



City of Mora
Kanabec County, Minnesota
Meeting Agenda
Planning Commission

Mora City Hall
101 Lake Street S
Mora, MN 55051

Monday, March 9, 2020

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: Chad Gramentz, Mike Johnson, Karen Onan-Wakefield, 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 from the February 10, 2020 Meeting

5. Public Hearings

- a. Public hearing to consider the rezoning of 212 Forest Avenue W., 230 Forest Avenue W., and 118 Wood Street S. from B-1 Central Business District to R-3 Multiple Dwelling District as requested by the property owners.

6. Open Forum

7. New Business

- a. The Planning Commission will consider a development concept presented verbally by staff on behalf of property owner Donald Servin.

8. Old Business

- a. Comprehensive Plan. The Planning Commission will receive a general work plan prepared by consultant Hometown Planning for the Comprehensive Plan update.
- b. Floodplain Management Ordinance. The Planning Commission will continue discussions about the update of City Code Chapter 152: Floodplain Management.

9. Reports (*Commissioners and staff will be given the opportunity to share information.*)

10. Adjournment

The next regular meeting is scheduled for Monday, April 13, 2020 at 5:30 PM.

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

February 10, 2020

Present: Chad Gramentz, Mike Johnson, Karen Onan-Wakefield, Todd Sjoberg, and Sara Treiber
Absent: None
Staff Present: Community Development Director Beth Thorp
Others Present: Nicki Miller, Sadie Hosley, Michelle Lommel, and Lucille Schultz

1. Call to Order. The meeting was called to order at 5:30 pm by Sjoberg.
2. Roll Call. All board members were present.
3. Adopt Agenda. Motion by Johnson, second by Onan-Wakefield to adopt the February 10, 2020 agenda as presented. All voted and the agenda was unanimously adopted.
4. Approval of Minutes. Motion by Gramentz, second by Johnson to approve the January 13, 2020 meeting minutes as presented. All voted and the meeting minutes were unanimously approved.
5. Public Hearings.
 - a. Public hearing to consider a Conditional Use Permit to allow *Utility Transmission Lines* in the Floodway District as requested by Great River Energy and Southern Minnesota Municipal Power Agency. Thorp read from the public hearing notice and described the request, stating that Great River Energy (GRE) and Southern Minnesota Municipal Power Agency (SMMPA) have requested a Conditional Use Permit (CUP) in order to replace damaged utility structures in the Floodway District generally located on the west side of Highway 65 between Maple Avenue E. and 9th Street. Thorp stated that the project was originally scheduled to begin as early as March 2020, but has been delayed due to permitting processes of other agencies including MnDOT and DNR, adding that the proposed resolution of approval includes a condition allowing the applicant two years to complete the project. Thorp stated that the city received no comments or questions in response to the request prior to the public hearing, with the exception of receiving verbal consent from Andrew & Teresa Kelling on February 10, 2020 for work to take place on their property as part of the proposed project. Sjoberg opened the public hearing at 5:35 pm. Michelle Lommel, GRE, was present and provided details about the proposed project. Lommel stated that GRE intends to replace damaged utility structures in response to safety and liability concerns. Onan-Wakefield inquired about the wood composition of the utility poles and options for using more water resistant materials. Lommel explained that wood poles work very well for this purpose and that GRE intends to use culverts and rock to isolate the wood poles from the water. Lommel added that GRE will be using a laminated product as well to prevent water damage. With no further comments or questions from the audience, Sjoberg closed the public hearing at 5:37 pm. Motion by Johnson, second by Gramentz to adopt Resolution No. PC 2020-0201, a resolution recommending approval of a Conditional Use Permit to allow *Utility Transmission Lines* in the Floodway District as requested by Great River Energy and Southern Minnesota Municipal Power Agency, as presented. All present voted aye. Motion carried.

b. Public hearing to consider a Conditional Use Permit to allow a *Non-Residential Day Care Facility* in the R-3 Multiple Dwelling District as requested by RHTC, LLC. Thorp read from the public hearing notice and described the request, explaining that Recovering Hope Treatment Center (RHTC) currently has a Conditional Use Permit (CUP) to operate a *Residential Facility* and the CUP states that the applicant is required to obtain an additional CUP if they ever wish to expand the on-site child care facility to serve more than children of residents. Thorp explained that RHTC has not yet determined if they will open the child care facility to children of employees or the general public, but stated that the CUP is required in either case. Thorp stated that there is a child care shortage in Kanabec County, adding that city staff strongly support the request. Thorp stated that the city received no comments or questions in response to the request prior to the public hearing. Sjoberg opened the public hearing at 5:40 pm. Sadie Hosley, RHTC, was present and explained that the existing child care facility is a "Parent Aware" facility, which is a unique accreditation in this area. Nicki Miller, RHTC, was present and described the significance of Parent Aware. Lucille Schultz, 1890 Commercial Place, was present. Schultz stated that she has never had any trouble with RHTC or its residents, but questioned the difference between residents and public in terms of those served by the child care facility. Hosley responded to Schultz describing general services provided by RHTC and explaining that the children currently served by the facility are the children residing at the facility with their mothers. Sjoberg and Hosley further explained that in order to serve any children not residing in the facility, a CUP would be required. Schultz again commented that she's never had any issues or concerns with the residents of RHTC. Johnson commented that it appears that the facility has adequate parking to accommodate the expansion of services. With no further comments or questions from the audience, Sjoberg closed the public hearing at 5:43 pm. Motion by Gramentz, second by Onan-Wakefield to adopt Resolution No. PC2020-0202, a resolution recommending approval of a Conditional Use Permit to allow a *Non-Residential Day Care Facility* in the R-3 Multiple Dwelling District as requested by RHTC, LLC, as presented. All present voted aye. Motion carried.

6. Open Forum. No members of the public were present for open forum.

7. New Business.
None

8. Old Business.

a. Floodplain Management Ordinance. Thorp reviewed details of the commission's January discussion, focusing on opinions given by City Attorney Joel Jamnik and City Engineer Greg Anderson in regard to the importance of including flood prone language and mapping in the updated Floodplain Management Ordinance. Thorp presented updated flood prone maps, based on direction provided by the commission in December 2019, and described the information provided on the map and in comparison to earlier versions of the map. Thorp and commission members discussed the importance of involving the public in the adoption process to create awareness of the proposed flood prone designation; direct notification to affected property owners; and, timing of public meetings in relation to the ordinance update process. Onan-Wakefield questioned how the proposed flood prone designation will impact property values and ability to obtain insurance. Thorp explained the importance of being transparent with known information because, per the City attorney, the city may be liable either way. The group discussed that the proposed flood prone language is written so

as to be recommendations rather than requirements in an attempt to be more informative than regulatory. Onan-Wakefield questioned if flood prone language is common among other cities and if it may be sharing too much information with the public. Sjoberg commented on City Attorney Joel Jamnik's opinion that the information should indeed be shared with the public, and Johnson shared that flood prone language is common in metro communities and that the DNR is encouraging all communities to consider adopting it. Thorp informed commissioners that the draft Floodplain Management Ordinance has been edited to remove previous comments and formatting which have been accepted by the commission, making it easier to read, with just two sections remaining for further discussion: Flood Prone District and Nonconformities. The commission had a lengthy discussion about whether to treat structures in the proposed Flood Prone District as nonconformities or not, with the general consensus being that they should not be treated as nonconformities. This consensus was based on the desire for the flood prone language to be informative rather than regulatory, and classifying a structure as nonconforming severely limits improvements which can be made to the structure. Sjoberg also expressed concern that classifying these structures as nonconforming may prohibit them from receiving natural disaster benefits. Thorp reminded commission members of the ordinance adoption process, with the current development of proposed language being the first of seven steps and that the proposed ordinance will come back to the commission during step four for a public hearing. Thorp recommended that a public meeting to share the flood prone information be scheduled around the same time as the public hearing to consider adoption of the ordinance. The commission took no action, generally agreeing that the commission is satisfied with the draft document but wishing to review the updated flood prone map further for discussion at the March 2020 meeting.

- b. Comprehensive Plan. Thorp informed the commission that Fred Sandal has left Hometown Planning and that owner Ben Oleson will now be leading the Comp Plan update effort.
- c. Central Minnesota Housing Partnership (CMHP) Housing Project. Thorp stated that CMHP is planning to submit a Minnesota Housing funding application, as was done in 2019, for a residential project on Andrew Kelling's 14-acre 9th Street property. Thorp explained that the 2020 application will include a 2-story apartment structure with attached and detached garages rather than the townhome units included in the 2019 application. Thorp described the types of assistance that CMHP will likely request - including Tax Increment Financing, reduced WAS & SAC fees, and reduced or waived open space dedication - stressing the importance of community support to strengthen the application. Thorp added that the Planning Commission will need to consider rezoning the property if CMHP pursues an apartment-style development.

9. Reports.

- Gramentz reported that Kanabec County, owner of 330 Forest Avenue E., may approach the city with a request to rezone the Forest Avenue E. property from commercial to residential or review the zoning of residential uses on Forest Avenue E. which are located within the B-1 Central Business District. Thorp described the boundaries of the B-1 District and commented that several residential structures are located within the district and considered legal non-conforming uses. The group discussed what legal non-conforming means to property owners and their structures. Thorp shared that she believes the city's goal in zoning properties surrounding Forest Avenue E. as commercial was to connect the downtown commercial district to the highway business district with a commercial corridor.

Thorp also shared that a similar issue is currently being discussed on the west end of the B-1 District and the city may receive an application for rezoning in the near future.

- Onan-Wakefield shared that Vasaloppet weekend was successful with over 1,400 registered skiers participating in various events.

10. Adjournment. Motion by Gramentz, second by Onan-Wakefield to adjourn. All voted and the meeting was unanimously adjourned at 6:21 pm.

Todd Sjoberg
Chair

ATTEST: _____
Beth Thorp
Community Development Director

DRAFT



MEMORANDUM

TO: Planning Commission
 FROM: Beth Thorp, Community Development Director
 SUBJECT: Public Hearing to Consider a Rezoning – NE corner of Forest Avenue W. and Wood Street S.
 MEETING DATE: March 9, 2020

SUMMARY

The Planning Commission will conduct a public hearing in consideration of a request to rezone three properties from B-1 Central Business District to R-3 Multiple Dwelling District.

SITE INFORMATION

Property Owners:	Sunrise Construction of Mora, Derek Marihart, and Angela Johnson
Applicants:	Sunrise Construction of Mora, Derek Marihart, and Angela Johnson
Locations:	212 Forest Avenue W., 230 Forest Avenue W., and 118 Wood Street S.
Current Zoning:	B-1 Central Business District
Proposed Zoning:	R-3 Multiple Dwelling District
Adjacent Zoning:	North: R-3 Multiple Dwelling District South: R-1 Single Family Residential District East: B-1 Central Business District West: R-3 Multiple Dwelling District
2009 Comp Plan Designation:	High Density Residential
Size of Subject Area:	.89± Acres

BACKGROUND INFORMATION

The properties located at 212 Forest Avenue W., 230 Forest Avenue W., and 118 Wood Street S. are currently zoned B-1 Central Business District and the property owners have requested that the properties be rezoned to R-3 Multiple Dwelling District. All three properties have been developed with single family homes and are used for residential purposes, which makes them non-conforming in a commercial district. If the rezoning is approved, the residential structures will become permitted uses in the R-3 District. The proposed zoning classification is consistent with the Comprehensive Plan Land Use Map designation of High Density Residential.

Because the homes likely predate the current commercial zoning classification, they are considered legal non-conforming uses. As legal non-conforming uses, they have a statutory right to continue; however, the property owners have limited ability to make changes to their homes or improve their properties. If at any point the residential use of any of these homes is discontinued for more than one year, any future use would be required to comply with the commercial zoning district. Historically, the theory behind legal non-conformities is that the uses will eventually phase out and come into compliance with the current zoning code. In this particular case, the subject properties are on the eastern edge of a well-

established residential neighborhood and there is no indication that the neighboring commercial district will be expanding.

Staff has spoken to all property owners involved in the request and all have expressed a desire to continue using their properties for residential purposes, and at least two of the three have expressed interest in making improvements that would not be allowed under the current zoning classification. If the rezoning is approved and the existing uses become conforming, the zoning code states that they shall not be allowed to become non-conforming again. This means that the property owners will need to abide by all regulations of the R-3 District. That said, the R-3 District serves as a transitional zoning district in that it allows for residential uses as permitted uses and also allows for several quasi-residential and service-oriented commercial uses by Conditional Use Permit.

Per Zoning Code § 150.038 it is the responsibility of the Planning Commission to make a recommendation and the City Council to make its determination on the request for rezoning based on the objective findings and established policies of the city. To assist the commission and council in their decision making, staff has provided proposed findings:

- | | |
|-------------------|--|
| Criteria #1 | The proposed rezoning is consistent with the goals, objectives and policies of the Comprehensive Plan. |
| <i>Finding #1</i> | <i>The Comprehensive Plan Land Use Map currently designates the subject area as High Density Residential and the proposed rezoning is consistent with this designation. Further, the proposed rezoning allows the affected property owners to make improvements to their properties, which meets the Comprehensive Plan housing policy of "maintaining and enhancing existing residential areas of predominantly single family housing."</i> |
| Criteria #2 | The proposed rezoning is compatible with the overall character of existing development in the immediate vicinity of the affected property. |
| <i>Finding #2</i> | <i>Existing development immediately north, west and south is primarily single family residential, making the proposed rezoning compatible with the character of the surrounding area.</i> |
| Criteria #3 | The proposed rezoning will not have an adverse effect on the value of adjacent properties. |
| <i>Finding #3</i> | <i>There is no evidence to suggest that the proposed rezoning will have any effect on the value of adjacent properties.</i> |
| Criteria #4 | The subject area proposed for rezoning is adequately served by public facilities and services. |
| <i>Finding #4</i> | <i>The subject area is currently served by municipal water, sewer, electric and all other public facilities and services.</i> |

A public hearing notice was published in the Kanabec County Times on February 27, 2020 and notices were sent to all property owners within 350' of the subject properties. Staff received one phone call with questions and one email acknowledging receipt of the public hearing notice, but did not receive any verbal or written opposition to the request as of March 6th.

OPTIONS & IMPACTS

1. Recommend approval of the rezoning, bringing the existing residential structures into compliance with the zoning code and making the zoning of the subject properties compatible with the Comprehensive Plan.
2. Recommend denial of the rezoning. If the rezoning is denied the existing residential structures will remain non-conforming and the property owners will have limited ability to make changes to their homes or improve their properties.
3. Make no recommendation at this time, deciding to either continue the public hearing for additional public comment or table the request for further consideration. Being that the review period for this request expires on April 13, 2020 – not allowing sufficient time for further Planning Commission and City Council consideration – staff will automatically exercise the city’s statutory right to extend the review period by an additional 60 days.

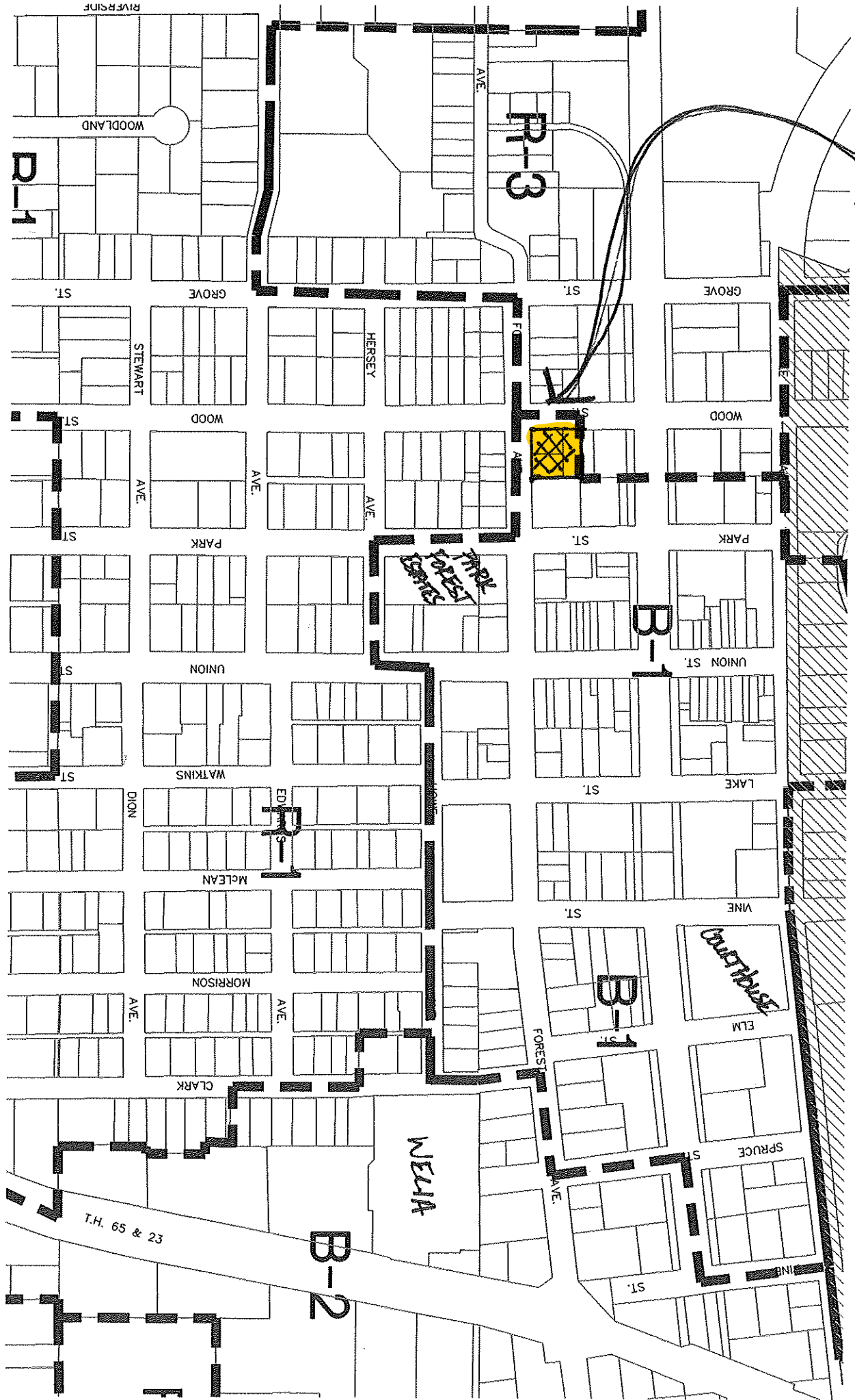
RECOMMENDATION

Motion to recommend approval of the rezoning of 212 Forest Avenue W., 230 Forest Avenue W., and 118 Wood Street S. from B-1 Central Business District to R-3 Multiple Dwelling District.

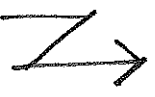
ATTACHMENTS

1. Location map
2. Resolution No. PC2020-0301

LOCATION OF PROPOSED
REZONING



-2020-



RESOLUTION NO. PC2020-0301

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF MORA, MINNESOTA,
RECOMMENDING APPROVAL OF THE REZONING OF 212 FOREST AVENUE W., 230 FOREST AVENUE W.,
AND 118 WOOD STREET S. FROM B-1 CENTRAL BUSINESS DISTRICT TO R-3 MULTIPLE DWELLING
DISTRICT AS REQUESTED BY THE PROPERTY OWNERS**

WHEREAS, Sunrise Construction of Mora, Derek Marihart, and Angela Johnson, property owners, submitted an application dated received and considered complete on February 13, 2020 for the rezoning of three properties from B-1 Central Business District to R-3 Multiple Dwelling District; and

WHEREAS, the subject site is generally located at the northeast corner of Forest Avenue W. and Wood Street S. and includes properties located at 212 Forest Avenue W., 230 Forest Avenue W., and 118 Wood Street S.; and

WHEREAS, the subject site, with adjacent public right-of-way, is .89± acres in size and includes properties legally described as:

PID 22.03310.00

*East half of Lots 7 & 8, Block 8, Kent & Danforth's Addition to the Town of Mora
Section 11, Township 039, Range 024
Kanabec County, Minnesota*

PID 22.03305.00

*West half of Lots 7 & 8, Block 8, Kent & Danforth's Addition to the Town of Mora
Section 11, Township 039, Range 024
Kanabec County, Minnesota*

PID 22.03315.00

*Lot 9 and south quarter of Lot 10, Block 8, Kent & Danforth's Addition to the Town of Mora
Section 11, Township 039, Range 024
Kanabec County, Minnesota*

WHEREAS, notice was provided and on March 9, 2020, the Planning Commission conducted a public hearing regarding this application, at which it heard from the Community Development Director and invited members of the public to comment; and

WHEREAS, the Planning Commission considered several criteria for rezoning and made the following findings:

- | | |
|-------------|--|
| Criteria #1 | The proposed rezoning is consistent with the goals, objectives and policies of the Comprehensive Plan. |
| Finding #1 | <i>The Comprehensive Plan Land Use Map currently designates the subject area as High Density Residential and the proposed rezoning is consistent with this designation. Further, the proposed rezoning allows the affected property owners to make improvements to their properties, which meets the Comprehensive Plan housing policy of "maintaining and enhancing existing residential areas of predominantly single family housing."</i> |

Criteria #2 The proposed rezoning is compatible with the overall character of existing development in the immediate vicinity of the affected property.

Finding #2 Existing development immediately north, west and south is primarily single family residential, making the proposed rezoning compatible with the character of the surrounding area.

Criteria #3 The proposed rezoning will not have an adverse effect on the value of adjacent properties.

Finding #3 There is no evidence to suggest that the proposed rezoning will have any effect on the value of adjacent properties.

Criteria #4 The subject area proposed for rezoning is adequately served by public facilities and services.

Finding #4 The subject area is currently served by municipal water, sewer, electric and all other public facilities and services.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION OF THE CITY OF MORA, MINNESOTA, that the Planning Commission hereby recommends approval of the rezoning of 212 Forest Avenue W., 230 Forest Avenue W., and 118 Wood Street S. from B-1 Central Business District to R-3 Multiple Dwelling District as requested by the property owners.

Adopted by the Planning Commission of the City of Mora, Minnesota,
this 9th day of March, 2020.

Todd Sjoberg _____
Chad Gramentz _____
Mike Johnson _____

Karen Onan-Wakefield _____
Sara Treiber _____

Todd Sjoberg
Chair

ATTEST: _____
Beth Thorp
Community Development Director

Mora Comprehensive Plan Update

General Work Plan for 2020

1. **February 2020** - Update Demographic Data from pgs. 22-34 of the 2009 Comprehensive Plan.
2. **March 2020** - Meet with City Staff to review the input gathered from the Comprehensive Plan Committee's January 9, 2020 meeting regarding the fall 2019 Community Survey results. Determine what areas of focus are needed in the 2020 update as may be suggested by the committee, the survey results, or that were underdeveloped or not present in the 2009 Plan, possibly including:
 - a. Expanded discussion of public utilities and other facilities
 - b. Discussion of issues related to Lake Mora
 - c. Incorporation of other City plans (e.g. Airport Master Plan)
3. Meet with the Comprehensive Plan Committee to:
 - a. **Early April 2020** - Review the assumptions on pgs. 40-42 of the 2009 Comprehensive Plan against actual data. Discuss the implications of these results and update as necessary in the 2020 Comprehensive Plan update.
 - b. **Early April 2020** - Review and suggest updates to the Goals and Policies on pages 42-48 of the 2009 Comprehensive Plan.
 - c. **Early April 2020** – Solicit committee members to identify and provide a brief description of what they feel are “community assets”. These would be listed in a new chapter of the Comprehensive Plan intended to serve as both an inventory and a marketing tool to promote the city. Assets will primarily be those within the city, but could also be related to assets located in the surrounding region. Determine whether the effort to identify these assets will be limited to committee members or broadened out for public participation/suggestions.
 - d. **Late April 2020** - Review and suggest updates to the Implementation Plan on pages 49-57 of the 2009 Comprehensive Plan.
 - e. **Late April 2020** – Review and finalize list of “community assets” to be included in a new chapter of the Comprehensive Plan. Seek persons who will photograph sites for inclusion in the Plan.
 - f. **May 2020** - Review and suggest updates to the Community Services, Transportation Facilities, Parks and Recreation Facilities on pgs. 59-72 of the 2009 Comprehensive Plan.
 - g. **May 2020** - Review and suggest updates to other areas of the Comprehensive Plan to provide consistency and as requested.
4. **June 2020** – Develop a summary of input received to date from Comprehensive Plan Committee and present at a City Council Work Session (invite Planning Commission members to attend as well). Solicit comments/concerns/suggestions.
5. **June/July 2020** - Based on input from the Comprehensive Plan Committee, City Council and Planning Commission on the above sections of the Plan, update the 2009 Comprehensive Plan.

6. **August/September 2020** - Present the draft update of the Comprehensive Plan to the Comprehensive Plan Committee for further review and modifications.
7. **September/October 2020** - Present the draft update of the Comprehensive Plan at a City Council work session (inviting the Planning Commission) for further review and modifications.
8. **October/November 2020** – Planning Commission holds a public hearing to present the draft Comprehensive Plan for public comment.
9. **November/December 2020** - Present the Planning Commission-recommended update of the Comprehensive Plan to the City Council for adoption.



MEMORANDUM

TO: Planning Commission
 FROM: Beth Thorp, Community Development Director
 SUBJECT: Floodplain Management Ordinance
 MEETING DATE: March 9, 2020

SUMMARY

The Planning Commission will continue its review of the draft Floodplain Management Ordinance.

BACKGROUND INFORMATION

The Planning Commission has been working to update the city's 1997 Floodplain Management Ordinance since early 2019. The current draft is largely based on the DNR model and also includes language pertaining to flood prone areas based on models from other Minnesota communities. The commission has had lengthy discussions about the proposed Flood Prone District (FPA) and the impacts to property owners if their land is identified as being flood prone. Based on support from the DNR and opinions provided by the City Attorney and City Engineer, the consensus of the commission is to recommend inclusion of the FPA language and mapping.

The current draft, dated March 9, 2020, incorporates all comments provided by the commission and DNR, including the most recent addition pertaining to Nonconformities (see Section 152.120 (G)). At this point there are no specific sections that require further consideration by the commission; however, the commission requested at its February meeting additional time to consider the Flood Prone Areas Map.

OPTIONS

1. If the commission is satisfied with the draft Floodplain Management Ordinance as presented, offer a motion recommending that it be presented to the City Council for consideration and submitted to the DNR for conditional approval. Once the DNR has given conditional approval, the Planning Commission will schedule a public hearing to consider formal adoption of the ordinance.
2. If the commission is not satisfied with the draft Floodplain Management Ordinance as presented, provide direction to staff on changes that should be made for the commission's April meeting.

ATTACHMENTS

Draft Floodplain Management Ordinance

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

152.043 Standards for Floodway Conditional Uses

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

152.101 Recreational Vehicles

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

DRAFT

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.

§ 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 _____, 2020.

Alan Skramstad
Mayor

ATTEST:

Lindy Crawford
City Administrator