

CHAPTER 15. FLOODPLAIN MANAGEMENT REGULATIONS

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📖 Section 1500 - Statutory Authorization, Findings of Fact and Purpose

1500.01 Statutory Authorization. The legislature of the State of Minnesota has, in M.S. Chapter 103F and Chapter 462, as they may be amended from time to time, delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

(Ord. 92-08, passed 2-1-1993)

1500.02 Findings of Fact.

1500.02.1. Finding of Fact. The flood hazard areas of the City of Hermantown, Minnesota are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

1500.02.2. Methods Used to Analyze Flood Hazards. This chapter is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.

(Ord. 92-08, passed 2-1-1993)

1500.03 Statement of Purpose. It is the purpose of this chapter to promote the public health, safety and general welfare and to minimize those losses described in [1500.02.1](#), by provisions contained herein.

(Ord. 92-08, passed 2-1-1993)

📖 Section 1505 – General Provisions

1505.01 Lands to Which Chapter Applies. This chapter shall apply to all lands within the jurisdiction of the City of Hermantown shown on the Official Floodplain Management Zoning Map and/or the attachments thereto as being located within the boundaries of the Floodway, Flood Fringe or General Floodplain Districts.

(Ord. 92-08, passed 2-1-1993)

1505.02 Establishment of Official Floodplain Management Zoning Map. The Official Floodplain Management Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this chapter. The Official Floodplain Management Zoning Map shall include the Flood Insurance Study for the City of Hermantown prepared by the Federal Insurance Administration dated May 18, 1981, and the Flood Boundary and Floodway Maps dated October 13, 1978 and the Flood Insurance Rate Maps dated November 18, 1981 therein. The Official Floodplain Management Zoning Map shall be on file in the office of the City Clerk and the office of the Hermantown Zoning Administrator.

(Ord. 92-08, passed 2-1-1993)

1505.03 Regulatory Flood Protection Elevation. The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

(Ord. 92-08, passed 2-1-1993)

1505.04 Interpretation.

1505.04.1. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

1505.04.2. The boundaries of the zoning districts shall be determined by scaling distances on the Official Floodplain Management Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Floodplain Management Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, and there is a formal appeal of the decision of the Zoning Administrator, the Board of Appeals and Adjustments shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board of Appeals and Adjustments and to submit technical evidence.

(Ord. 92-08, passed 2-1-1993)

1505.05 Abrogation and Greater Restrictions. It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

(Ord. 92-08, passed 2-1-1993)

1505.06 Warning and Disclaimer of Liability. This chapter 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 chapter shall not create liability on the part of the City of Hermantown or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. 92-08, passed 2-1-1993)

1505.07 Definitions. Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this chapter its most reasonable application.

1505.07.1. “Accessory use or structure” shall mean a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

1505.07.2. “Basement” means 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.

1505.07.3. “Equal degree of encroachment” means 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.

1505.07.4. “Flood” means 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.

1505.07.5. “Flood frequency” means the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

1505.07.6. “Flood fringe” means that portion of the floodplain outside of the floodway. “Flood fringe” is synonymous with the term “floodway fringe” used in the Flood Insurance Study for the City of Hermantown.

1505.07.7. “Floodplain” means the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.

1505.07.8. “Flood-proofing” means a combination of structural provisions, changes or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

1505.07.9. “Floodway” means 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.

1505.07.10. “Governing Body” means the City Council of the City of Hermantown.

1505.07.11. “Obstruction” means 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.

1505.07.12. “Principal use or structure” means all uses or structures that are not accessory uses or structures.

1505.07.13. “Reach” is a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a “reach.”

1505.07.14. “Regional flood” means 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 100-year recurrence interval. “Regional flood” is synonymous with the term “base flood” used in the Flood Insurance Study.

1505.07.15. “Regulatory flood protection elevation” shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

1505.07.16. “Special use” means a specific type of structure or land use listed in [1515.03](#) and [1520.03](#) of this chapter that may be allowed, but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in this chapter or building codes, and upon a finding that: (1) certain conditions as detailed in this chapter 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.

1505.07.17. “Structure” means anything constructed or erected on the ground or attached to the ground or on-site utilities, including but not limited to buildings, factories, sheds, detached garages, cabins, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified in [1540.03.1](#) of this chapter and other similar items.

1505.07.18. “Variance” means a modification of a specific permitted development standard required in this chapter to allow an alternative development standard not stated as acceptable in this chapter, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in [Chapter 6](#) of these Zoning Regulations.

(Ord. 92-08, passed 2-1-1993)

1505.08 Other Definitions. The definitions contained in [Chapter 2](#) of these Zoning Regulations, except where modified by the provisions of this chapter, shall be applicable to this chapter.

(Ord. 92-08, passed 2-1-1993)

Section 1510 – Establishment of Zoning Districts

1510.01 Districts.

1510.01.1. Floodway District. The Floodway District shall include those areas designated as floodway on the Official Floodplain Management Zoning Map adopted in [1505.02](#) of this chapter.

1510.01.2. Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe on the Official Floodplain Management Zoning Map adopted in [1505.02](#) of this chapter.

1510.01.3. General Floodplain District. The General Floodplain District shall include those areas designated as unnumbered A Zones on the Official Floodplain Management Zoning Map adopted in [1505.02](#) of this chapter.

(Ord. 92-08, passed 2-1-1993)

1510.02 Compliance. No new structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter. Within the Floodway, Flood Fringe and General Floodplain Districts, all uses not listed as permitted uses or special uses in [1515](#), [1520](#) and [1525](#) that follow, respectively, shall be prohibited. In addition, a caution is provided here, that:

1510.02.1. New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this chapter and specifically [1540](#) hereof;

1510.02.2. Modifications, additions, structural alterations or repair after damage to existing non-conforming structures and non-conforming uses of structures or land are regulated by the general provisions of this chapter and specifically [1550](#), hereof; and

1510.02.3. As-built elevations for elevated or flood-proofed structures must be certified by ground surveys, and flood-proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provision of this chapter and in Section [1545](#) of this chapter.

(Ord. 92-08, passed 2-1-1993)

Section 1515 – Floodway District (FW)

1515.01 Permitted Uses.

1515.01.1. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting;

1515.01.2. Industrial-commercial loading areas, parking areas and airport landing strips;

1515.01.3. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails; and

1515.01.4. Residential lawns, gardens, parking areas and play areas.

(Ord. 92-08, passed 2-1-1993)

1515.02 Standards for Floodway Permitted Uses.

1515.02.1. The use shall have a low flood damage potential.

1515.02.2. The use shall be permissible in the underlying zoning district.

1515.02.3. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

(Ord. 92-08, passed 2-1-1993)

1515.03 Special Uses.

1515.03.1. Structures accessory to the uses listed in [1515.01](#) above and the uses listed in [1515.03.2](#) through [1515.03.8](#). below;

1515.03.2. Extraction and storage of sand, gravel and other materials;

1515.03.3. Marinas, boat rentals, docks, piers, wharves and water control structures;

1515.03.4. Railroads, streets, bridges, utility transmission lines and pipelines;

1515.03.5. Storage yards for equipment, machinery or materials;

1515.03.6. Placement of fill;

1515.03.7. Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of [1540.03](#) of this chapter; and

1515.03.8. Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

(Ord. 92-08, passed 2-1-1993)

1515.04 Standards for Floodway Special Uses.

1515.04.1. All uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a special use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.

1515.04.2. All floodway special uses shall be subject to the procedures and standards contained in [1545.04](#) of this chapter.

1515.04.3. The special use must be permissible in the underlying zoning district.

1515.04.4. Fill.

1515.04.4.1. Fill, dredge spoil and all other similar materials deposited or stored in the floodplain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.

1515.04.4.2. Dredge spoil sites and sand and gravel operations shall not be allowed in the Floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.

1515.04.4.3. As an alternative, and consistent with [1515.04.4.2.](#) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood, but only after the Zoning Administrator has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The special use permit must be title registered with the property in the office of the County Recorder of St. Louis County.

1515.04.5. Accessory structures.

1515.04.5.1. Accessory structures shall not be designed for human habitation.

1515.04.5.2. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.

1515.04.5.2.1. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and

1515.04.5.2.2. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.

1515.04.5.3. Accessory structures shall be elevated on fill or structurally dry flood-proofed in accordance with the flood-proofing classifications in the Minnesota State Building Code. As an alternative, an accessory structure may be flood-proofed to the flood-proofing classification in the Minnesota State Building Code, provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood-proofed accessory structures must meet the following additional standards, as appropriate:

1515.04.5.3.1. The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and

1515.04.5.3.2. Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly flood-proofed.

1515.04.6. Storage of materials and equipment.

1515.04.6.1. 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.

1515.04.6.2. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Zoning Administrator.

1515.04.7. Structural works for flood control that will change the course, current or cross-section of protected wetlands or public waters shall be subject to the provisions of M.S. Chapter 103G, as it may be amended from time to time, and other applicable laws, ordinances and regulations. Community-wide structural works for flood control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway.

1515.04.8. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

1515.04.9. The procedures set forth in [Chapter 7](#) of these Zoning Regulations and in [1545.04](#) of this chapter shall be applicable to applications for special use under this chapter.

(Ord. 92-08, passed 2-1-1993)

Section 1520 – Flood Fringe District (FF)

1520.01 Permitted Uses. Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non-residential structure or use of a structure or land shall be a permitted use in the Flood Fringe, provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe permitted uses listed in [1520.02](#) and the “Standards for all Flood Fringe Uses” listed in [1520.05](#).

(Ord. 92-08, passed 2-1-1993)

1520.02 Standards for Flood Fringe Permitted Uses.

1520.02.1. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one foot below the regulatory flood protection elevation, and the fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure erected thereon.

1520.02.2. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet for the outside dimension at ground level may be internally flood-proofed in accordance with [1515.04.5.3](#).

1520.02.3. The cumulative placement of fill where at any one time in excess of 1,000 cubic yards of fill is located on the parcel shall be allowable only as a special use, unless said fill is specifically intended to elevate a structure in accordance with [1520.02.1](#) of this chapter.

1520.02.4. The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.

1520.02.5. The provisions of [1520.05](#) of this chapter shall apply.

(Ord. 92-08, passed 2-1-1993)

1520.03 Special Uses. Any structure that is not elevated on fill or flood-proofed in accordance with [1520.02.1](#), and [1520.02.2](#), or any use of land that does not comply with the standards in [1520.02.3](#), and [1520.02.4](#), shall only be allowable as a special use. An application for a special use shall be subject to the standards and criteria and evaluation procedures specified in [1520.04](#), [1520.05](#) and [1545.04](#) of this chapter and in [Chapter 7](#) of these Zoning Regulations.

(Ord. 92-08, passed 2-1-1993)

1520.04 Standards for Flood Fringe Special Uses.

1520.04.1. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. These alternative methods may include the use of stilts, pilings, parallel walls, and the like, or above-grade, enclosed areas such as crawl spaces or tuck-under garages. The base or floor of an enclosed area shall be considered above grade and not a structure's basement or lowest floor if: (1) the enclosed area is above-grade on at least one side of the structure; (2) it is designed to internally flood and is constructed with flood-resistant materials; and (3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

1520.04.1.1. Design and Certification. The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the Minnesota State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

1520.04.1.2. Specific Standards for Above-Grade, Enclosed Areas. Above-grade, fully enclosed areas such as crawl spaces or tuck-under garages must be designed to internally flood and the design plans must stipulate:

1520.04.1.2.1. The minimum area of openings in the walls where internal flooding is to be used as a flood-proofing technique. When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one

foot above grade. Openings may be equipped with screens, louvers, valves or other coverings or devices, provided that they permit the automatic entry and exit of flood waters.

1520.04.1.2.2. That the enclosed area will be designed of flood resistant materials in accordance with the classifications in the Minnesota State Building Code and shall be used solely for building access, parking of vehicles or storage.

1520.04.2. Basements, as defined by [1505.07.2.](#) of this chapter, shall be subject to the following:

1520.04.2.1. Residential basement construction shall not be allowed below the regulatory flood protection elevation.

1520.04.2.2. Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood-proofed in accordance with [1520.04.3.](#) of this chapter.

1520.04.3. All areas of non-residential structures including basements to be placed below the regulatory flood protection elevation shall be flood-proofed in accordance with the structurally dry flood-proofing classifications in the Minnesota State Building Code. Structurally dry flood-proofing must meet the FP-1 or FP-2 flood-proofing classification in the Minnesota State Building Code, and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood-proofed to the FP-3 or FP-4 classification shall not be permitted.

1520.04.4. When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on-site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Zoning Administrator. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

(Ord. 92-08, passed 2-1-1993)

1520.04.5. Storage of Materials and Equipment.

1520.04.5.1. 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.

1520.04.5.2. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Zoning Administrator.

(Ord. 92-08, passed 2-1-1993)

1520.04.6. The provisions of [1520.05](#) of this chapter shall also apply.

(Ord. 92-08, passed 2-1-1993)

1520.05 Standards for All Flood Fringe Uses.

1520.05.1. All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of Appeals and Adjustments must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

1520.05.2. For commercial uses, accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two feet or be subject to flood velocities greater than four feet per second upon occurrence of the regional flood.

1520.05.3. For manufacturing and industrial uses, measures shall be taken to minimize interference with normal plant operations, especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in [1520.05.2.](#) above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in floodplain areas.

1520.05.4. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

1520.05.5. Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.

1520.05.6. Standards for travel trailers and travel vehicles are contained in [1540.03](#).

1520.05.7. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include but are not to be limited to use of over-the-top or frame ties to ground anchors. This

requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

(Ord. 92-08, passed 2-1-1993)

📖 Section 1525 – General Floodplain District

1525.01 Permissible Uses.

1525.01.1. The uses listed in [1515.01](#) of this chapter shall be permitted uses.

1525.01.2. All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to [1525.02](#) below. Section [1515](#) shall apply if the proposed use is in the Floodway District and Section [1520](#) shall apply if the proposed use is in the Flood Fringe District.

(Ord. 92-08, passed 2-1-1993)

1525.02 Procedures for Floodway and Flood Fringe Determinations Within the General Floodplain District.

1525.02.1. Upon receipt of an application for a special use permit for a use within the General Floodplain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the Floodway or Flood Fringe District.

1525.02.1.1. A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information;

1525.02.1.2. Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type; and/or

1525.02.1.3. Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.

1525.02.2. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the regulatory flood protection elevation. Procedures consistent with Minn. Regs. 1983, Parts 6120.5000 – 6120.6200 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' area hydrologist prior to commencing the analysis. The designated engineer or expert shall:

1525.02.2.1. Estimate the peak discharge of the regional flood;

1525.02.2.2. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas; and

1525.02.2.3. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than 0.5 foot shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

1525.02.3. The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the Hermantown Planning and Zoning Commission. The Hermantown Planning and Zoning Commission must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The Hermantown Planning and Zoning Commission, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency or the Department of Natural Resources for review and comment. Once the Floodway and Flood Fringe boundaries have been determined, the Hermantown Planning and Zoning Commission shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of Sections [1515](#) and [1520](#) of this chapter.

(Ord. 92-08, passed 2-1-1993)

Section 1530 – Subdivisions

1530.01 Review Criteria. No land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the floodplain districts shall contain a building site at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage treatment facilities that comply with the provisions of this chapter and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. For all subdivisions in the floodplain, the Floodway and Flood Fringe boundaries, the regulatory flood protection elevation and the required elevation of all access roads shall be clearly labeled on all required subdivision drawings and platting documents.

(Ord. 92-08, passed 2-1-1993)

1530.02 Floodway/Flood Fringe Determinations in the General Floodplain District. In the General Floodplain District, applicants shall provide the information required in [1525.02](#) of this chapter to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

(Ord. 92-08, passed 2-1-1993)

1530.03 Removal of Special Flood Hazard Area Designation. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

(Ord. 92-08, passed 2-1-1993)

1530.04 Other Provisions. These provisions are in addition to the provisions relating to Subdivisions and Planned Unit Developments contained in [Chapter 10](#) and [Chapter 11](#) of these Zoning Regulations.

(Ord. 92-08, passed 2-1-1993)

Section 1535 – Public Utilities, Railroads, Roads and Bridges

1535.01 Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain shall be flood-proofed in accordance with the Minnesota State Building Code or elevated to above the regulatory flood protection elevation.

(Ord. 92-08, passed 2-1-1993)

1535.02 Public Transportation Facilities. Railroad tracks, roads and bridges to be located within the floodplain shall comply with Sections [1515](#) and [1520](#) of this chapter. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where 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.

(Ord. 92-08, passed 2-1-1993)

1535.03 On-Site Sewage Treatment and Water Supply Systems. Where public utilities are not provided: (1) on-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and (2) new or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the state's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this section.

(Ord. 92-08, passed 2-1-1993)

Section 1540 – Manufactured Homes and Manufactured Home Parks and Placement of Travel Trailers and Travel Vehicles

1540.01 Compliance with Subdivisions Provisions. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Section [1530](#) of this chapter and any other provisions contained in these Zoning Regulations and all other applicable laws.

(Ord. 92-08, passed 2-1-1993)

1540.02 New Placements in Floodplain Districts. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in floodplain districts will be treated as a new structure and may be placed only if elevated in compliance with Section [1520](#) of this chapter. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with [1520.05.1](#)., then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Zoning Administrator.

1540.02.1. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include but are not to be limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

(Ord. 92-08, passed 2-1-1993)

1540.03 Exemptions. Travel trailers and travel vehicles that do not meet the exemption criteria specified in [1540.03.1](#). below shall be subject to the provisions of this chapter and as specifically spelled out in [1540.03.3](#) and [1540.03.4](#). below.

1540.03.1. Exemption Criteria. Travel trailers and travel vehicles are exempt from the provisions of this chapter if they are placed in any of the areas listed in [1540.03.2](#). below and, further, they meet the following criteria:

1540.03.1.1. Have current licenses required for highway use;

1540.03.1.2. Are highway ready (meaning on wheels or on an internal jacking system), are attached to the site only by quick-disconnect type utilities commonly used in campgrounds and trailer parks and the travel trailer/travel vehicle has no permanent structural type additions attached to it; and

1540.03.1.3. The travel trailer or travel vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

1540.03.2. Areas Exempted For Placement of Travel/Recreational Vehicles:

1540.03.2.1. Individual lots or parcels of record;

1540.03.2.2. Existing commercial recreational vehicle parks or campgrounds; and

1540.03.2.3. Existing condominium type associations.

1540.03.3. Development over \$500 in Value. Travel trailers and travel vehicles exempted in [1540.03.1](#). lose this exemption when development occurs on the parcel exceeding \$500 for a structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer/travel vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood-proofing requirements and the use of land restrictions specified in Sections [1515](#) and [1520](#) of this chapter.

1540.03.4. New Parks and Expansions. New commercial travel trailer or travel vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five units or dwelling sites shall be subject to the following:

1540.03.4.1. Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe Districts, provided said trailer or vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with [1520.05.1](#). of this chapter. No fill placed in the floodway to meet the requirements of this section shall increase flood stages of the 100-year or regional flood.

1540.03.4.2. All new or replacement travel trailers or travel vehicles not meeting the criteria of [1540.03.4.1](#). above may, as an alternative, be allowed as a special use if in accordance with the following provisions and the provisions of [1545.04](#) of this chapter and [Chapter 7](#) of these Zoning Regulations. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. Said plan shall be prepared by a registered engineer or other qualified individual and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with [1535.03](#) of this chapter.

(Ord. 92-08, passed 2-1-1993)

Section 1545 – Administration

1545.01 Zoning Administrator. The Zoning Administrator shall administer and enforce this chapter. If the Zoning Administrator finds a violation of the provisions of this chapter, the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Section [1555](#) of this chapter.

(Ord. 92-08, passed 2-1-1993)

1545.02 Permit Requirements.

1545.02.1. Permit Required. A permit issued by the Zoning Administrator in conformity with the provisions of this chapter shall be secured prior to the erection, addition or alteration of any building, structure or portion thereof; prior to the use or change of use of a building, structure or land; prior to the change or extension of a non-conforming use; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.

1545.02.2. Application for Permit. Application for a permit shall be made in duplicate to the Zoning Administrator on forms furnished by the Zoning Administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions and elevations of the lot; existing or proposed structures, fill or storage of materials; and the location of the foregoing in relation to the stream channel.

1545.02.3. State and Federal Permits. Prior to granting a permit or processing an application for a special use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.

1545.02.4. Certificate of Zoning Compliance for a New, Altered or Non- Conforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered or enlarged in its use or structure until a zoning certificate shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this chapter and all other provisions of these Zoning Regulations.

1545.02.5. Construction and Use to be as Provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, special use permits, or zoning certificates issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications, and no other use, arrangement or construction. Any use, arrangement or construction at variance with that authorized shall be deemed a violation of this chapter, and punishable as provided by Section [1555](#) of this chapter.

1545.02.6. Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this chapter. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.

1545.02.7. Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood-proofed.

(Ord. 92-08, passed 2-1-1993)

1545.03 Board of Appeals and Adjustments.

1545.03.1. Rules. The Board of Appeals and Adjustments (“Board”) shall adopt rules for the conduct of business and may exercise all of the powers conferred on such Boards by state law.

1545.03.2. Administrative Review. The Board shall hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by an administrative official in the enforcement or administration of this chapter.

1545.03.3. Variances. The Board may authorize upon appeal in specific cases such relief or variance from the terms of this chapter as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the Board of Adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in the respective enabling legislation which justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited 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.

1545.03.4. Hearings. Upon filing with the Board of Appeals and Adjustments of an appeal from a decision of the Zoning Administrator, or an application for a variance, the Board shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The Board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten days’ notice of the hearing.

1545.03.5 Decisions. The Board shall arrive at a decision on such appeal or variance within 60 days. In passing upon an appeal, the Board may, so long as such action is in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing, setting forth the findings of fact and the reasons for its decisions. In granting a variance the Board may prescribe appropriate conditions and safeguards such as those specified in [1545.04.6.](#), which are in conformity with the purposes of this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter punishable under Section [1555](#). A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten days of such action.

1545.03.6. Appeals. Appeals from any decision of the Board may be made, and as specified in these Zoning Regulations.

1545.03.7. Flood Insurance Notice and Record Keeping. The Zoning Administrator shall 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 100-

year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

(Ord. 92-08, passed 2-1-1993)

1545.04 Special Uses. The Hermantown Planning and Zoning Commission shall hear and decide applications for special uses permissible under this chapter. Applications shall be submitted to the Zoning Administrator, who shall forward the application to the Planning and Zoning Commission for consideration.

1545.04.1. Hearings. Upon filing with the Planning and Zoning Commission an application for a special use permit, the Planning and Zoning Commission shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed special use sufficiently in advance so that the Commissioner will receive at least ten days' notice of the hearing.

1545.04.2. Decisions. The Planning and Zoning Commission shall arrive at a decision on a special use within 60 days. In granting a special use permit the Planning and Zoning Commission shall prescribe appropriate conditions and safeguards, in addition to those specified in [1545.04.6.](#), which are in conformity with the purposes of this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the special use permit is granted, shall be deemed a violation of this chapter punishable under Section [1555](#). A copy of all decisions granting special use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten days of such action.

1545.04.3. Procedures to be followed by the Planning and Zoning Commission in Passing on Special Use Permit Applications Within all Floodplain Districts.

1545.04.3.1. Require the applicant to furnish such of the following information and additional information as deemed necessary by the Planning and Zoning Commission for determining the suitability of the particular site for the proposed use:

1545.04.3.1.1. Plans in triplicate drawn to scale showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, flood-proofing measures, and the relationship of the above to the location of the stream channel; and

1545.04.3.1.2. Specifications for building construction and materials, flood-proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.

1545.04.3.2. Transmit one copy of the information described in [1545.04.3.1.](#) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating

the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

1545.04.3.3. Based upon the technical evaluation of the designated engineer or expert, the Planning and Zoning Commission shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

1545.04.4. Factors Upon Which the Decision of the Planning and Zoning Commission Shall Be Based. In passing upon special use applications, the Planning and Zoning Commission shall consider all relevant factors specified in other sections of this chapter, and:

1545.04.4.1. The danger to life and property due to increased flood heights or velocities caused by encroachments;

1545.04.4.2. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures;

1545.04.4.3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions;

1545.04.4.4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

1545.04.4.5. The importance of the services provided by the proposed facility to the community;

1545.04.4.6. The requirements of the facility for a waterfront location;

1545.04.4.7. The availability of alternative locations not subject to flooding for the proposed use;

1545.04.4.8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

1545.04.4.9. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area;

1545.04.4.10. The safety of access to the property in times of flood for ordinary and emergency vehicles;

1545.04.4.11. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and

1545.04.4.12 Such other factors which are relevant to the purposes of this chapter.

1545.04.5. Time for Acting on Application. The Planning and Zoning Commission shall act on an application in the manner described above within 60 days from receiving the application,

except that where additional information is required pursuant to [1545.04.4](#), of this chapter. The Planning and Zoning Commission shall render a written decision within 30 days from the receipt of such additional information.

1545.04.6. Conditions Attached to Special Use Permits. Upon consideration of the factors listed above and the purpose of this chapter, the Planning and Zoning Commission shall attach such conditions to the granting of special use permits as it deems necessary to fulfill the purposes of this chapter. Such conditions may include but are not limited to the following:

1545.04.6.1. Modification of waste treatment and water supply facilities;

1545.04.6.2. Limitations on period of use, occupancy and operation;

1545.04.6.3. Imposition of operational controls, sureties and deed restrictions;

1545.04.6.4. Requirements for construction of channel modifications, compensatory storage, dikes, levees and other protective measures; and

1545.04.6.5. Flood-proofing measures, in accordance with the Minnesota State Building Code and this chapter. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood-proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(Ord. 92-08, passed 2-1-1993)

Section 1550 – Non-Conforming Uses

1550.01 Non-Conforming Uses. A structure or the use of a structure or premises which was lawful before the effective date of Ordinance No. 92-08 but which is not in conformity with the provisions of this chapter may be continued, subject to the following conditions:

1550.01.1. No such use shall be expanded, changed, enlarged or altered in a way which increases its non-conformity.

1550.01.2. Any alteration or addition to a non-conforming structure or non- conforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or flood-proofing techniques allowable in the Minnesota State Building Code, except as further restricted in [1550.01.3](#). below.

1550.01.3. The cost of any structural alterations or additions to any non- conforming structure over the life of the structure shall not exceed 50% of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the City’s initial floodplain controls must be calculated into today’s current cost which will include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the current cost of all previous and proposed alterations

and additions exceeds 50% of the current market value of the structure, then the structure must meet the standards of Section [1515](#) or [1520](#) of this chapter for new structures depending upon whether the structure is in the Floodway or Flood Fringe, respectively.

1550.01.4. If any non-conforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this chapter. The assessor shall notify the Zoning Administrator in writing of instances of non- conforming uses which have been discontinued for a period of 12 months.

1550.01.5. If any non-conforming use or structure is destroyed by any means, including floods, to an extent of 50% or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. The applicable provisions for establishing new uses or new structures in Sections [1515](#), [1520](#) or [1525](#) will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Floodplain District, respectively.

(Ord. 92-08, passed 2-1-1993)

Section 1555 – Penalties for Violation

1555.01 Violations. Violation of the provisions of this chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or special uses) shall constitute a misdemeanor and shall be punishable as defined by law.

(Ord. 92-08, passed 2-1-1993)

1555.02 Other Lawful Actions. Nothing herein contained shall prevent the City of Hermantown from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:

1555.02.1. In responding to a suspected ordinance violation, the Zoning Administrator and local government may utilize the full array of enforcement actions available to it, including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

1555.02.2. When an ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the community's plan of action to correct the violation to the degree possible.

1555.02.3. The Zoning Administrator shall notify the suspected party of the requirements of this chapter and all other applicable city regulations and the nature and extent of the suspected violation of these regulations. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Zoning Administrator. If the construction or development is already completed, then the Zoning Administrator may either (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time, not to exceed 30 days.

1555.02.4. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this chapter and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this chapter.

(Ord. 92-08, passed 2-1-1993)

Section 1560 – Amendments

1560.01 Floodplain Designation. The floodplain designation on the Official Floodplain Management Zoning Map shall 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 regional flood and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he or she determines that, through other measures, lands are adequately protected for the intended use.

(Ord. 92-08, passed 2-1-1993)

1560.02 Approval of Amendments. All amendments to this chapter, including amendments to the Official Floodplain Management Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Floodplain Management Zoning Map must meet the Federal Emergency Management Agency's (FEMA) technical conditions and criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given ten days' written notice of all hearings to consider an amendment to this chapter and said notice shall include a draft of the chapter amendment or technical study under consideration.

(Ord. 92-08, passed 2-1-1993)