



City of Mora
Kanabec County, Minnesota
Meeting Agenda
Planning Commission

Mora City Hall
101 Lake Street S
Mora, MN 55051

Monday, February 8, 2021

5:30 PM

Mora City Hall

City of Mora Code of Ordinances, Chapter 32: The role of the Planning Commission is to serve the City Council in an advisory capacity on matters relating to citizen requests for action, zoning changes and review, Comprehensive Plan reviews, capital improvement reviews, and other actions as deemed necessary to carry out the functions of a pro-active Planning Commission.

1. Call to Order

2. Roll Call: Carmen Finn, Chad Gramentz, Jake Mathison, Todd Sjoberg and Sara Treiber.

3. Adopt Agenda *(No item of business shall be considered unless it appears on the agenda for the meeting. Board members may add items to the agenda prior to adoption of the agenda.)*

4. Approval of Minutes

a. January 11, 2021 Meeting

5. Public Hearings

a. Public hearing to consider a Text Amendment to City of Mora Code of Ordinances, Title XV Land Usage, Chapter 152 Floodplain Management, involving the repeal and replacement of the chapter in its entirety. The proposed Text Amendment was initiated by the City of Mora.

6. Open Forum

7. New Business

None

8. Old Business

None

9. Reports *(In addition to the items listed below, each board and staff member will be given the opportunity to share information.)*

a. ISD 332 Request for Conditional Use Permit

b. *Planning Magazine Article "Here Comes the Neighborhood"*

10. Adjournment

The next regular meeting is scheduled for Monday, March 8, 2021 at 5:30 PM.

Photo: Planning Commission members will take individual photos immediately following the meeting.

**City of Mora, MN
PLANNING COMMISSION
Meeting Minutes**

January 11, 2021

Present: Carmen Finn, Chad Gramentz, Jake Mathison, Todd Sjoberg and Sara Treiber
Absent: None
Staff Present: Community Development Director Beth Thorp
Others Present: Derek Carlson and Adam Farnum

1. Call to Order. Chair Sjoberg called the meeting to order at 5:30 pm.
2. Oath of Office. Sara Treiber pledged the oath of office for a three-year term expiring on December 31, 2023.
3. Roll Call.
 - Finn – Present
 - Gramentz – Present
 - Mathison – Present
 - Sjoberg – Present
 - Treiber – Present
4. Adopt Agenda. Motion by Gramentz, second by Mathison to adopt the January 11, 2021 agenda as presented. All present voted aye, motion carried.
5. Approval of Minutes. Motion by Gramentz, second by Mathison to approve the December 7, 2020 meeting minutes as presented. All present voted aye, motion carried.
6. Election of Officers. Sjoberg asked for nominations for 2021 officers. Motion by Treiber, second by Mathison to nominate Sjoberg as Chair and Gramentz as Vice Chair. All present voted aye, motion carried.
7. Public Hearings. None
8. Open Forum. No members of the public were present for open forum.
9. New Business. None
10. Old Business.
 - a. Conditional Use Permit for 1200 North Industrial Road – NorthStar RE LLC. Thorp provided background of the Conditional Use Permit (CUP) granted in May 2020 to allow Mining at 1200 North Industrial Road, explaining that a large amount of excess dirt was stockpiled following a construction project and the property owner was granted a CUP for Mining to remove the dirt. Thorp further explained that the CUP required that the property owner complete final grading and landscaping of the site following removal of the excess dirt, and that a financial security was submitted for the grading and landscaping work. Thorp stated that the CUP provided timelines for work to be completed and the property owner failed to meet all of the deadlines, adding that with work not yet complete the CUP may no longer be valid. Thorp explained that, despite the conditions of the CUP not being met, staff has

continued to work with the property owner in an effort to meet the conditions of the CUP. Thorp introduced Derek Carlson, representing NorthStar RE LLC, stating that Carlson was in attendance to present a request. Carlson reviewed the outstanding work that needed to be completed at 1200 North Industrial Road, including seeding of all disturbed areas and final grading per plans previously approved by the city. Carlson explained that one of the issues complicating the work was the installation of a fence on the subject site prior to final grading. Carlson continued to explain that the site was leveled according to what was believed to be the original grade but elevations were not verified, therefore leaving final grading and landscaping as outstanding items. Carlson again commented that the installation of a fence was an issue because it was unknown how far off the grading was, and suggested that the city engineer may need to approve an as-built once elevations were determined. Carlson requested an extension of time – suggesting end of May or June 1, 2021 – to complete the final grading and landscaping. Carlson then explained that the original financial security provided to the city was based on a bid to remove 2,000-3,000 yards of dirt from the site; however, based on reports from haulers, the final amount of dirt removed was closer to 8,000 yards. Carlson went on to explain that he was having financial struggles with his investor / the property owner, and requested a revised financial security be provided to the city in the form of a second mortgage on the property. Carlson, acknowledging that previous fees paid to the city by check from the property owner had not cleared, explained that he wanted to provide the city with a sound financial security. Sjoberg asked Carlson for rough estimates to complete all work at the site; Carlson estimated \$2,000 for civil engineering work and \$10,000 for seeding the entire lot. Carlson shared that the previous landscaping bid provided to the city included hydroseeding half of the lot for approximately \$19,000. Thorp confirmed that the hydroseeding bid was \$19,800. Sjoberg commented that he wants the work to be completed and for the business to open, explaining that he had previously told Thorp that he doesn't want to be hard on businesses. Sjoberg went on to say that the property owner had missed deadlines and the work needed to be completed. In response to Carlson's suggestion to provide a financial security in the form of a second mortgage, Sjoberg commented that the cost and process involved in a second mortgage was too prohibitive for the purpose. Carlson, agreeing with Sjoberg, commented that he preferred to provide a certified check. Sjoberg stated that he understood that the business has had troubles becoming operational and he offered support for coming up with a plan to finish the project. Carlson suggested that he obtain new quotes from his civil engineer, Carlson McCain, for shooting grades and preparing an as-built survey. Gramentz asked if a new CUP would be required for this project; Thorp explained that the property owner failed to meet the conditions of the May 2020 CUP but city staff has continued to work with the property owner in an effort to complete the project per the terms of the original CUP resolution. Thorp cautioned that the city must apply and enforce regulations evenly, adding that it was difficult to apply and enforce regulations on another property when not enforcing on the subject site. Thorp suggested that, if the commission feels strongly about a desired course of action, it should make a recommendation for the City Council's consideration. Thorp added that any change in amount of financial security provided by the property owner to the city would require submission of new quotes for final grading and landscaping of the site, explaining that the financial security is required to be 125% of the estimated total cost of the [final grading and landscaping] improvements. Sjoberg commented that the amount of the previous financial security was significant and that he'd personally like the council to reconsider the amount necessary. Thorp explained the purpose of the deposit, stating that the funds would be used by the city to complete the work if the property owner failed to do so and the city would need to be certain that sufficient funds were available. Mathison suggested presenting a

recommendation to the City Council. Treiber, acknowledging the need to apply and enforce regulations evenly, commented that she'd recommend leniency to any business currently based on it having been a difficult year and offered support for an extension of time to NorthStar RE LLC to complete the work. Treiber added that the outstanding items are not hurting anyone, they're not negatively impacting neighbors, and they're not creating an eyesore. Mathison also offered general support for an extension of time. Thorp expressed concern with Carlson's proposed extended deadline of end of May 2021, explaining that any new deadline needed to be realistic with seasons / potential weather; Treiber and Gramentz added that road restrictions may not even be lifted until the end of May. Sjoberg suggested a new deadline of July 1, 2021. Thorp asked the commission how it would like to proceed with the financial security and if it would like NorthStar RE LLC to provide the city with new quotes; Sjoberg commented that Carlson's rough estimates should be adequate. Thorp reminded the commission and Carlson that the financial security was required to be 125% of the estimated total cost of improvements. Motion by Treiber, second by Gramentz to recommend that the City Council grant an extension of the conditions of Resolution No. 2020-521 allowing NorthStar RE LLC to complete the final grading and landscaping of 1200 North Industrial Road by July 1, 2021, with no allowance for additional extensions, and allowing the submission of new quotes from NorthStar RE LLC to the city for final grading and landscaping in order to reestablish the amount of financial security required for the project. Further, the financial security should be provided by NorthStar RE LLC to the city in the form of a letter of credit or certified check. All present voted aye, motion carried. Thorp reminded Carlson to submit new quotes promptly, adding that NorthStar RE LLC's request and the Planning Commission's recommendation will not be forwarded to the City Council until new quotes are submitted to the city. Thorp also reminded Carlson that the quotes should be for final grading and landscaping, rather than removal of dirt and landscaping as previously submitted.

Carlson provided the commission with history of the project and a general update. Carlson explained that the project began in 2018; he worked with the Kanabec County EDA to request assistance from the state through the Minnesota Investment Fund (MIF) and he worked with the Mora EDA to purchase the industrial park property at a reduced cost based on job creation. Carlson explained that the MIF award was terminated and construction expenses were coming in at approximately twice the project budget. Carlson stated that he had nearly all equipment necessary to start production of pontoons, with just a couple of custom items remaining. Carlson added that he was approximately \$300,000 short in inventory to build his first 50 boats. Carlson said that the current investment in the project was approximately \$2,000,000.00. Carlson went on to share that his goal was to build 500-1,000 boats annually, in addition to taking on some other contract work.

11. Verbal Reports.

- a. Floodplain Management Ordinance. Thorp informed the commission that the next step in the Floodplain Management Ordinance update was for the Planning Commission to conduct a public hearing, and the public hearing would be scheduled for February 8, 2021. Thorp asked the commission to consider whether the public hearing should be conducted in-person or via WebEx given the current pandemic and unknown number of audience members. Commission members discussed room capacity, which option created most accessibility for the public, and public interest in the proposed update. Thorp commented that, regardless of how the public hearing is conducted, the public hearing notice would be written to encourage submission of written comments. Gramentz suggested advertising the meeting as a hybrid meeting, allowing for in-person and virtual attendance; Treiber shared

that hybrid meetings were difficult in terms of audio quality. Thorp suggested that if there was significant public interest the public hearing could be continued to allow for additional public comment. Thorp stated that the public hearing notice would be published in the newspaper, added to the city's website and advertised on Facebook, adding that she recommended running the newspaper notice for two weeks rather than the one week required by statute. Mathison suggested the fire hall could be used for the public hearing; Treiber cautioned that the fire hall, despite being a larger space, was a challenging space for meetings due to it being difficult to hear others. Finn suggested starting the public hearing as an in-person meeting and then switching to WebEx if the number of attendees warranted it; Thorp stated that public hearings needed to be advertised with the meeting location and a virtual option could not be added later. Thorp recommended that the public hearing be held in-person with encouragement to submit written comments prior to the meeting and with the option to continue the public hearing if necessary in order to gather all public comment. The consensus of the commission was to schedule the February 8, 2021 meeting and the public hearing for the Floodplain Management Ordinance update as an in-person meeting.

- b. Contact Information. Thorp reminded all commissioners to complete and submit the annual contact information form.

- 12. Adjournment. Motion by Gramentz, second by Mathison to adjourn. All present voted aye, motion carried and the meeting was adjourned at 6:02 pm.

Todd Sjoberg
Chair

ATTEST: _____
Beth Thorp
Community Development Director



MEMORANDUM

TO: Planning Commission
 FROM: Beth Thorp, Community Development Director
 SUBJECT: Public hearing to consider a Text Amendment to the City's Floodplain Management Ordinance
 DATE: February 8, 2021

SUMMARY

The Planning Commission will conduct a public hearing to consider a Text Amendment to City of Mora Code of Ordinances, Title XV Land Usage, Chapter 152 Floodplain Management, involving the repeal and replacement of the chapter in its entirety and adoption of the City of Mora Flood Prone Areas Map. The proposed Text Amendment was initiated by the City of Mora.

DISCUSSION

The purpose of the Floodplain Management Ordinance is to regulate development in the flood hazard areas of the city, and promote the public health, safety, and general welfare by minimizing losses and disruptions. Flood hazard areas are subject to periodic inundation, which may result in: the 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. The city's current Floodplain Management Ordinance was adopted in 1997, making it outdated and in need of review. The Planning Commission began reviewing the Floodplain Management Ordinance in February 2019 with the intent of developing a draft ordinance for the City Council's consideration.

The Planning Commission has developed a draft Floodplain Management Ordinance based on the MN Department of Natural Resources' (DNR) model ordinance. In addition, to address local flooding concerns and with full support from the DNR, the commission is proposing the establishment of a new flood district – known as the Flood Prone District – and a corresponding City of Mora Flood Prone Areas Map. The commission's goal in proposing the Flood Prone District is to create awareness of potential flooding and prevent flood damage rather than prohibiting development; therefore, the draft ordinance provides recommendations for new development in flood prone areas rather than strict regulations.

Because the proposed City of Mora Flood Prone Areas Map identifies many properties as being flood prone and the proposed recommendations may have an impact on future development, the commission notified all impacted property owners by letter and held an open house on September 30, 2020. Approximately 400 letters were mailed to private and public property owners. Staff and commissioners spoke directly with many of these impacted property owners to explain the purpose of the proposed Flood Prone District and answer questions. Based on staff's conversations, the biggest concern was the potential requirement for flood insurance. Staff learned from the DNR that a flood prone designation would not trigger the need for insurance; rather, property owners are required to purchase flood insurance if the insured structure (not unimproved land) is located within the 100-year floodplain and if the property has a mortgage or loan on it from a federally regulated institution. Some of the proposed

flood prone properties do happen to be located within the 100-year floodplain; however, the flood prone designation in itself would not trigger the need for insurance.

The draft Floodplain Management Ordinance and City of Mora Flood Prone Areas Map was reviewed by the DNR and received conditional approval on April 13, 2020. No significant changes have been made to the draft ordinance since receiving conditional approval; however, the draft ordinance was submitted to the DNR again on January 15th in preparation for the public hearing. A response from DNR Floodplain and Shoreland Planner Matt Bauman stated that the conditional approval letter received in April 2020 is still applicable.

The City Engineer and City Attorney have been involved in the review process and proposed establishment of the Flood Prone District. Both received copies of the draft ordinance for review and comment, and neither provided any suggested changes.

A public hearing notice was published in the Kanabec County Times on January 21st and 28th; the public hearing was also advertised on the city's website and Facebook page. Due to COVID-19 the notice encouraged those wishing to provide testimony to do so in writing, with written testimony requested to be submitted by Friday, February 5th. Staff received one inquiry from an impacted property owner at 419 McLean Street interested in viewing the proposed City of Mora Flood Prone Areas Map. No verbal or written comments were received from the public as of February 5th at 12:00 pm.

STAFF RECOMMENDATION

Staff recommends approval of the Text Amendment.

ACTION REQUESTED

Motion to approve Resolution No. PC2021-201, as presented or amended, and move its approval.

ATTACHMENTS

Resolution No. PC2021-201

Draft Chapter 152 Floodplain Management Ordinance

Draft City of Mora Flood Prone Areas Map (three map sheets: North Half, South Half, and AE2S Regional Analysis)

RESOLUTION NO. PC2021-201

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORA, MINNESOTA,
RECOMMENDING APPROVAL OF A TEXT AMENDMENT TO CITY OF MORA CODE OF ORDINANCES,
TITLE XV LAND USAGE, CHAPTER 152 FLOODPLAIN MANAGEMENT**

WHEREAS, the purpose of Chapter 152 Floodplain Management is to regulate development in the flood hazard areas of the city, and promote the public health, safety, and general welfare by minimizing losses and disruptions. Flood hazard areas are subject to periodic inundation, which may result in: the 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; and

WHEREAS, Chapter 152 Floodplain Management was adopted by the City Council in 1997 and has become outdated and consequently the City of Mora has initiated a Text Amendment to consider an updated Chapter 152 Floodplain Management Ordinance and corresponding City of Mora Flood Prone Areas Map; and

WHEREAS, the draft Chapter 152 Floodplain Management Ordinance and corresponding City of Mora Flood Prone Areas Map received conditional approval from the Minnesota Department of Natural Resources on April 13, 2020; and

WHEREAS, notice was provided and on February 8, 2021, the Planning Commission conducted a public hearing regarding the proposed Text Amendment, at which it heard from the Community Development Director and invited members of the public to comment; and

WHEREAS, the Planning Commission has found the Text Amendment to be in the best interest of the public.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MORA, MINNESOTA, AS FOLLOWS:

That the Planning Commission recommends approval of a Text Amendment to City of Mora Code of Ordinances, Title XV Land Usage, Chapter 152 Floodplain Management by repealing said chapter in its entirety and adopting attached Appendix A, Chapter 152 Floodplain Management Ordinance, in its place.

FURTHER, that the Planning Commission recommends adopting attached Appendices B1-B3, City of Mora Flood Prone Areas Map (three map sheets), which is referenced in and supports Appendix A.

Adopted by the Planning Commission of the City of Mora, Minnesota, this 8th day of February, 2021.

Todd Sjoberg _____
Chad Gramentz _____
Sara Treiber _____

Carmen Finn _____
Jake Mathison _____

Todd Sjoberg
Chair

ATTEST:

Beth Thorp
Community Development Director

CITY OF MORA, MN
CODE OF ORDINANCES
CHAPTER 152: FLOODPLAIN MANAGEMENT ORDINANCE

Section

Statutory Authorization, Findings of Fact and Purpose

- 152.001 Statutory Authorization
 152.002 Findings of Fact and Purpose

General Provisions

- 152.010 Lands to Which Ordinance Applies
 152.011 Incorporation of Maps by Reference
 152.012 Abrogation and Greater Restrictions
 152.013 Warning and Disclaimer of Liability
 152.014 Severability
 152.015 Definitions
 152.016 Annexations

Establishment of Floodplain Districts

- 152.020 Districts
 152.021 Applicability

Requirements for all Floodplain Districts

- 152.030 Minimum Development Standards
 152.031 Flood Capacity
 152.032 Storage and Processing of Materials
 152.033 Critical Facilities

Floodway District (FW)

- 152.040 Permitted Uses
 152.041 Standards for Floodway Permitted Uses
 152.042 Conditional Uses
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Flood Fringe District (FF)

- 152.050 Permitted Uses
 152.051 Standards for Flood Fringe Permitted Uses
 152.052 Conditional Uses
 152.053 Standards for Flood Fringe Conditional Uses

General Floodplain District (GF)

- 152.060 Permitted Uses
- 152.061 Procedures for Determining Floodway Boundaries and Regional Flood Elevations

Flood Prone District (FPA)

- 152.070 Flood Prone Areas
- 152.071 Procedures for Amendment to Designation and Map

Land Development Standards

- 152.080 In General
- 152.081 Subdivisions
- 152.082 Building Sites

Utilities, Railroads, Roads, and Bridges

- 152.090 Public Utilities
- 152.091 Public Transportation Facilities
- 152.092 On-Site Water Supply and Sewage Treatment Systems

Manufactured Homes and Recreational Vehicles

- 152.100 Manufactured Homes
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Administration

- 152.110 Duties
- 152.111 Permit Requirements
- 152.112 Variances
- 152.113 Conditional Uses

Nonconformities

- 152.120 Continuance of Nonconformities

Violations and Penalties

- 152.130 Violation Constitutes a Misdemeanor
- 152.131 Other Lawful Action
- 152.132 Enforcement

Amendments

- 152.140 Floodplain Designation – Restrictions on Removal
- 152.141 Amendments Require DNR Approval
- 152.142 Map Revisions Require Ordinance Amendments

STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

§ 152.001 STATUTORY AUTHORIZATION

The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of the City of Mora, Minnesota, does ordain as follows.

§ 152.002 FINDINGS OF FACT AND PURPOSE

- (A) This ordinance regulates development in the flood hazard areas of the City of Mora. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
- (B) National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.
- (C) 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.

GENERAL PROVISIONS

§ 152.010 LANDS TO WHICH ORDINANCE APPLIES

This ordinance applies to all lands within the jurisdiction of the City of Mora within the boundaries of the Floodway, Flood Fringe and General Floodplain Districts. The boundaries of these districts are determined by scaling distances on the Flood Insurance Rate Map, or as modified in accordance with Section 152.021.

- (A) The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.
- (B) Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions, the flood elevations shall be the governing factor in locating the regulatory floodplain limits.
- (C) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Planning Commission and to submit technical evidence.

§ 152.011 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:

- (A) Flood Insurance Studies:

- (1) Kanabec County Minnesota and Incorporated Areas, dated May 1978
- (2) City of Mora, Kanabec County, dated September 1977
- (B) Flood Insurance Rate Map panels:
 - (1) Kanabec County Panel 2702140200A, dated November 1, 1978
 - (2) City of Mora Panel 2702160001B, dated September 1, 1977
- (C) Flood Boundary Floodway Map panels:
 - (1) City of Mora Panel 270216001, dated September 1, 1977
- (D) City of Mora Flood Prone Areas Map

These materials are on file in the offices of the City of Mora Community Development Department.

§ 152.012 ABROGATION AND GREATER RESTRICTIONS

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

§ 152.013 WARNING AND DISCLAIMER OF LIABILITY

This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City of Mora or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

§ 152.014 SEVERABILITY

If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

§ 152.015 DEFINITIONS

Unless specifically defined below, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.

ACCESSORY USE OR STRUCTURE. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

BASE FLOOD. The flood having a one percent chance of being equaled or exceeded in any given year.

BASE FLOOD ELEVATION. The elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance study.

BASEMENT. Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

CONDITIONAL USE. A specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:

- (1) Certain conditions as detailed in the Zoning Code exist, and

- (2) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

CRITICAL FACILITIES. Facilities necessary to a community's public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.

DEVELOPMENT. Any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

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.

FARM FENCE. An open type of fence of posts and horizontally run wire, further defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d), and is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this ordinance.

FLOOD. A temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

FLOOD FREQUENCY. The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

FLOOD FRINGE. The portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study.

FLOOD INSURANCE RATE MAP. An official map 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).

FLOOD PRONE AREA. Any land susceptible to being inundated by water from any source, as identified by the city flood prone map, or as determined by the local zoning administrator or city engineer.

FLOODPLAIN. The beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

FLOODPROOFING. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

FLOODWAY. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

LOWEST FLOOR. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 Code of Federal Regulations, Part 60.3.

MANUFACTURED HOME. A structure, transportable in one (1) or more sections, which when erected on site is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a single family dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein. The term “manufactured home” does not include the term “recreational vehicle.”

NEW CONSTRUCTION. Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this ordinance.

OBSTRUCTION. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

ONE HUNDRED YEAR FLOODPLAIN. Lands inundated by the “Regional Flood” (see definition).

PRINCIPAL USE OR STRUCTURE. All uses or structures that are not accessory uses or structures.

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.

RECREATIONAL VEHICLE. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”

REGIONAL FLOOD. A flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term “base flood” used in a flood insurance study.

REGULATORY FLOOD PROTECTION ELEVATION (RFPE). An elevation not less than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

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.

SPECIAL FLOOD HAZARD AREA. A term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”

START OF CONSTRUCTION. Includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit’s expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor

does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

STRUCTURE. Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, decks manufactured homes, recreational vehicles not considered travel ready as detailed in Section 152.101 (B) of this ordinance and other similar items.

SUBSTANTIAL DAMAGE. Means damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

SUBSTANTIAL IMPROVEMENT. Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

- (1) 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
- (2) Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is as defined in 44 Code of Federal Regulations, Part 59.1.

§ 152.016 ANNEXATIONS

The Flood Insurance Rate Map panels adopted by reference into Section 152.011 above may include floodplain areas that lie outside of the corporate boundaries of the City of Mora at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Mora 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.

ESTABLISHMENT OF FLOODPLAIN DISTRICTS

§ 152.020 DISTRICTS

- (A) Floodway District. The Floodway District includes those areas within Zones A10, A11 delineated within floodway areas as shown on the Flood Insurance Rate Maps and Flood Boundary and Floodway Maps adopted in Section 152.011. For lakes, wetlands and other basins, the Floodway District also includes those areas that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.
- (B) Flood Fringe District. The Flood Fringe District includes areas within Zones A10, A11 on the Flood Insurance Rate Map and Flood Boundary and Floodway Maps adopted in Section 152.011, but located outside of the floodway. For lakes, wetlands and other basins, the Flood Fringe District also includes areas mapped in Zones A or A10, which are below the 1% annual chance (100 year) flood

elevation but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

- (C) General Floodplain District. The General Floodplain District includes those areas within Zone A that do not have a floodway delineated as shown on the Flood Insurance Rate Map adopted in Section 152.011.
- (D) Flood Prone District. The Flood Prone District includes those areas that are outside of Zones A, A10, and A11 as shown on the Flood Insurance Rate Maps and Flood Boundary and Floodway Maps, but are identified as Flood Prone on the City of Mora Flood Prone Areas Map adopted in Section 152.011. Only that portion of property identified on the map as being flood prone shall be designated as such and shall be subject to Section 152.070; and, any portion of the same property which is not identified as being flood prone shall not be subject to Section 152.070.

§ 152.021 APPLICABILITY

Where Floodway and Flood Fringe Districts are delineated on the floodplain maps, the standards in Sections 152.040 – 152.053 will apply, depending on the location of a property. Locations where Floodway and Flood Fringe Districts are not delineated on the floodplain maps are considered to fall within the General Floodplain District. Within the General Floodplain District, the Floodway District standards in Sections 152.040 – 152.043 apply unless the floodway boundary is determined, according to the process outlined in Section 152.061. In no cases shall floodplain development adversely affect the efficiency or unduly restrict or reduce the capacity of the channels of floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems.

REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS

§ 152.030 MINIMUM DEVELOPMENT STANDARDS

All new construction and substantial improvements must be:

- (A) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (B) Constructed with materials and utility equipment resistant to flood damage;
- (C) Constructed by methods and practices that minimize flood damage; and
- (D) Constructed with electrical, heating, ventilation, ductwork, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

§ 152.031 FLOOD CAPACITY

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

§ 152.032 STORAGE AND PROCESSING OF MATERIALS

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.

§ 152.033 CRITICAL FACILITIES

Critical Facilities, as defined in Section 152.015, are to be located, so that the lowest floor is not less than two feet above the regional flood elevation, or the 500 year flood elevation, whichever is higher.

FLOODWAY DISTRICT (FW)

§ 152.040 PERMITTED USES

The following uses, subject to the standards set forth in Section 152.041, are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

- (A) General farming, pasture, grazing, farm fences, outdoor plant nurseries, horticulture, forestry, sod farming, and wild crop harvesting.
- (B) Industrial and commercial loading areas, parking areas, streets, trails, airport landing strips, railroads, bridges, culverts, utility transmission lines and pipelines.
- (C) Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.
- (D) Residential yards, lawns, gardens, parking areas, and play areas, provided these uses do not include associated accessory structures.
- (E) Grading or land alterations associated with stabilization projects.

§ 152.041 STANDARDS FOR FLOODWAY PERMITTED USES

- (A) The use must have a low flood damage potential.
- (B) The use must not involve structures or obstruct flood flows. The use must not cause any increase in flood damages, nor any increase in flood elevations in areas where a floodway has been established, as certified by a registered professional engineer.
- (C) Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

§ 152.042 CONDITIONAL USES

The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 152.113 of this ordinance and further subject to the standards set forth in Section 152.043, if otherwise allowed in the underlying zoning district.

- (A) Structures accessory to primary uses listed in 152.040 (A) – (C) above and primary uses listed in 152.042 (B) – (C) below.
- (B) Extraction, fill and storage of soil, sand, gravel, and other materials.
- (C) Marinas, boat rentals, permanent docks, piers, wharves, water control structures, and navigational facilities.
- (D) Storage yards for equipment, machinery, or materials.
- (E) Fences that have the potential to obstruct flood flows.

- (F) Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

§ 152.043 STANDARDS FOR FLOODWAY CONDITIONAL USES

- (A) A conditional use must not cause any increase in flood damages, nor any increase in flood elevations in areas where a floodway has been established, as certified by a registered professional engineer.
- (B) Fill; Storage of Materials and Equipment:
- (1) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.
 - (2) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the City Council has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.
- (C) Accessory Structures. Accessory structures, as identified in Section 152.042 (A), may be permitted, provided that:
- (1) Structures are not intended for human habitation;
 - (2) Structures will have a low flood damage potential;
 - (3) Structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;
 - (4) Structures must be elevated on fill or structurally dry floodproofed and watertight to the regulatory flood protection elevation. Certifications consistent with Section 152.111 (C) shall be required.
 - (5) As an alternative, an accessory structure may be floodproofed in a way to accommodate internal flooding. 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, 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. A floodproofing certification consistent with Section 152.111 (C) shall be required.
- (D) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.
- (E) A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.

FLOOD FRINGE DISTRICT (FF)

§ 152.050 PERMITTED USES

Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Sections 152.051. If no pre-existing, underlying zoning districts exist, then any residential or nonresidential structure or use of a structure or land is a permitted use provided it does not constitute a public nuisance.

§ 152.051 STANDARDS FOR FLOOD FRINGE PERMITTED USES

- (A) All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the community.
- (B) Accessory Structures. As an alternative to the fill requirements of Section 152.051 (A), structures accessory to the uses identified in Section 152.050 may be designed to accommodate the inundation of floodwaters, meeting the following provisions:
 - (1) The accessory structure constitutes a minimal investment and satisfy the development requirements in Section 152.031.
 - (2) Any enclosed accessory structure shall not exceed 576 square feet in size, and only be used for parking and storage. Any such structure shall be designed and certified by a registered professional engineer, or be designed in accordance with the following floodproofing standards:
 - (a) 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.
- (C) The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Section 152.051 (A) of this ordinance, or if allowed as a conditional use under Section 152.052 (C) below.
- (D) All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.
- (E) All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.
- (F) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the City Council.
- (G) Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.
- (H) Manufactured homes and recreational vehicles must meet the standards of Sections 152.100 and 152.101 of this ordinance.

§ 152.052 CONDITIONAL USES

The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 152.113 of this ordinance and further subject to the standards set forth in Section 152.053, if otherwise allowed in the underlying zoning district(s).

- (A) The placement of floodproofed nonresidential basements below the regulatory flood protection elevation. Residential basements, are not allowed below the regulatory flood protection elevation.
- (B) The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Section 152.051 (A) of this ordinance.
- (C) The use of methods other than fill to elevate structures above the regulatory flood protection elevation. This includes the use of: stilts, pilings, filled stem walls, or above-grade, internally flooded enclosed areas such as crawl spaces or tuck under garages, meeting the standards in Section 152.053 (E).

§ 152.053 STANDARDS FOR FLOOD FRINGE CONDITIONAL USES

- (A) The standards for permitted uses in the flood fringe, listed in Sections 152.051 (C) – (H), apply to all conditional uses.
- (B) All areas of non-residential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with classifications in the State Building Code. Structurally dry floodproofing must meet the FP1 or FP2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A floodproofing certification consistent with Section 152.111 (C) shall be required.
- (C) The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.
 - (1) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.
 - (2) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Council.
 - (3) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
- (D) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood; and 3) it is used solely for parking of vehicles, building access or storage. These alternative elevation methods are subject to the following additional standards:
 - (1) Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and include a minimum of two openings on at least two sides of the structure. The bottom of all openings shall be no higher than one foot above grade, and have a minimum net area of not less than one square inch for every square foot of enclosed area subject to

flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice.

- (2) Floodproofing certifications consistent with Section 152.111 (C) shall be required. The structure shall be subject to a deed-restricted nonconversion agreement with the issuance of any permit.

GENERAL FLOODPLAIN DISTRICT (GF)

§ 152.060 PERMITTED USES

- (A) The uses listed in Section 152.040 of this ordinance, Floodway District Permitted Uses, are permitted uses.
- (B) All other uses are subject to the floodway/flood fringe evaluation criteria specified in Section 152.061 below. Sections 152.040 – 152.043 apply if the proposed use is determined to be in the Floodway District. Sections 152.050 – 152.053 apply if the proposed use is determined to be in the Flood Fringe District.

§ 152.061 PROCEDURES FOR DETERMINING FLOODWAY BOUNDARIES AND REGIONAL FLOOD ELEVATIONS

- (A) Requirements for Detailed Studies. Developments greater than 50 lots or 5 acres, or as requested by the Community Development Director, shall be subject to a detailed study to determine the regulatory flood protection elevation and the limits of the Floodway District. The determination of the floodway and flood fringe must be consistent with accepted hydrological and hydraulic engineering standards, and must include the following components, as applicable:
 - (1) Estimate the peak discharge of the regional (1% chance) flood.
 - (2) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - (3) Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than one-half (0.5) foot. A lesser stage increase than 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries, unless development or geographic features warrant other analysis, as approved by the Department of Natural Resources.
- (B) Alternative Methods. For areas where a detailed study is not available or required, the regional flood elevation must be identified to determine the boundaries of the special flood hazard area. The Community Development Director must use the best available data to determine the regional flood elevation. The entire floodplain must be treated as floodway until there is a floodway determination.
 - (1) In those areas of the Special Flood Hazard Area where the floodway has not been determined, allowable uses are restricted to those identified in Sections 152.040 and 152.042. The proposed development must not increase flood stages more than one-half foot, as determined by a professional engineer or by using accepted engineering practices approved by the Community Development Director. A stage increase less than one-half foot must be used if increased flood damages would result.
 - (2) If buildings or other development prohibited in floodways are proposed, a floodway/flood fringe determination is required to verify the development is within the flood fringe. The floodway

/flood fringe determination must be done by a professional engineer or by using other accepted engineering practices approved by the Community Development Director. Any such proposal must assume a 0.5 foot stage increase for the purposes of determining the regulatory flood protection elevation to accommodate for future cumulative impacts.

- (C) The Community Development Director will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Community Development Director may seek technical assistance from an engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Community Development Director may approve or deny the application.
- (D) Once the Floodway and Flood Fringe District boundaries have been determined, the Community Development Director must process the permit application consistent with the applicable provisions of Sections 152.040 – 152.053 of this ordinance.

FLOOD PRONE DISTRICT (FPA)

§ 152.070 FLOOD PRONE AREAS

If a proposed building site is in a flood prone area, it is recommended that all new construction and improvements be designed (or modified) to:

- (A) Minimize flood damage within the flood prone area.
- (B) Locate and construct all utilities and facilities, such as sewer, gas, electrical, and water systems, to minimize or eliminate flood damage.
- (C) Provide adequate drainage to reduce exposure to flood hazard.
- (D) Anchor any structure to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (E) Incorporate materials and utility equipment resistant to flood damage.
- (F) Use methods and practices that minimize flood damage.
- (G) Incorporate electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

152.071 PROCEDURES FOR AMENDMENT TO DESIGNATION AND MAP

- (A) The flood prone designation on the City of Mora Flood Prone Areas Map must not be removed unless it can be shown that the designation is in error or that conditions have changed resulting from development or flood control and drainage projects and it can be demonstrated that the land is no longer susceptible to being inundated by water from any source. Special exceptions to this rule may be permitted by the City of Mora if it is determined that, through other measures, lands are adequately protected for the intended use.
- (B) The City of Mora may, from time to time or upon request, review the City of Mora Flood Prone Areas Map in order to adjust for changed conditions.

- (C) An application for map amendment shall be obtained from and submitted to the Community Development Director. All amendments to the map shall be reviewed by the Planning Commission and approved by the City Council.

LAND DEVELOPMENT STANDARDS

§ 152.080 IN GENERAL

Recognizing that areas susceptible to flood risk may exist outside of the designated floodplain districts, the requirements of this section apply to all land within the city.

§ 152.081 SUBDIVISIONS

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

- (A) All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.
- (B) All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the City Council. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.
- (C) For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.
- (D) In the General Floodplain District, applicants must provide the information required in Section 152.061 of this ordinance to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.
- (E) All proposals must be reviewed to assure that:
- (1) All such proposals are consistent with the need to minimize flood damage within any area susceptible to flood risk,
 - (2) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - (3) Adequate drainage is provided to reduce exposure of flood hazard.

§ 152.082 BUILDING SITES

If a proposed building site is in a floodprone area, all new construction, including the placement of manufactured homes, must be:

- (A) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
- (B) Constructed with materials and utility equipment resistance to flood damage.

- (C) Constructed by methods and practices that minimize flood damage.
- (D) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- (E) Approved by the City Engineer.

UTILITIES, RAILROADS, ROADS, AND BRIDGES

§ 152.090 PUBLIC UTILITIES

All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.

§ 152.091 PUBLIC TRANSPORTATION FACILITIES

Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 152.040 – 152.053 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

§ 152.092 ON-SITE WATER SUPPLY AND SEWAGE TREATMENT SYSTEMS

Where public utilities are not provided:

- (A) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended.
- (B) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.

MANUFACTURED HOMES AND RECREATIONAL VEHICLES

§ 152.100 MANUFACTURED HOMES

- (A) New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district.
- (B) Placement or replacement of manufactured home units is prohibited in the Floodway District.

§ 152.101 RECREATIONAL VEHICLES

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 be travel ready, meeting the following criteria:

- (A) The vehicle must have a current license required for highway use.

- (B) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
- (C) No permanent structural type additions may be attached to the vehicle.
- (D) Accessory structures may be permitted in the Flood Fringe District, provided that they constitute a minimal investment, do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Sections 152.031 and 152.051 (B).

ADMINISTRATION

§ 152.110 DUTIES

The Community Development Director or other official designated by the City Council shall administer and enforce this ordinance.

§ 152.111 PERMIT REQUIREMENTS

- (A) Administrative Permit Required. An administrative permit must be obtained from the Community Development Director, or his/her designee, or other official designated by the City Council prior to conducting the following activities:
 - (1) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof located within any floodplain district. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.
 - (2) The use or change of use of a building, structure, or land.
 - (3) The construction of a dam or fence that blocks flood flows, or on-site septic system (in conjunction with any other permits required by the city).
 - (4) The change or extension of a non-conforming use.
 - (5) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
 - (6) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
 - (7) Any other type of development as defined in this Section not otherwise considered a conditional use.
- (B) Application for Administrative Permit. Applications for administrative permits must be submitted to the Community Development Director on forms provided by the Community Development Director. Applications shall include the following materials as applicable:
 - (1) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the application.
 - (2) Location of fill or storage of materials in relation to a stream channel.
 - (3) Copies of any required municipal, county, state, or federal permits or approvals.
 - (4) Other relevant information requested by the Community Development Director, or his/her designee, as necessary to properly evaluate the permit application.

- (C) Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect as being in compliance with applicable floodproofing standards in the State Building Code. Accessory structures designed in accordance with Section 152.051 (B) of this ordinance are exempt from certification, provided sufficient assurances are documented.
- (D) 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 Community Development Director, or his/her designee, stating that the use of the building or land conforms to the requirements of this ordinance.
- (E) Recordkeeping of First Floor Elevation, Certifications, and As-Built Documentation. The Community Development Director must maintain records in perpetuity documenting:
- (1) The elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Community Development Director shall also maintain a record of the elevations to which structures and alterations or additions to structures are floodproofed.
 - (2) All certifications referenced in Section 152.111 (C) of this ordinance as applicable.
 - (3) Elevations complying with Section 152.051 (A) of this ordinance. The Community Development Director must also maintain a record of the elevation to which structures and alterations to structures are constructed or floodproofed.
- (F) Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Community Development Director, or his/her designee, must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
- (G) Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Community Development Director, or his/her designee, must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

§ 152.112 VARIANCES

- (A) Application for Variance. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable State Statutes and Section 150.035 of the Zoning Code.
- (B) Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.
- (C) Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

- (1) Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - (2) Variances may only be issued upon:
 - (a) A showing of good and sufficient cause; and
 - (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.
 - (3) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (D) Flood Insurance Notice. The Community Development Director, or his/her designee, must notify the applicant for a variance that:
- (1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (2) Such construction below the base or regional flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
- (E) General Considerations. The Planning Commission and City Council shall consider the following factors in granting and imposing conditions on variances to floodplain requirements:
- (1) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
 - (2) The danger that materials may be swept onto other lands or downstream to the injury of others;
 - (3) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
 - (4) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
 - (5) The importance of the services to be provided by the proposed use to the community;
 - (6) The requirements of the facility for a waterfront location;
 - (7) The availability of viable alternative locations for the proposed use that are not subject to flooding;
 - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
 - (9) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;
 - (10) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

- (F) Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Community Development Director, or his/her designee, must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- (G) Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- (H) Record-Keeping. The Community Development Director, or his/her designee, must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

§ 152.113 CONDITIONAL USES

- (A) Application for Conditional Use. An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section 150.036 of the Zoning Code.
- (B) Factors Used in Decision-Making. The Planning Commission and City Council shall consider all relevant factors specified in other sections of this ordinance and the following factors in granting and imposing conditions on Conditional Uses:
 - (1) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
 - (2) The danger that materials may be swept onto other lands or downstream to the injury of others;
 - (3) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;
 - (4) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
 - (5) The importance of the services to be provided by the proposed use to the community;
 - (6) The requirements of the facility for a waterfront location;
 - (7) The availability of viable alternative locations for the proposed use that are not subject to flooding;
 - (8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
 - (9) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;
 - (10) The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.
- (C) Conditions Attached to Conditional Use Permits. In addition to the standards identified in Sections 152.043 and 152.053, the Planning Commission and City Council may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

- (1) Limitations on period of use, occupancy, and operation.
 - (2) Imposition of operational controls, sureties, and deed restrictions.
 - (3) Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
- (D) Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Community Development Director, or his/her designee, must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.
- (E) Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

NONCONFORMITIES

§ 152.120 CONTINUANCE OF NONCONFORMITIES

A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 152.015 of this ordinance, are subject to the provisions below.

- (A) A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in Section 152.120 (B) below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.
- (B) Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in Section 152.120 (D) below.
- (C) 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.
- (D) If any structure experiences a substantial improvement as defined in this ordinance, then the entire structure must meet the standards of Sections 152.040 – 152.053 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. If the proposed development, including maintenance and repair during the previous 365 days, plus the costs of any previous alterations and additions since the first Flood Insurance Rate Map exceeds 50 percent of the market value of any nonconforming structure, the entire structure must meet the standards of Sections 152.040 – 152.053 of this ordinance.
- (E) If any nonconformity is substantially damaged, as defined in this ordinance, it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Sections 152.040 – 152.053 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.

- (F) If any nonconforming use or structure experiences a repetitive loss, as defined in Section 152.015 of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.
- (G) Structures located in the Flood Prone District shall not be considered nonconformities and shall not be subject to the provisions of Section 152.120.

VIOLATIONS AND PENALTIES

§ 152.130 VIOLATION CONSTITUTES A MISDEMEANOR

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

§ 152.131 OTHER LAWFUL ACTION

Nothing in this ordinance restricts the City of Mora from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Community Development Director within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.

§ 152.132 ENFORCEMENT

Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of Section 150.999 of the Zoning Code. In responding to a suspected ordinance violation, the Community Development Director and City Council may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City of Mora 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.

AMENDMENTS

§ 152.140 FLOODPLAIN DESIGNATION – RESTRICTIONS ON REMOVAL

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

§ 152.141 AMENDMENTS REQUIRE DNR APPROVAL

All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner shall approve the amendments prior to city approval.

§ 152.142 MAP REVISIONS REQUIRE ORDINANCE AMENDMENTS

The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 152.011 of this ordinance.

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

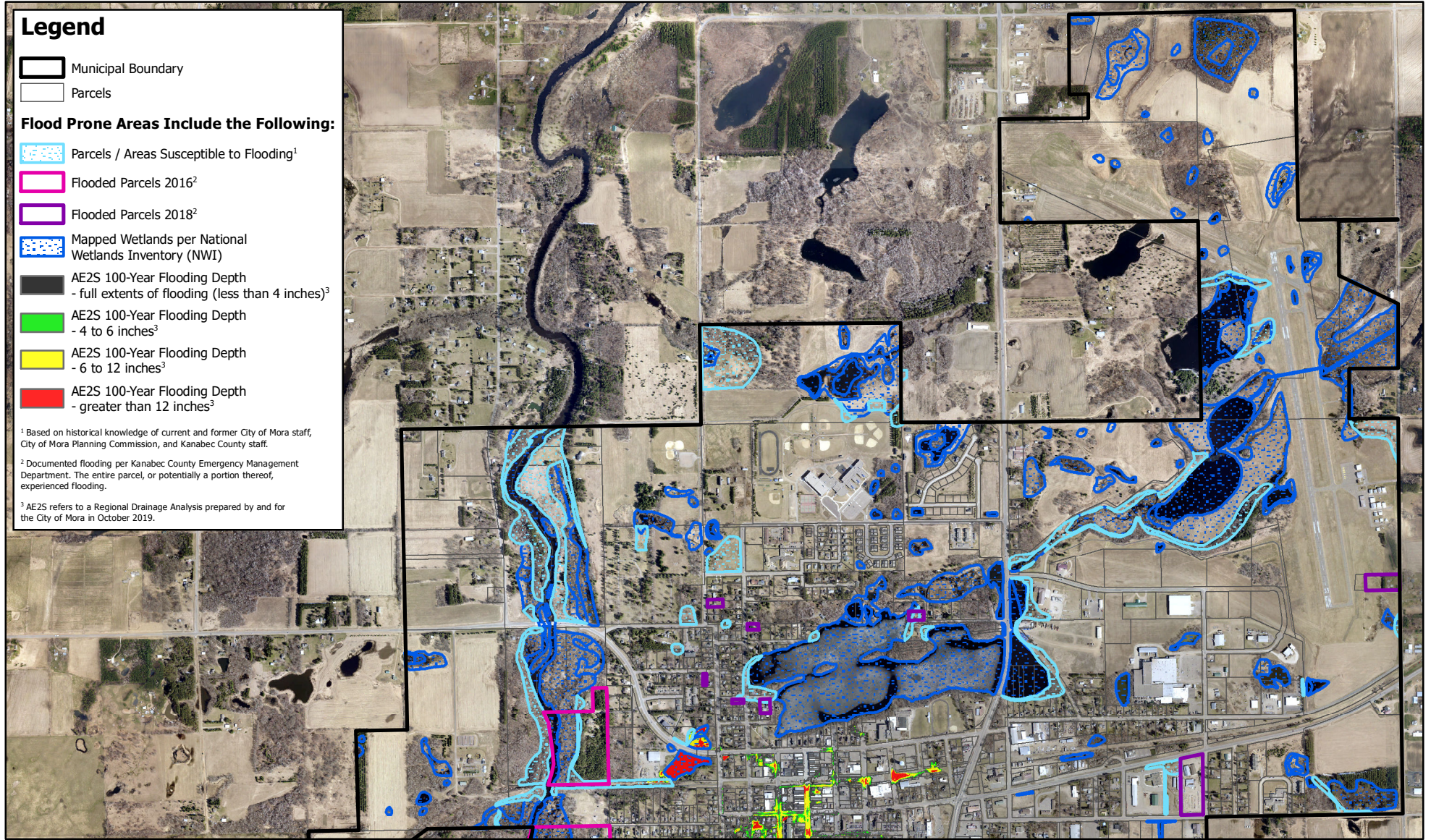
Adopted by the City Council of the City of Mora, Minnesota this ____ day of _____, 2021.

Alan Skramstad
Mayor











ATTEST: _____
Lindy Crawford
City Administrator

DRAFT

City of Mora, MN Flood Prone Areas Map North Half



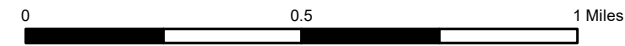
Legend

-  Municipal Boundary
-  Parcels
- Flood Prone Areas Include the Following:**
-  Parcels / Areas Susceptible to Flooding¹
-  Flooded Parcels 2016²
-  Flooded Parcels 2018²
-  Mapped Wetlands per National Wetlands Inventory (NWI)
-  AE2S 100-Year Flooding Depth - full extents of flooding (less than 4 inches)³
-  AE2S 100-Year Flooding Depth - 4 to 6 inches³
-  AE2S 100-Year Flooding Depth - 6 to 12 inches³
-  AE2S 100-Year Flooding Depth - greater than 12 inches³

¹ Based on historical knowledge of current and former City of Mora staff, City of Mora Planning Commission, and Kanabec County staff.

² Documented flooding per Kanabec County Emergency Management Department. The entire parcel, or potentially a portion thereof, experienced flooding.

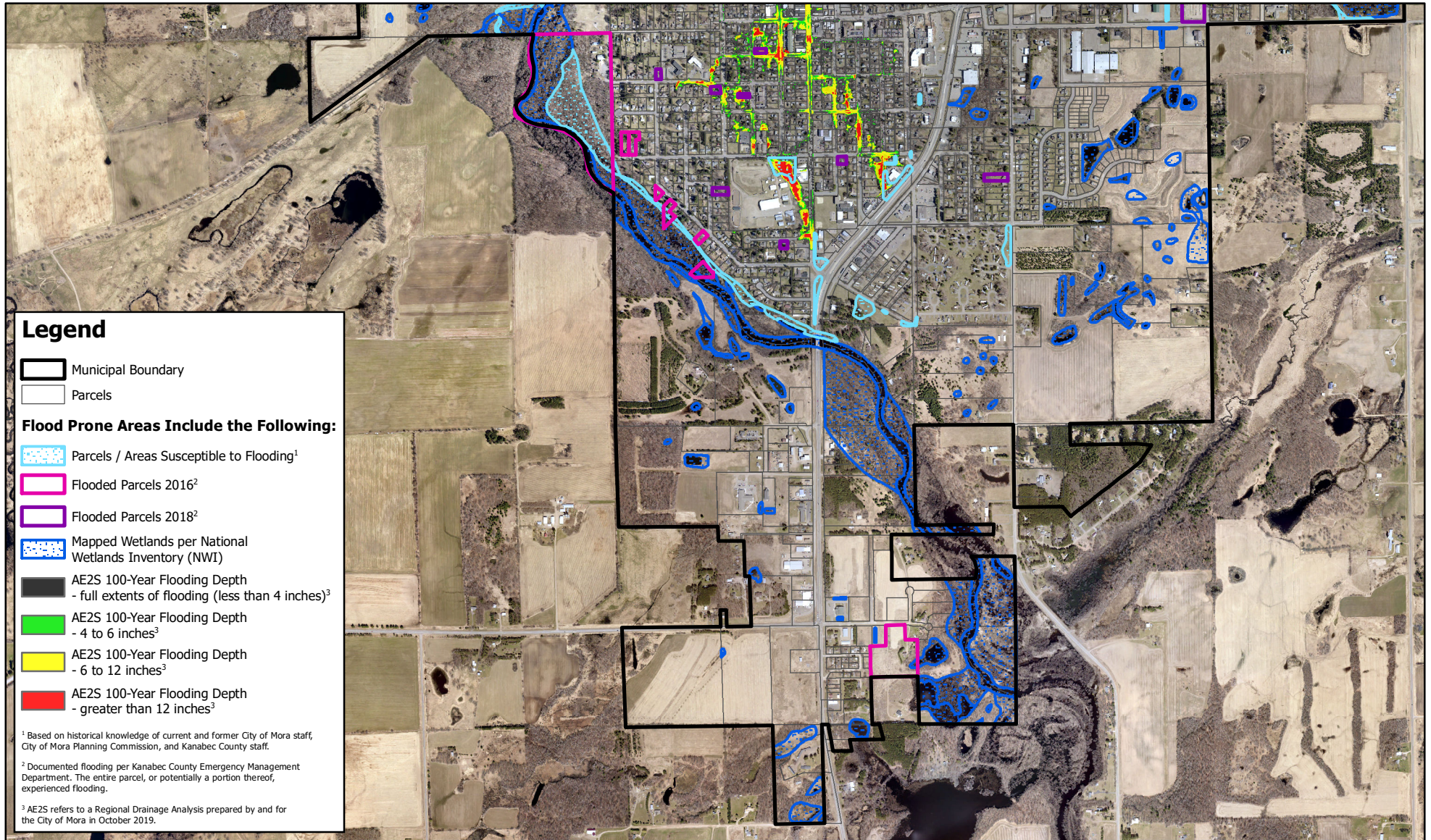
³ AE2S refers to a Regional Drainage Analysis prepared by and for the City of Mora in October 2019.













Disclaimer: This map is neither a legally recorded map nor a survey map and is not intended to be used as one. This map is not intended to serve as or replace the National Flood Insurance Rate Map (FIRM). This map is a compilation of records, information, and data gathered from various sources listed on this map. The City of Mora does not represent that the information contained on this map can be used for navigational, tracking, or any other purpose requiring exacting measurement of distance or direction or precision in the depiction of geographic features. The user of this map acknowledges that the City of Mora shall not be liable for any damages that arise out of the user's access or use of data provided.

Notice: Only that portion of property identified on the City of Mora Flood Prone Areas Map as being flood prone shall be designated as such and subject to City Code Chapter 152 Section 152.070; and, conversely, any portion of the same property not identified as being flood prone shall not be subject to Section 152.070.

City of Mora, MN Flood Prone Areas Map South Half



Legend

-  Municipal Boundary
-  Parcels
- Flood Prone Areas Include the Following:**
-  Parcels / Areas Susceptible to Flooding¹
-  Flooded Parcels 2016²
-  Flooded Parcels 2018²
-  Mapped Wetlands per National Wetlands Inventory (NWI)
-  AE2S 100-Year Flooding Depth - full extents of flooding (less than 4 inches)³
-  AE2S 100-Year Flooding Depth - 4 to 6 inches³
-  AE2S 100-Year Flooding Depth - 6 to 12 inches³
-  AE2S 100-Year Flooding Depth - greater than 12 inches³

¹ Based on historical knowledge of current and former City of Mora staff, City of Mora Planning Commission, and Kanabec County staff.

² Documented flooding per Kanabec County Emergency Management Department. The entire parcel, or potentially a portion thereof, experienced flooding.

³ AE2S refers to a Regional Drainage Analysis prepared by and for the City of Mora in October 2019.

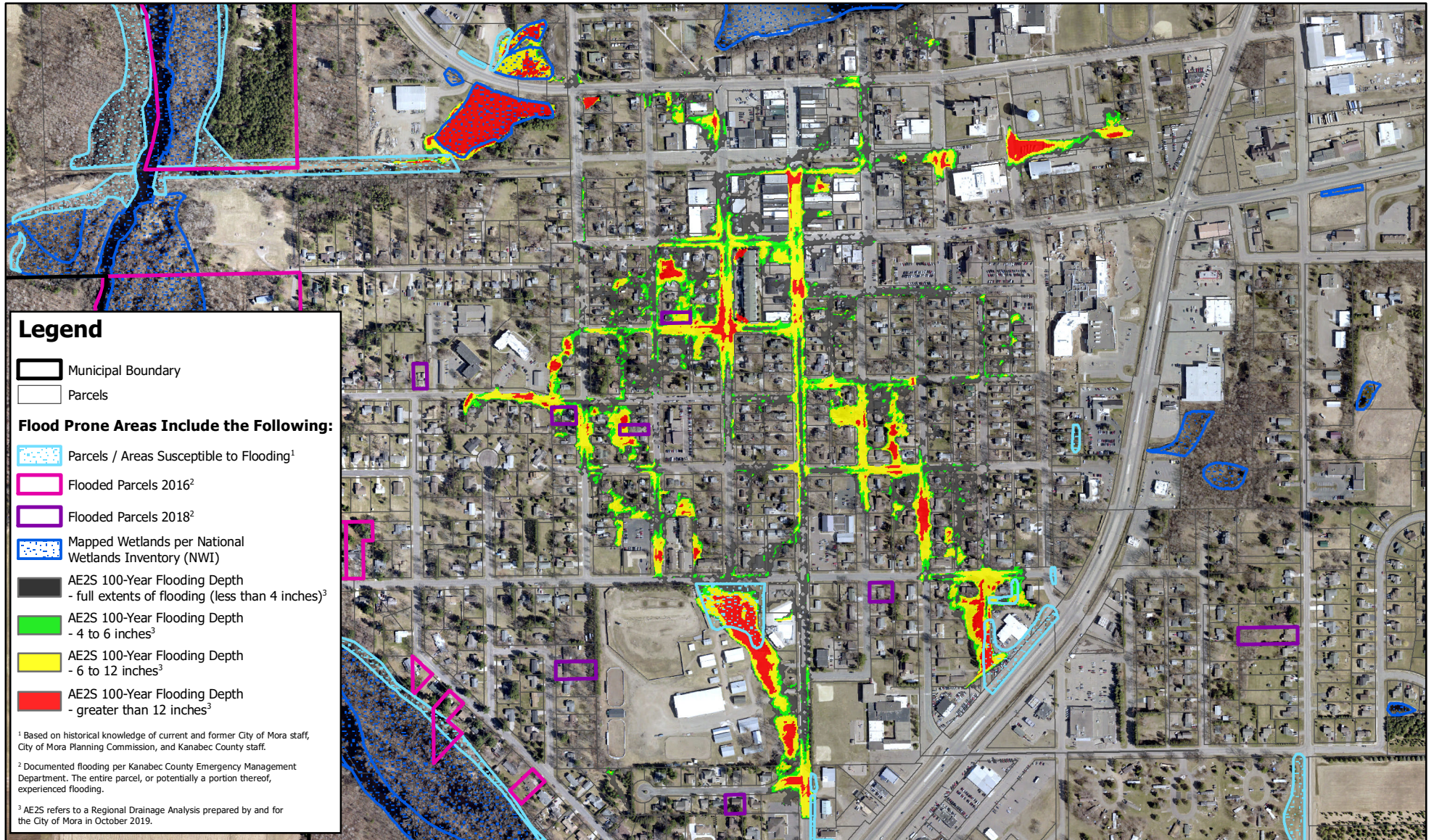
0 0.5 1 Miles



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City of Mora, MN Flood Prone Areas Map AE2S Regional Analysis



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HOUSING



Communities around the country are rejecting single-family-only zoning to encourage more affordable options in all neighborhoods.

Here Comes the Neighborhood

By ROBERT LIBERTY

BEFORE LOS ANGELES AND NEW YORK adopted the first residential zoning regulations more than a century ago, rapidly growing cities in the U.S. were filled with an interesting mix of housing types beyond single-family detached homes: downstairs apartments, cottages, duplexes, tri- and four-plexes, townhomes, boarding houses, garden court apartments—what we now call “middle housing.” But as cities embraced single-family detached residential (SFR) zoning, middle-density housing was zoned out in many places.

By 2019, it was illegal to build anything other than a detached single-family home on 75 percent of the residential land in many American cities, according to the *New York Times*. That means many neighborhoods and their better public schools have been off-limits to families of modest means who can't afford single-family homes, which has in turn reinforced racial, ethnic, and class segregation. It's also separated people from better jobs, shops, and services, leading to longer commutes and a need for personal vehicles—one of the main sources of greenhouse gas emissions.

But now, the tide is turning. From Oregon to Vermont, cities and states are rejecting two cornerstones of American land-use regulation: SFR zoning and minimum parking requirements. The following trio of reforms has emerged to take their place with the aim of creating more inclusive, equitable, and affordable neighborhoods by expanding housing choice. As we head into a new decade, planners should expect to see these changes gain moment in communities of all sizes.

Eliminating SFR-only zoning

In 2018, Minneapolis made headlines by amending its comprehensive plan to allow duplexes and triplexes on single-family lots, which translated into changes in its zoning ordinance just last year. It was the first place in the U.S. to make such a fundamental change across all of its single-family zones by reauthorizing these types of middle housing.

Oregon wasn't far behind. In 2019, the state passed a law that requires all cities with a population over 10,000 to allow duplexes on all lots in SFR zones. The law also requires cities

over 25,000 population to change their zoning to allow tri- and fourplexes, townhomes, and cottage clusters in areas zoned for single-family detached homes. This year, Portland went a step further and allowed six-plexes on single-family lots, provided that two units meet rental or ownership affordability standards.

In August, Nebraska required that cities with over 20,000 people prepare and implement housing affordability plans over the next few years. Failure to adopt them by the deadline triggers default housing regulations, authorizing the full range of middle housing. Even smaller cities like Lander, Wyoming, with a population around 7,500, are rethinking SFR zones.

Embracing ADUs

Accessory dwelling units, or ADUs (also known as granny flats, English basements, secondary suites, casitas, and ohana houses), are another way to increase housing diversity and affordability, but they've been banned from SFR zones for decades. In 2005, Vermont enacted a law that mandated the equal treatment of different housing types in local bylaws, including ADUs in SFR zones. Soon, other states followed.

California required local governments to authorize ADUs in SFR zones in 2016. The following year, New Hampshire passed legislation ensuring that, in the absence of local zoning authorization, state law directly allows one ADU as an accessory use to any single-family dwelling, as a matter of right, and no municipal permits or conditions can be imposed other than a building permit. Oregon's law, adopted the same year, mandates ADU authorization in most cities.

These early laws weren't perfect. ADU construction still faced roadblocks due to "poison pills," like requiring owner occupancy, minimum parking standards, or approval through discretionary conditional use permit processes—a process not imposed on single-family homes. California, Vermont, Oregon, and Washington have since amended their statutes to remove or severely limit poison pills, as have local governments like Seattle and Montgomery County, Maryland. In late 2019, for example, California passed five new bills that reduce barriers to ADU construction in SFR neighborhoods, including



FURTHER IMPACTS: HOUSING

Planners must also maintain focus on rising rates of homelessness; gentrification and displacement; rent-burdened households; and the rise of one-person households.



APA Learn

The Future of Zoning

Robert Liberty explores the zoning reforms, politics, and policies involved in the trend-setting effort to reduce regulatory barriers and increase housing affordability.

CM | 0.75

NONMEMBER PRICE: \$30
MEMBER PRICE: \$15

[Planning.org/APALearn](https://planning.org/APALearn)

eliminating owner-occupancy requirements and certain impact fees. Local jurisdictions are even responsible for providing ADU grant and incentive programs. The results have been impressive: In 2016, Los Angeles issued 117 permits for ADUs; in 2019, it issued 4,606.

Housing people over cars

Minimum on-site parking requirements create a significant barrier to multifamily housing. They not only drive up costs, but can make construction either infeasible or physically impossible, given the lot size or terrain. That's why more and more advocates and planners are questioning why housing for cars is mandated at the expense of housing for people. Parking expert Professor Donald Shoup, FAICP, of UCLA estimates that the U.S. has set aside two billion parking spaces for 250 million cars and light trucks, resulting in far more land dedicated to cars than housing.

An early leader was Sand Point, Idaho, which eliminated all parking requirements in 2009. In 2016, Hartford, Connecticut, became the first major city to eliminate all minimum parking requirements, and even imposed limits on the maximum amount of on-site parking allowed. Buffalo, New York, followed suit in 2017, and Edmonton, Alberta, did the same this past summer, becoming Canada's first city to do so. Other cities have reduced or eliminated parking requirements for new housing, particularly near transit stops, like in San Diego and Atlanta.

More local governments and states will adopt these zoning reforms in the coming years, as the affordability crisis and concerns about social justice persist. Time will tell how quickly and in what ways they will result in a more enriched mix of housing in former SFR areas.

In our highly polarized nation, we can also expect opposition from those who see reform as part of a "war on the suburbs." Planners, on the other hand, might take these charges as long overdue recognition of the important roles they, and zoning, play in the form and character of our cities, towns, and suburbs.

Liberty is a land-use attorney. He is currently associated with Cascadia Partners, an Oregon planning consulting firm, and serves as chair of the Columbia River Gorge National Scenic Area Commission.