

CHAPTER 15: FLOODPLAIN OVERLAY DISTRICT

SECTION 15.1 STATUTORY AUTHORIZATION AND PURPOSE

15.1.1 STATUTORY AUTHORIZATION

The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 394 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the Board of Commissioners of Dodge County, Minnesota, does ordain as follows.

15.1.2 PURPOSE

- A. This Chapter regulates development in the flood hazard areas of the unincorporated areas of Dodge County. 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.

SECTION 15.2 GENERAL PROVISIONS

15.2.1 LANDS TO WHICH THIS CHAPTER APPLIES

The regulations of this chapter applies to all lands within the jurisdiction of the Dodge County 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 15.3.2. The best available data must be utilized for determining

boundaries. The Flood Insurance Rate Map is adopted by reference in Section 5.4.2 of this ordinance.

- 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 Dodge County Board of Adjustment and to submit technical evidence.

15.2.2 ABROGATION AND GREATER RESTRICTIONS.

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 All other ordinance provisions inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

15.2.3 DETACHMENTS

The Flood Insurance Rate Map panels adopted by reference in Section 5.4.2 of this ordinance will include floodplain areas that lie inside the corporate boundaries of municipalities at the time of adoption of this ordinance. If any of these floodplain land areas are detached from a municipality and come under the jurisdiction of Dodge County after the date of adoption of this ordinance, the newly detached floodplain lands will be subject to the provisions of this ordinance immediately upon the date of detachment.

SECTION 15.3 ESTABLISHMENT OF FLOODPLAIN DISTRICTS

15.3.1 DISTRICTS

- A. Floodway. The Floodway includes those areas within the General Floodplain District that includes the channel of a watercourse and those portions of the adjoin floodplain which are reasonably required to carry or store the regional flood discharge determined under Section 15.7 of

this chapter.

- B. Flood Fringe. The Flood Fringe includes those areas within the General Floodplain District and outside the Floodway as determined under Section 15.7 of this chapter.
- C. General Floodplain District. The General Floodplain District includes those areas within an “A” Zone that do not have a specific floodway delineated as shown on the Flood Insurance Rate Map adopted by reference in Section 5.4.2.A or the best available data as provided by the Minnesota Department of Natural Resources in accordance with Minnesota Rules 6120.

15.3.2 APPLICABILITY

Locations where Floodway and Flood Fringe 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 Section 15.5 apply unless the floodway boundary is determined, according to the process outlined in Section 15.7.2.

SECTION 15.4 REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS

15.4.1 PERMIT REQUIRED

A permit must be obtained from the Zoning Administrator to verify if a development meets all applicable standards outlined in this ordinance prior to conducting the following activities:

- A. The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. 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.
- B. The construction of an on-site septic system, or any fence not meeting the definition of a farm fence defined in Chapter 4 of this ordinance.
- C. The change or extension of a nonconforming use.
- D. The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
- E. The placement of fill immediately around and adjacent to the exterior walls of an existing non-conforming dwelling for the purpose of obtaining a FEMA Letter of Map Change.

- F. Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement culverts and bridges), unless a public waters work permit has been applied for.

15.4.2 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.

15.4.3 FLOOD CAPACITY

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

15.4.4 STORAGE AND PROCESSING GENERAL PROHIBITIONS

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.

SECTION 15.5 FLOODWAY (FW)

15.5.1 PERMITTED USES

The following uses have a low flood damage potential and do not obstruct flood flows. These uses shall be permitted within the Floodway portion of the General Floodplain District, subject to any required land use permits/approvals, to the

extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, obstructions, excavations, drilling operations, unpermitted grading, storage of materials or equipment or any other form of development as defined herein in Chapter 4 of this Ordinance.

A. AGRICULTURAL DISTRICT (A)

- I. Field crops, horticulture, sod farms, and wild crop harvesting and similar general farming practices
- II. Livestock grazing/pasture operations that do not meet the definition of a "feedlot" under Minnesota Rules Chapter 7020 and this Ordinance.
- III. Apiaries
- IV. Wildlife preserves, forest and wetland management areas
- V. Accessory uses to existing dwellings, such as lawns, gardens, parking areas, and play areas, but not including structures
- VI. Public hiking and/or biking trails
- VII. Loading areas, accessory parking areas to permitted uses, streets, trails, railroads, minor essential services, bridges, and culverts
- VIII. Grading or land alterations associated with stabilization projects that provide copies of all local, state, and/or federal permits required for the project to the Environmental Services Department.

B. URBAN EXPANSION DISTRICT (X)

- I. Field crops, horticulture, sod farms, wild crop harvesting and similar general farming practices
- II. Livestock grazing/pasture operations that do not meet the definition of a "feedlot" under Minnesota Rules Chapter 7020, or successor, and this Ordinance.
- III. Apiaries
- IV. Wildlife preserves, forest and wetland management areas
- V. Accessory uses to existing dwellings, such as lawns, gardens, parking areas, and play areas, but not including structures
- VI. Public hiking and/or biking trails
- VII. Loading areas, accessory parking areas to permitted uses, streets, trails, railroads, minor essential services, bridges, and culverts

VIII. Grading or land alterations associated with stabilization projects that provide copies of all local, state, and/or federal permits required for the project to the Environmental Services Department.

C. RURAL RESIDENTIAL DISTRICT (R)

- I. Accessory uses to existing dwellings, such as lawns, gardens, parking areas, and play areas, but not including structures
- II. Limited agriculture and livestock grazing/pasture operations which do not to exceed one (1) animal unit per acre to a maximum of ten (10) animal units and do not meet the definition of a "feedlot" under Minnesota Rules Chapter 7020, or successor, and this Ordinance.
- III. Parks and recreation areas owned and operated by a government agency, but not including structures
- IV. Loading areas, accessory parking areas to permitted uses, streets, trails, railroads, minor essential services, bridges, and culverts
- V. Grading or land alterations associated with stabilization projects that provide copies of all local, state, and/or federal permits required for the project to the Environmental Services Department.

D. HAMLET DISTRICT (H)

- I. Accessory uses to existing dwellings, such as lawns, gardens, parking areas, and play areas, but not including structures
- II. Parks and recreation areas owned and operated by a government agency, but not including structures
- III. Accessory parking areas to permitted uses, streets, trails, railroads, minor essential services, bridges, and culverts
- IV. Grading or land alterations associated with stabilization projects that provide copies of all local, state, and/or federal permits required for the project to the Environmental Services Department.

E. COMMERCIAL DISTRICT (C)

- I. Parking lots accessory to Permitted Uses in the Commercial District

- II. Loading areas, accessory parking areas to permitted uses, streets, trails, railroads, minor essential services, bridges, and culverts
- III. Grading or land alterations associated with stabilization projects that provide copies of all local, state, and/or federal permits required for the project to the Environmental Services Department.

F. INDUSTRIAL DISTRICT (I)

- I. Loading areas, parking areas accessory to permitted uses, streets, trails, railroads, minor essential services, bridges, and culverts
- II. Grading or land alterations associated with stabilization projects that provide copies of all local, state, and/or federal permits required for the project to the Environmental Services Department.

15.5.2 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 use that will be utilized 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.

SECTION 15.6 FLOOD FRINGE (FF)

15.6.1 PERMITTED USES

The following are allowed uses within the Flood Fringe District to the extent that they are not prohibited by any other ordinance provisions. Excluding the provisions for a structure in Sections 15.6.1.A.III, 15.6.1.B.III, and 15.6.1.C.III, the permitted uses in the Flood Fringe District must not require new structures, fill, obstructions, excavation, drilling operations, storage of materials or equipment or any other form of development as defined herein in Chapter 4 of this Ordinance. Any accessory

structure allowed under 15.3.1.A.III, 15.6.1.B.III, and 15.6.1.C.III must obtain a Zoning Permit from the Department and meet applicable requirements of this Chapter. In addition, the standards of the underlying zoning district and any applicable performance and development standards of Chapters 16 and 17 must also be met.

- A. AGRICULTURAL DISTRICT (A)
 - I. All uses identified in Section 15.5.1.A
 - II. Existing dwellings and existing accessory buildings currently located within the Flood Fringe District. One new accessory building may be constructed after May 12th, 2020 with proper permits/approvals issued by the Department. New dwellings within the Flood Fringe District are prohibited.

- B. URBAN EXPANSION DISTRICT (X)
 - I. All uses identified in Section 15.5.1.B
 - II. Existing dwellings and existing accessory buildings currently located within the Flood Fringe District. One new accessory building may be constructed after May 12th, 2020 with proper permits/approvals issued by the Department. New dwellings within the Flood Fringe District are prohibited.

- C. RURAL RESIDENTIAL DISTRICT (R)
 - I. All uses identified in Section 15.5.1.C
 - II. Existing dwellings and existing accessory buildings currently located within the Flood Fringe District. One new accessory building may be constructed after May 12th, 2020 with proper permits/approvals issued by the Department. New dwellings within the Flood Fringe District are prohibited.

- D. HAMLET DISTRICT (H)
 - I. All uses identified in Section 15.5.1.D
 - II. Existing dwellings and existing accessory building currently located within the Flood Fringe District.

- E. COMMERCIAL DISTRICT (C)
 - I. All uses identified in Section 15.5.1.E

- F. INDUSTRIAL DISTRICT (I)

- I. All uses identified in Section 15.5.1.F

15.6.2 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 15.6.2.A, structures accessory to the uses identified in Section 15.6.1 (when allowed) may be designed to accommodate the inundation of floodwaters, meeting the following provisions:
 - I. The accessory structure constitutes a minimal investment and satisfy the development requirements in Section 15.4.2.
 - II. 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. No new fill is allowed unless the fill is specifically intended to elevate a structure in accordance with Section 15.6.2.A of this ordinance, or is being placed in accordance with Section 14.4.1.E of this ordinance.
- 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.

- 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 Section 15.10 of this ordinance.

15.6.3 CONDITIONAL USES

The following may be allowed as a Conditional Use in all primary zoning districts with existing conforming structures and legal non-conforming structures subject to the provisions of Chapter 6 and Section 15.12 of this Chapter. The use is subject to the standards and procedures set forth in Chapter 18 and Section 15.11.4 of this ordinance and further subject to the standards set forth in Section 15.6.4. In addition, the General Development Standards of Chapter 17 and the Performance Standards of Chapter 16 must also be met when applicable.

- A. 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 15.6.4.C.

15.6.4 STANDARDS FOR FLOOD FRINGE CONDITIONAL USES

- A. The standards for permitted uses in the flood fringe, listed in Sections 15.6.2.D through 15.6.2.H, apply to all conditional uses.
- B. All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be structurally dry floodproofed, 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 15.11.2.B shall be required.
- C. 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:

- I. 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.
- II. Floodproofing certifications consistent with Section 15.11.2.B shall be required. The structure shall be subject to a deed-restricted nonconversion agreement with the issuance of any permit.

15.6.5 INTERIM USES

The following may be allowed as an Interim Use in the Flood Fringe Area of the Agricultural zoning district. The use is subject to the standards and procedures set forth in Chapter 18 and Section 15.11 of this ordinance and the standards set forth in Section 15.6.6. In addition, the General Development Standards of Chapter 17 and the Performance Standards of Chapter 16 must also be met when applicable.

- A. Sand and gravel extraction, other mineral or material excavation activities which exceed 50 cubic yards in total

15.6.6 STANDARDS FOR FLOOD FRINGE INTERIM USES

- A. The Interim Use must not cause any increase in flood damages, nor any increase in flood elevations as certified by a registered professional engineer and verified by Minnesota Department of Natural Resources Floodplain Hydrologist/Engineer.
- B. **FILL, STORAGE OF MATERIALS AND EQUIPMENT**
 - I. Fill, dredge spoil, stockpiles, berms and other similar

materials deposited or stored in the flood fringe 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.

II. Placement of berms, fill, stockpiles, other materials, or equipment which would cause an increase to the stage of the 1% chance (100-yr) or regional flood is prohibited.

SECTION 15.7 GENERAL FLOODPLAIN DISTRICT (GF)

15.7.1 PERMITTED USES:

- A. The uses listed in Section 15.5.1 of this chapter, Floodway District Permitted Uses, are permitted uses.
- B. All other uses are subject to the floodway/flood fringe evaluation criteria specified in Section 15.7.2 below. Section 15.5 applies if the proposed use is determined to be in the Floodway District. Section 15.6 applies if the proposed use is determined to be in the Flood Fringe District.

15.7.2 PROCEDURES FOR DETERMINING FLOODWAY BOUNDARIES AND REGIONAL FLOOD ELEVATIONS

- A. Requirements for Detailed Studies. All permit requests shall be subject to a detailed study to determine the regulatory flood protection elevation (if unknown) 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:
 - I. Estimate the peak discharge of the regional (1% chance) flood.
 - II. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - III. 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 zoning administrator 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
 - I. 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 15.5.1. 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 Zoning Administrator. A stage increase less than one-half foot must be used if increased flood damages would result.
 - II. 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 Zoning Administrator. 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 Zoning Administrator 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 Zoning Administrator may seek technical assistance from an engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Zoning Administrator may approve or deny the application.
- D. Once the Floodway and Flood Fringe District boundaries have been determined, the Zoning Administrator must process the permit application consistent with the applicable provisions of Section 15.5 and 15.6 of this ordinance.

SECTION 15.8 SUBDIVISION STANDARDS

15.8.1 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 containing land within the floodplain district must meet the requirements for buildable lots and the subdivision regulations of Chapter 20 of this ordinance.
- 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 Dodge County. 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 15.7.2 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. Subdivision proposals must be reviewed to assure that:
 - I. All such proposals are consistent with the need to minimize flood damage within the flood prone area,
 - II. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
 - III. Adequate drainage is provided to reduce exposure of flood hazard.

SECTION 15.9 UTILITIES, RAILROADS, ROADS, AND BRIDGES

15.9.1 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.

15.9.2 PUBLIC TRANSPORTATION FACILITIES

Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 15.5 and 15.6 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.

15.9.3 ON-SITE WATER SUPPLY AND SEWAGE TREATMENT 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 are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; 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, 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.

SECTION 15.10 MANUFACTURED HOMES AND RECREATIONAL VEHICLES.

15.10.1 MANUFACTURED HOMES

Manufactured homes are subject to applicable standards for each floodplain district. In addition:

- A. Replacement manufactured homes must be elevated in compliance with Section 15.6 of this ordinance and must be securely anchored to a system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

15.10.2 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 either:

- A. Meet the requirements for manufactured homes in Section 15.10.1, or
- B. Be travel ready, meeting the following criteria:
 - I. The vehicle must have a current license required for highway use.
 - II. 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.
 - III. No permanent structural type additions may be attached to the vehicle.
 - IV. Accessory structures in recreational vehicle parks or campgrounds are prohibited.

SECTION 15.11 ADMINISTRATION

15.11.1 DUTIES

A Zoning Administrator or other official designated by Dodge County must administer and enforce this chapter.

15.11.2 PERMIT APPLICATION REQUIREMENTS

A. APPLICATION FOR PERMIT

Permit applications must be submitted to the Zoning Administrator on forms provided by the Environmental Services Department. The permit application must include the following as applicable:

- I. A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.
- II. Location, dimension and volume of any fill in relation to the stream channel.
- III. Copies of any required municipal, county, state or federal permits or approvals.
- IV. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

B. 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 chapter. 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 15.6.2.B of this chapter are exempt from certification, provided sufficient assurances are documented. Any development in established floodways is prohibited.

C. CERTIFICATE OF ZONING COMPLIANCE FOR A NEW, ALTERED, OR NONCONFORMING USE

No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.

D. RECORDKEEPING OF CERTIFICATIONS AND AS-BUILD DOCUMENTATION

The Zoning Administrator must maintain records in perpetuity documenting:

- I. All certifications referenced in Section 15.11.2.B of this chapter, as applicable
- II. Elevations complying with Section 15.6.2.A of this chapter. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations to structures are constructed or floodproofed.

E. NOTIFICATIONS FOR WATERCOURSE ALTERATIONS

Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota 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).

F. 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 Zoning Administrator must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

15.11.3 VARIANCES

A. VARIANCE APPLICATIONS

An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable State Statutes and Section 18.11 of this ordinance.

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:

- I. Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- II. Variances may only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
- III. 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 Zoning Administrator 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 community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:

- I. The potential danger to life and property due to increased flood heights or velocities caused by encroachments;
- II. The danger that materials may be swept onto other lands or downstream to the injury of others;
- III. 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;
- IV. The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;
- V. The importance of the services to be provided by the proposed use to the community;
- VI. The requirements of the facility for a waterfront location, if applicable;
- VII. The availability of viable alternative locations for the proposed use that are not subject to flooding;
- VIII. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;
- IX. The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;
- X. The safety of access to the property in times of flood for ordinary and emergency vehicles;
- XI. 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 Zoning Administrator 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 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 Zoning Administrator 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.

15.11.4 CONDITIONAL/INTERIM USES

A. APPLICATION

An application for a Conditional or Interim Use Permit subject to Chapter 15 of this ordinance will be processed and reviewed in accordance with the applicable provisions of Sections 18.13 and 18.14 of this ordinance.

B. FACTORS USED IN DECISION-MAKING

In addition to meeting all relevant factors specified in Sections 18.13. and 18.13 of this ordinance, all Condition and Interim Use requests shall meet the factors identified in Section 15.11.3.E of this chapter.

C. CONDITIONS ATTACHED TO CONDITIONAL & INTERIM USE PERMITS

In addition to the standards identified in Sections 15.6.4 & 15.6.6, Dodge County may attach such conditions to the granting of Conditional and Interim Use permits as it deems necessary to fulfill the purposes of this ordinance.

D. SUBMITTAL OF HEARING NOTICES TO THE DEPARTMENT OF NATURAL RESOURCES

The Zoning Administrator must submit hearing notices for proposed Conditional and Interim Uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing.

E. SUBMITTAL OF FINAL DECISIONS TO THE DNR.

A copy of all decisions regarding Conditional and Interim Uses must be

forwarded to the DNR within ten days of such action.

SECTION 15.12 NONCONFORMITIES

15.12.1 CONTINUANCE OF NONCONFORMITIES

A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Chapter 4 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 15.12.1.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 15.12.1.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 Section 15.5 or 15.6 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 Section 15.5 or 15.6 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 15.5 or 15.6 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 must not be reconstructed except in conformity with the provisions of this ordinance.

SECTION 15.13 VIOLATIONS AND PENALTIES

15.13.1 VIOLATIONS CONSTITUTES A MISDEMEANOR

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

15.13.2 OTHER LAWFUL ACTION

Nothing in this ordinance restricts Dodge County 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 Zoning Administrator within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.

15.13.3 ENFORCEMENT

Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of Chapter 19 of this ordinance. Dodge County must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

SECTION 15.14 AMENDMENTS

15.14.1 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.

15.14.2 AMENDMENTS REQUIRE DNR APPROVAL

All amendments to this ordinance must be submitted to and approved by the Department of Natural Resources (DNR) prior to adoption.

15.14.3 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 5.4.2 of this ordinance.