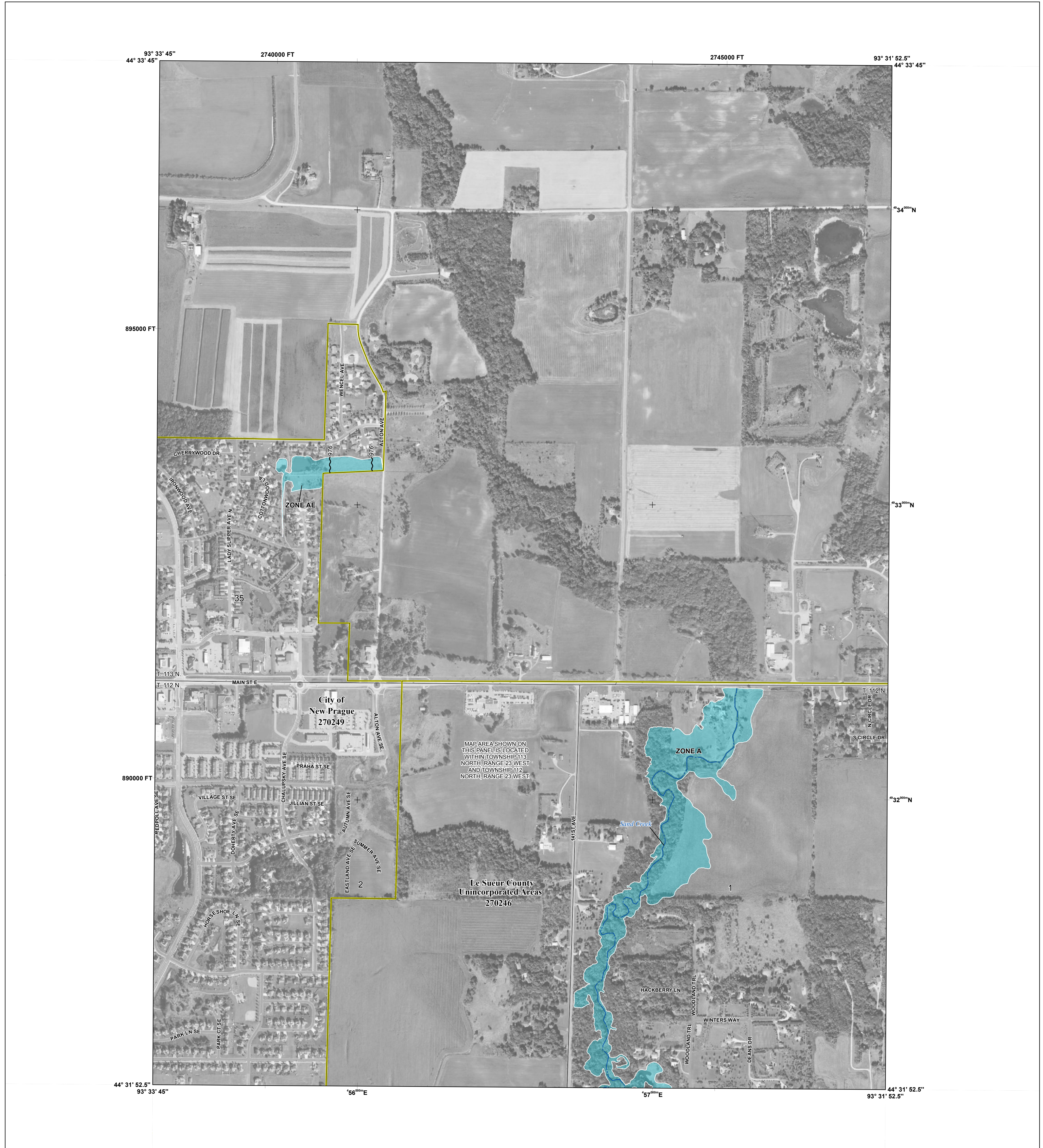
**7/14/2022**

VERSION NUMBER  
**2.6.3.5**

MAP NUMBER  
**27079C0087E**

MAP REVISED





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	With BFE or Depth Zone AE, AO, AH, VE, AR
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	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
	NO SCREEN Area of Minimal Flood Hazard Zone X
	Area of Undetermined Flood Hazard Zone D
	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall
	18.2 17.5 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

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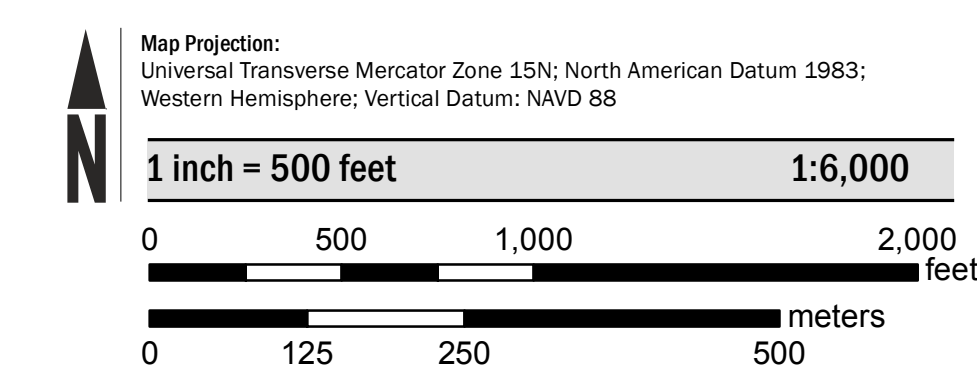
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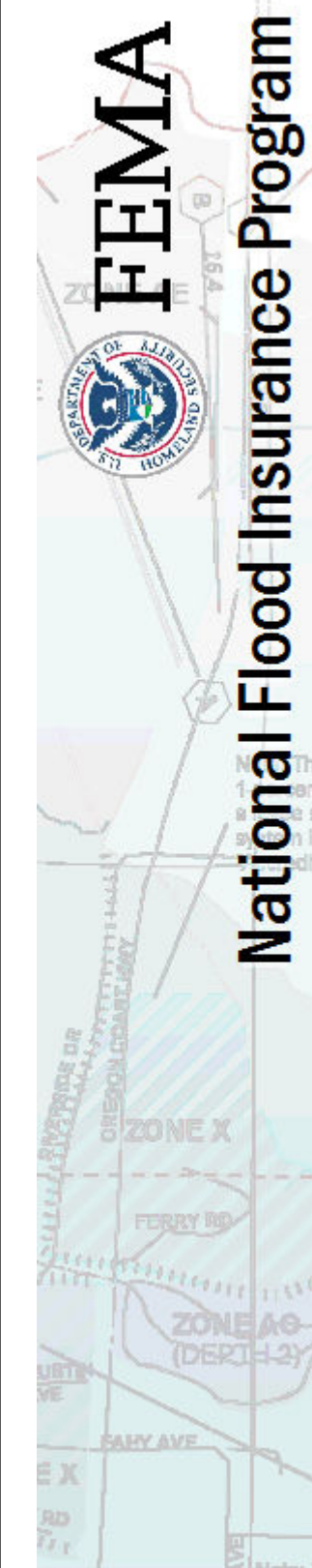
**SCALE**



**PANEL LOCATOR**



\* PANEL NOT PRINTED



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

LE SUEUR COUNTY, MINNESOTA  
 and Incorporated Areas

PANEL 91 of 435

COMMUNITY	NUMBER	PANEL	SUFFIX
LE SUEUR COUNTY	270246	0091	E
NEW PRAGUE, CITY OF	270249	0091	E

**PRELIMINARY  
 7/14/2022**

VERSION NUMBER  
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 MAP NUMBER  
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 MAP REVISED