

ZONING CODE TEXT AMENDMENT SUMMARY

<i>Initiator:</i>	Council Member Palmisano
<i>Introduction Date:</i>	September 23, 2016
<i>Prepared By:</i>	Chris Vrchota, Senior City Planner, (612) 673-5467
<i>Specific Site:</i>	City Wide
<i>Ward:</i>	All Wards
<i>Neighborhood:</i>	All Neighborhoods
<i>Intent:</i>	To update ordinances regulating floodplain development to align with state and federal requirements.

APPLICABLE SECTION(S) OF THE ZONING CODE

- Chapter 521, Zoning Districts and Maps Generally
- Chapter 551, Overlay Districts

BACKGROUND

As part of a large-scale project to modernize the flood maps for the majority of the country, the Federal Emergency Management Agency (FEMA) has finalized new Flood Insurance Rate Map (FIRM) panels for all of Hennepin County. The City of Minneapolis is required to adopt these new map panels and update the provisions of the Floodplain Overlay District (FP) in order to continue participating in the National Flood Insurance Program (NFIP). The revised maps are based on better topographical data, more accurately reflecting the location of the determined floodway and flood fringe elevations. This will result in some properties being added to or removed from the FP, while the majority will remain unchanged.

Overall, there is not a substantial change in the manner or degree of regulation for properties in the FP. The overwhelming majority of changes between the existing FP Overlay and the proposed new FP involve either rewording or reordering of provisions with no actual change to the requirement or addition of further detail to provide more clarity and guidance. While the overall scope and impact of the regulations are not changing substantially, there are a significant number of changes being proposed to the wording and order of the ordinance. Due to this, staff is recommending that the existing FP chapter be stricken entirely and replaced with the newly revised language.

Outside of rewording and reordering provisions within the FP ordinance, there are a number of additions proposed. These additions are required by FEMA and the Minnesota Department of Natural Resources (DNR) to comply with the requirements of the NFIP. A summary of the additions are provided here. Please note that the section numbers given refer to the numbering in the proposed new ordinance, not the numbering of the existing FP ordinance. A summary of language in the existing ordinance not found in the new regulations is provided at the end of the Background section.

- 551.540- Statutory Authorization- This provision states that the State of Minnesota has delegated responsibility to local units of government for the adoption of floodplain regulations.
- 551.560- General Provisions-
 - Sections (a)(1) and (b)(1) provide more specific guidance on how and where the provisions of the FP ordinance are applied.
 - Section (e) addresses abrogation of easements, covenants and private agreements and states that the provisions of the FP ordinance prevail when more strict than other standards.
 - Section (g) is a severability clause stipulating that if any section is found to be unconstitutional or invalid, the remainder of the ordinance is unaffected
- 551.570- Definitions- A total of 12 new definitions are included in the new ordinance. They are: *Base Flood Elevation, Critical Facilities, Development, Flood Insurance Rate Map, Flood Prone Area, New Construction, One Hundred Year Floodplain, Recreational Vehicle, Repetitive Loss, Special Flood Hazard Area, Start of Construction, and Structure*. All definitions currently in the ordinance will either carry forward unchanged or with minor changes. No definitions are proposed for deletion.
- 551.580- Administration. Section (a) states that the Zoning Administrator shall administer and enforce the FP ordinance. Section (c) is entirely new, outlining the materials that must accompany a permit for any work in the floodplain district.
- 551.585- Variances and Conditional Use Permits-
 - Section (a) is entirely new, introducing specific requirements for variances and conditional use permits for properties in the FP.
 - Section (b) outlines a number of requirements for variance applications. This is mostly new language, except for (b)(3) and (b)(6) which are in the current FP ordinance.
 - Section (c) provides requirements for conditional use permit applications. (1), (3) and (4) are entirely new- the remainder of the requirements are carried forward from the existing ordinance.
 - Section (d)(9) adds the relationship of a proposed CUP or variance to the comprehensive plan and flood plain management program for the area as a consideration for variances and CUPs.
- 551.590- Establishment of Districts- This entire section is new. It provides specific details about the Floodway and Flood Fringe Districts. Floodway and Flood Fringe district designations are based on the information in the FIRM panels.
- 551.600- Floodway District-
 - (a)(5) adds railroads, streets, bridges, utility transmission lines and pipelines as permitted uses in the Floodway district.
 - (b)(3) requires that facilities used by employees or the general public must have a flood warning system to allow evacuation in certain conditions.
 - Section (c) includes two additional conditional uses in the floodway district: (2) storage of sand, gravel and other materials, and (6) travel-ready recreational vehicles.

- (d)(2)b. requires that fill, dredge spoil or other similar materials stored in the floodplain be protected from erosion.
- (d)(7) requires drainage paths around structures on slopes in the AO zone.
- 551.610- Flood Fringe District-
 - (b)(2)a. has a minor change, increasing the allowable size of detached accessory structures from 500 square feet to 576 square feet.
 - (b)(3) is mostly the same as the existing ordinance, but changes the amount of fill that can be placed that is not being used to elevate a structure from 25 cubic yards to 1000 cubic yards.
 - (b)(6) prohibits storage of processing of materials that are flammable, explosive or potentially injurious in the flood fringe.
 - (b)(7) requires that fill is compacted and slopes protected to prevent erosion.
 - (b)(11) references additional requirements for manufactured homes and recreational vehicles.
 - (c)(2) adds storage of material or equipment below the regulatory flood protection elevation (RFPE) as a conditional use.
 - (c)(3) adds the cumulative placement of 1,000 cubic yards of fill not being used to elevate a structure for flood protection as a conditional use.
 - (d)(3) b. and c are additional standards that must be met for a CUP for placement of fill.
 - (d)(4) outlines additional requirements for a CUP for storage of materials below the RFPE.
- 551.620- Land Development Standards- This section is entirely new. It establishes requirements for access and site design for subdivisions.
- 551.635- Manufactured homes, Manufactured Home Parks, and Recreational Vehicles- This section is entirely new. It outlines specific requirements for manufactured homes and recreational vehicles. While these are not a significant issue in Minneapolis, inclusion of this language is mandatory.
- 551.640- Nonconformities-
 - (a) Largely the same as existing. A new provision dealing with historic structures is added. (a)(3) and (a)(6) establish additional standards for alterations and additions and structures that experience repetitive loss, respectively.
- 554.645- Penalties and enforcement- This section is entirely new. It outlines the penalties for violation of the FP requirements and the enforcement process.
- 551.650- Amendments-
 - (a) is mostly the same as the existing ordinance. A new sentence was added to the end allowing for the Commissioner of the DNR to make exceptions to the rule prohibiting the removal of properties from the FP.
 - (b) This is a new provision requiring that amendments to the FP ordinance be sent to the DNR prior to adoption.

- (c) is a new provision requiring FP regulations to be amended to incorporate revisions made by FEMA.

The following sections of the existing ordinance are not found in the new proposed ordinance:

- 551.580- Administrative Provisions- (e)(11) was removed. This was a vague catchall for evaluation of CUPs.
- 551.590- General Provisions- Section (c), dealing with requirements for on-site sewage treatment and water supply systems, is no longer included. This language was not included in the model ordinance provided by the DNR and does not appear to be required.
- 551.600- Prohibited Uses in the FP Overlay District- Uses not expressly called out as permitted in the floodway district are prohibited. The flood fringe district allows uses that are permitted in the underlying zoning district but places some additional limitations on specific uses. This section is redundant and unnecessary.

PURPOSE

What is the reason for the amendment?

The purpose of the amendment is to amend floodplain regulations and maps for consistency with the requirements of the NFIP.

What problem is the amendment designed to solve?

If the revised FIRM panels and updated ordinance are not adopted, the City risks being suspended from the NFIP. Lenders are federally mandated to require properties identified in the floodplain to carry flood insurance. Participation in the NFIP allows property owners to purchase subsidized flood insurance. If the City is suspended from the NFIP, property owners would need to either pay off outstanding balances on their mortgages or purchase flood insurance on the private market at a substantially higher cost than the subsidized rates available through the NFIP.

What public purpose will be served by the amendment?

The primary goal of regulating floodplain development is to minimize the risk to public safety and financial loss that come from flooding. The FP overlay is intended to restrict development in the floodway, which carries the highest risk during a flood. It further lays out guidelines for development in the flood fringe that allow for reasonable use of property while limiting the potential for loss of life or property in flood events. Finally, as mentioned above, adopting the revised maps and updated ordinance enable the City to continue participating in the NFIP, which offers significant benefits to owners of properties in the floodplain.

What problems might the amendment create?

The amended boundaries of the floodplain increase or add the floodplain designation on 315 properties in the City. Some property owners who are not currently required to carry flood insurance will likely need to be covered. This will be true with or without the text amendment, as the FIRMs will be effective regardless. In early September, staff sent a letter to property owners where the floodplain will be added or expanded, explaining the changes to the maps.

TIMELINESS

Is the amendment timely?

Yes, the amendment is timely. The new maps go into effect on November 4, 2016.

Is the amendment consistent with practices in surrounding areas?

Yes. The overwhelming majority of local governmental units eligible for participation in the NFIP do so. All participants in the NFIP must adopt updated maps and floodplain ordinances to continue participation.

Are there consequences in denying this amendment?

Denying the amendment could lead to the City's suspension from the NFIP.

COMPREHENSIVE PLAN

The amendment will implement the following applicable policies of *The Minneapolis Plan for Sustainable Growth*:

Land Use Policy 1.1: Establish land use regulations to achieve the highest possible development standards, enhance the environment, protect public health, support a vital mix of land uses, and promote flexible approaches to carry out the comprehensive plan.

- 1.1.1 Ensure that the City's zoning code is consistent with The Minneapolis Plan and provides clear, understandable guidance that can readily be administered.
- 1.1.4 Support context-sensitive regulations for development and land use, such as overlay districts, in order to promote additional land use objectives.

Environment Policy 6.9: Be a steward of clean water by protecting and enhancing its surface and groundwater systems.

- 6.9.2 Continue to implement the city's floodplain and shoreland Ordinances, and the Mississippi River Critical Area plan.

This amendment will provide clear understandable guidance and regulation for the treatment of property within the floodplain and will continue to implement the floodplain ordinance, as consistent with the above policies of the comprehensive plan.

RECOMMENDATIONS

The Department of Community Planning and Economic Development recommends that the City Planning Commission and City Council adopt staff findings to amend Title 20 of the Minneapolis Code of Ordinances, as follows:

A. Zoning Map Amendment

Recommended motion: **Approve** the amendment to the boundaries of the floodplain district, amending Chapter 521, to reflect the boundaries established in the new Flood Insurance Rate Map panels.

B. Text Amendment

Recommended motion: **Approve** the amendments to sections of Chapter 55I relating to the Floodplain Overlay District.

ATTACHMENTS

1. Ordinance amending Chapter 52I and Chapter 55I
2. Existing Floodplain Overlay Map
3. Proposed Floodplain Overlay Map
4. Combined Existing and Proposed Floodplain Overlay Map

AN ORDINANCE

By Palmisano

Amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code.

The City Council of the City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the boundaries of the Floodplain Overlay District to reflect the official boundaries shown on the following panels of the Flood Insurance Rate Maps: 27053C0212F, 27053C0214F, 27053C0216F, 27053C0217F, 27053C0218F, 27053C0219F, 27053C0352F, 27053C0354F, 27053C0356F, 27053C0357F, 27053C0362F, 27053C0364F, 27053C0366F, 27053C0367F, 27053C0368F, 27053C0369F, 27053C0376F, 27053C0378F, 27053C0379F, 27053C0386F, 27053C0387F, 27053C0388F, 27053C0389, for the parcels of land listed below and identified on Zoning District Plates 1, 4, 12, 14, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39 and 40, pursuant to MS 462.357:

PID	Address
302924210014	3701 ST ANTHONY PKWY
802823320004	4401 RIVER PKWY W
1011821410003	4701 XERXES AVE N
1202824310103	4300 23RD AVE S
1202824320158	4350 19TH AVE S
1202824320159	4354 19TH AVE S
1202824320160	4355 LONGFELLOW AVE
1202824320161	4351 LONGFELLOW AVE
1202824330001	4553 LONGFELLOW AVE
1202824340001	2101 43RD ST E
1202824420008	4601 LONGFELLOW AVE
1202824420024	4400 27TH AVE S
1202824420072	2501 43RD ST E
1202824430001	4400 28TH AVE S
1302824110039	4636 29TH AVE S
1302824110041	4637 28TH AVE S
1302824210001	4600 28TH AVE S
1302824220028	1838 MINNEHAHA PKWY E
1302824220029	4745 CEDAR AVE S
1302824220030	4737 CEDAR AVE S
1302824220034	4700 LONGFELLOW AVE
1302824220035	4712 LONGFELLOW AVE
1302824220036	4715 CEDAR AVE S
1302824220037	4705 CEDAR AVE S
1302824230001	5001 NOKOMIS PKWY E
1302824240001	2001 MINNEHAHA PKWY E
1302824420001	5128 WOODLAWN BLVD
1302824420002	2641 50TH ST E
1302824420003	2524 51ST ST E
1302824420091	5100 1/2WOODLAWN BLVD
1302824420092	5049 1/2WOODLAWN BLVD
1302824430001	5200 WOODLAWN BLVD

1402824110084	4700 CEDAR AVE S
1402824110085	4712 CEDAR AVE S
1402824110086	4714 CEDAR AVE S
1402824110087	4728 CEDAR AVE S
1402824110088	4740 CEDAR AVE S
1402824110089	1814 MINNEHAHA PKWY E
1402824110090	1800 MINNEHAHA PKWY E
1402824110091	4733 18TH AVE S
1402824110092	4731 18TH AVE S
1402824110093	4725 18TH AVE S
1402824110094	4721 18TH AVE S
1402824110095	4717 18TH AVE S
1402824110096	4715 18TH AVE S
1402824110097	4709 18TH AVE S
1402824110098	4705 18TH AVE S
1402824110135	1610 MINNEHAHA PKWY E
1402824130020	4908 15TH AVE S
1402824130021	1420 MINNEHAHA PKWY E
1402824130112	4916 13TH AVE S
1402824130113	4920 13TH AVE S
1402824130114	4917 12TH AVE S
1402824130115	4915 12TH AVE S
1402824130116	4909 12TH AVE S
1402824130117	4905 12TH AVE S
1402824130118	4901 12TH AVE S
1402824130124	1300 MINNEHAHA PKWY E
1402824130145	1410 MINNEHAHA PKWY E
1402824130146	1400 MINNEHAHA PKWY E
1402824140012	4840 CEDAR AVE S
1402824140015	1600 MINNEHAHA PKWY E
1402824140018	1550 MINNEHAHA PKWY E
1402824140059	1600 49TH ST E
1402824140089	1500 50TH ST E
1402824140090	1601 MINNEHAHA PKWY E
1402824240100	1116 MINNEHAHA PKWY E
1402824240101	1112 MINNEHAHA PKWY E
1402824240102	1108 MINNEHAHA PKWY E
1402824240103	1104 MINNEHAHA PKWY E
1402824240104	1100 MINNEHAHA PKWY E
1402824240105	4919 11TH AVE S
1402824240116	1016 MINNEHAHA PKWY E
1402824240117	1012 MINNEHAHA PKWY E
1402824240118	1008 MINNEHAHA PKWY E
1402824240119	1004 MINNEHAHA PKWY E
1402824240120	1000 MINNEHAHA PKWY E
1402824310141	920 MINNEHAHA PKWY E
1402824310143	910 MINNEHAHA PKWY E
1402824320005	5125 PORTLAND AVE S
1402824320006	5120 OAKLAND AVE

1402824320008	5110 OAKLAND AVE
1402824320010	5100 OAKLAND AVE
1402824320031	629 MINNEHAHA PKWY E
1402824320032	637 MINNEHAHA PKWY E
1402824320033	643 MINNEHAHA PKWY E
1402824320034	651 MINNEHAHA PKWY E
1402824320036	5040 PARK AVE
1402824320037	5033 OAKLAND AVE
1402824320038	5029 OAKLAND AVE
1402824320039	5025 OAKLAND AVE
1402824320040	5015 OAKLAND AVE
1402824320041	625 MINNEHAHA PKWY E
1402824320042	617 MINNEHAHA PKWY E
1402824320043	613 MINNEHAHA PKWY E
1402824320054	5045 PORTLAND AVE S
1402824320055	5040 OAKLAND AVE
1402824320056	5036 OAKLAND AVE
1402824320057	5028 OAKLAND AVE
1402824320058	5024 OAKLAND AVE
1402824320059	5016 OAKLAND AVE
1402824320060	5012 OAKLAND AVE
1402824320061	5131 PORTLAND AVE S
1402824320062	5141 PORTLAND AVE S
1402824320063	5145 PORTLAND AVE S
1402824320064	5149 PORTLAND AVE S
1402824320065	5151 PORTLAND AVE S
1402824320066	5100 PARK AVE
1402824320067	5104 PARK AVE
1402824320068	5108 PARK AVE
1402824320069	5112 PARK AVE
1402824320070	5116 PARK AVE
1402824320071	5120 PARK AVE
1402824320072	5124 PARK AVE
1402824320073	5128 PARK AVE
1402824320074	5132 PARK AVE
1402824320075	5136 PARK AVE
1402824320076	5140 PARK AVE
1402824320077	5144 PARK AVE
1402824320078	5148 PARK AVE
1402824320079	5152 PARK AVE
1402824320082	5153 OAKLAND AVE
1402824320083	5149 OAKLAND AVE
1402824320084	5145 OAKLAND AVE
1402824320085	5141 OAKLAND AVE
1402824320086	5137 OAKLAND AVE
1402824320087	5133 OAKLAND AVE
1402824320088	5129 OAKLAND AVE
1402824320089	5121 OAKLAND AVE
1402824320090	5117 OAKLAND AVE

1402824320091	5113 OAKLAND AVE
1402824320092	5109 OAKLAND AVE
1402824320093	5105 OAKLAND AVE
1402824320094	5101 OAKLAND AVE
1402824320095	5100 COLUMBUS AVE S
1402824320096	719 51ST ST E
1402824320097	715 51ST ST E
1402824320098	707 51ST ST E
1402824320099	5101 PARK AVE
1402824320100	5111 PARK AVE
1402824320101	5115 PARK AVE
1402824320102	5119 PARK AVE
1402824320103	5123 PARK AVE
1402824320104	5127 PARK AVE
1402824320122	5120 COLUMBUS AVE S
1402824320123	5116 COLUMBUS AVE S
1402824320128	725 51ST ST E
1402824320155	5116 OAKLAND AVE
1402824320157	5124 OAKLAND AVE
1402824320162	5024 PARK AVE
1402824320163	5028 PARK AVE S
1402824330085	5221 PORTLAND AVE S
1402824330086	5217 PORTLAND AVE S
1402824330087	5215 PORTLAND AVE S
1402824330088	5209 PORTLAND AVE S
1402824330089	5205 PORTLAND AVE S
1402824330090	5201 PORTLAND AVE S
1402824440002	5200 CEDAR AVE S
1402824440023	5244 NOKOMIS PKWY W
1502824140080	4904 5TH AVE S
1502824140081	4908 5TH AVE S
1502824140082	4912 5TH AVE S
1502824140083	4916 5TH AVE S
1502824140084	4920 5TH AVE S
1502824140085	4924 5TH AVE S
1502824140086	4928 5TH AVE S
1502824140089	412 MINNEHAHA PKWY E
1502824140090	408 MINNEHAHA PKWY E
1502824140091	404 MINNEHAHA PKWY E
1502824140092	400 MINNEHAHA PKWY E
1502824140093	4939 4TH AVE S
1502824140094	4929 4TH AVE S
1502824140095	4925 4TH AVE S
1502824140096	4921 4TH AVE S
1502824140097	4917 4TH AVE S
1502824140098	4913 4TH AVE S
1502824140099	4909 4TH AVE S
1502824140100	4901 4TH AVE S
1502824140104	4912 4TH AVE S

1502824140105	4916 4TH AVE S
1502824140106	4920 4TH AVE S
1502824140107	4924 4TH AVE S
1502824140108	4928 4TH AVE S
1502824140109	4932 4TH AVE S
1502824140110	4936 4TH AVE S
1502824140111	4940 4TH AVE S
1502824140112	346 50TH ST E
1502824140113	338 50TH ST E
1502824340018	215 MINNEHAHA PKWY W
1502824340077	124 MINNEHAHA PKWY W
1502824340091	44 MINNEHAHA PKWY W
1502824410068	5124 PORTLAND AVE S
1502824410070	5149 LUVERNE AVE
1502824410071	5145 LUVERNE AVE
1502824410072	5141 LUVERNE AVE
1502824410073	5133 LUVERNE AVE
1502824410074	5129 LUVERNE AVE
1502824410075	5125 LUVERNE AVE
1502824410086	362 MINNEHAHA PKWY E
1502824430032	5226 STEVENS AVE S
1502824430033	5232 STEVENS AVE S
1502824430034	5308 1ST AVE S
1502824430036	5316 1ST AVE S
1502824430059	111 MINNEHAHA PKWY E
1502824430060	117 MINNEHAHA PKWY E
1502824430061	123 MINNEHAHA PKWY E
1502824430062	5304 STEVENS AVE S
1502824430063	5314 STEVENS AVE S
1502824430064	5320 STEVENS AVE S
1502824430065	5324 STEVENS AVE S
1502824430078	5307 1ST AVE S
1502824440001	414 DIAMOND LAKE RD E
1602824240041	1500 50TH ST W
1602824240050	4861 IRVING AVE S
1602824240051	4857 IRVING AVE S
1602824240052	4851 IRVING AVE S
1602824240053	4845 IRVING AVE S
1602824240054	4841 IRVING AVE S
1602824240055	4833 IRVING AVE S
1602824240060	4800 IRVING AVE S
1602824240061	4816 IRVING AVE S
1602824240064	4844 IRVING AVE S
1602824240065	4852 IRVING AVE S
1602824240066	4858 IRVING AVE S
1602824240067	4849 JAMES AVE S
1602824240068	4845 JAMES AVE S
1602824240069	4837 JAMES AVE S
1602824240070	4829 JAMES AVE S

1602824240071	4815 JAMES AVE S
1602824240072	4805 JAMES AVE S
1602824240074	4808 JAMES AVE S
1602824240075	4816 JAMES AVE S
1602824240076	4822 JAMES AVE S
1602824240077	4832 JAMES AVE S
1602824240078	4840 JAMES AVE S
1602824240079	4843 KNOX AVE S
1602824240080	4833 KNOX AVE S
1602824240081	4825 KNOX AVE S
1602824240082	4817 KNOX AVE S
1602824240085	4900 JAMES AVE S
1602824240086	4908 JAMES AVE S
1602824240087	4912 JAMES AVE S
1602824240088	4916 JAMES AVE S
1602824240089	4920 JAMES AVE S
1602824240091	4932 JAMES AVE S
1602824240092	1700 50TH ST W
1602824240093	4945 KNOX AVE S
1602824240094	4941 KNOX AVE S
1602824240095	4937 KNOX AVE S
1602824240096	4933 KNOX AVE S
1602824240101	4915 KNOX AVE S
1602824240102	4909 KNOX AVE S
1602824240103	4905 KNOX AVE S
1602824240104	4901 KNOX AVE S
1602824240109	4824 IRVING AVE S
1602824240110	4836 IRVING AVE S
1602824310002	1500 51ST ST W
1602824310003	1600 51ST ST W
1602824310004	1700 51ST ST W
1602824310007	1800 51ST ST W
1602824310009	5100 KNOX AVE S
1602824310010	5106 KNOX AVE S
1602824310011	5110 KNOX AVE S
1602824310028	5117 LOGAN AVE S
1602824310029	5115 LOGAN AVE S
1602824310030	5109 LOGAN AVE S
1602824310031	5105 LOGAN AVE S
1602824310032	5101 LOGAN AVE S
1602824310033	5100 JAMES AVE S
1602824310034	5108 JAMES AVE S
1602824310035	5116 JAMES AVE S
1602824310047	5101 KNOX AVE S
1602824310048	5100 IRVING AVE S
1602824310049	5112 IRVING AVE S
1602824310059	5109 JAMES AVE S
1602824310060	5101 JAMES AVE S
1602824310075	5111 IRVING AVE S

1602824310076	5101 IRVING AVE S
1602824310077	5025 KNOX AVE S
1602824310080	1501 50TH ST W
1602824310081	1601 50TH ST W
1602824320071	5056 MORGAN AVE S
1602824320087	5012 LOGAN AVE S
1602824320088	5020 LOGAN AVE S
1602824320089	5024 LOGAN AVE S
1602824320090	5028 LOGAN AVE S
1602824320091	5032 LOGAN AVE S
1602824320092	5036 LOGAN AVE S
1602824320093	5040 LOGAN AVE S
1602824320094	5048 LOGAN AVE S
1602824320095	5052 LOGAN AVE S
1602824320096	5057 MORGAN AVE S
1602824320097	5053 MORGAN AVE S
1602824320098	5049 MORGAN AVE S
1602824320099	5045 MORGAN AVE S
1602824320100	5041 MORGAN AVE S
1602824320158	5100 MORGAN AVE S
1602824320159	5120 LOGAN AVE S
1602824320160	5124 LOGAN AVE S
1602824320161	5132 LOGAN AVE S
1602824320162	5136 LOGAN AVE S
1602824320163	5140 LOGAN AVE S
1602824320164	5146 LOGAN AVE S
1602824320165	5150 LOGAN AVE S
1602824320166	5156 LOGAN AVE S
1602824320167	5155 MORGAN AVE S
1602824320168	5151 MORGAN AVE S
1602824320169	5145 MORGAN AVE S
1602824320170	5141 MORGAN AVE S
1602824320171	5135 MORGAN AVE S
1602824320172	5129 MORGAN AVE S
1602824320173	5121 MORGAN AVE S
1602824320174	5100 LOGAN AVE S
1602824330003	5200 NEWTON AVE S
1602824330004	2221 52ND ST W
1602824330005	2211 52ND ST W
1602824330006	2205 52ND ST W
1602824330007	2201 52ND ST W
1602824330008	2121 52ND ST W
1602824330009	2115 52ND ST W
1602824330012	2020 53RD ST W
1602824330013	2000 53RD ST W
1602824330014	2022 53RD ST W
1602824330015	2018 53RD ST W
1602824330016	2014 53RD ST W
1602824330017	2010 53RD ST W

1602824330028	5300 LOGAN AVE S
1602824330030	5316 LOGAN AVE S
1602824330031	5324 LOGAN AVE S
1602824330032	5328 LOGAN AVE S
1602824330033	5332 LOGAN AVE S
1602824330034	5336 LOGAN AVE S
1602824330035	5337 MORGAN AVE S
1602824330036	5333 MORGAN AVE S
1602824330037	5327 MORGAN AVE S
1602824330038	5321 MORGAN AVE S
1602824330039	5317 MORGAN AVE S
1602824330040	5313 MORGAN AVE S
1602824330041	5307 MORGAN AVE S
1602824330042	1919 53RD ST W
1602824330043	2005 53RD ST W
1602824330044	5308 MORGAN AVE S
1602824330045	5316 MORGAN AVE S
1602824330046	5324 MORGAN AVE S
1602824330047	5328 MORGAN AVE S
1602824330048	5332 MORGAN AVE S
1602824330049	5337 NEWTON AVE S
1602824330050	5329 NEWTON AVE S
1602824330051	5325 NEWTON AVE S
1602824330052	5317 NEWTON AVE S
1602824330053	5309 NEWTON AVE S
1602824330054	5301 NEWTON AVE S
1602824330104	5200 LOGAN AVE S
1602824330105	5204 LOGAN AVE S
1602824330106	5208 LOGAN AVE S
1602824330115	1900 53RD ST W
1602824330116	5245 MORGAN AVE S
1602824330117	5241 MORGAN AVE S
1602824330118	5237 MORGAN AVE S
1602824330119	5233 MORGAN AVE S
1602824330121	5225 MORGAN AVE S
1602824330122	5221 MORGAN AVE S
1602824330123	5217 MORGAN AVE S
1602824330124	5215 MORGAN AVE S
1602824330125	5209 MORGAN AVE S
1602824330126	5201 MORGAN AVE S
1602824330133	5343 MORGAN AVE S
1602824330135	5340 MORGAN AVE S
1602824330141	5306 LOGAN AVE S
1602824330142	5310 LOGAN AVE S
1602824330143	2111 52ND ST W
1602824330144	2107 52ND ST W
1602824340140	5325 LOGAN AVE S
1602824340141	5321 LOGAN AVE S
1602824340142	5317 LOGAN AVE S

1602824340143	5309 LOGAN AVE S
1602824340144	5305 LOGAN AVE S
1602824340145	5301 LOGAN AVE S
1702823220002	4901 46TH AVE S
1702823239000	ADDRESS UNASSIGNED
1702823320003	5017 MINNEHAHA AVE
1702824340183	3201 54TH ST W
1702824340206	5344 XERXES AVE S
1702824340207	3101 54TH ST W
1702824340208	5345 YORK AVE S
1702824430007	5315 UPTON AVE S
1702824430008	5319 UPTON AVE S
1702824430009	5321 UPTON AVE S
1702824430010	5325 UPTON AVE S
1702824430011	99 FOREST DALE RD
1702824430029	2801 BROOKWOOD TER
1702824430030	2811 BROOKWOOD TER
1702824430031	2817 BROOKWOOD TER
1702824430032	2821 BROOKWOOD TER
1702824430033	2825 BROOKWOOD TER
1702824430034	2829 BROOKWOOD TER
1702824430035	2833 BROOKWOOD TER
1702824430036	2901 BROOKWOOD TER
1702824430037	2905 BROOKWOOD TER
1702824430054	5335 WASHBURN AVE S
1702824430055	5345 WASHBURN AVE S
1702824430069	5330 WASHBURN AVE S
1702824430071	5333 XERXES AVE S
1702824430073	5345 ½ XERXES AVE S
1702824430149	2900 54TH ST W
1702824440003	91 FOREST DALE RD
1702824440004	85 FOREST DALE RD
1702824440005	81 FOREST DALE RD
1702824440006	75 FOREST DALE RD
1702824440008	5345 UPTON AVE S
1702824440034	2606 CROMWELL CT
1702824440035	2608 CROMWELL CT
1702824440036	2700 54TH ST W
1702824440037	53 FOREST DALE RD
1702824440038	57 FOREST DALE RD
1702824440040	69 FOREST DALE RD
1702824440082	2322 53RD ST W
1702824440083	2328 53RD ST W
1702824440084	2400 53RD ST W
1702824440085	5302 RUSSELL AVE S
1702824440086	5304 RUSSELL AVE S
1702824440087	2500 MINNEHAHA PKWY W
1702824440088	5308 RUSSELL AVE S
1702824440089	5312 RUSSELL AVE S

1702824440090	5316 RUSSELL AVE S
1702824440091	5320 RUSSELL AVE S
1702824440092	5322 RUSSELL AVE S
1702824440093	5324 RUSSELL AVE S
1702824440107	5220 PENN AVE S
1702824440110	2409 52ND ST W
1702824440122	16 RUSSELL CT
1702824440123	22 RUSSELL CT
1702824440126	5244 RUSSELL AVE S
1702824440127	61 FOREST DALE RD
1702824440128	65 FOREST DALE RD
1702824449000	5301 FOREST DALE RD
1802823110004	4901 MINNEHAHA AVE
1802823120005	3901 MINNEHAHA PKWY E
1802823120091	4620 HIAWATHA AVE
1802823130001	4001 MINNEHAHA PKWY E
1802823140018	4825 HIAWATHA AVE
1802823210002	3401 CROSBY PL
1802823210004	3701 47TH ST E
1802823210005	4702 38TH AVE S
1802823210006	4706 38TH AVE S
1802823210007	4710 38TH AVE S
1802823210008	4714 38TH AVE S
1802823210009	4718 38TH AVE S
1802823210010	4722 38TH AVE S
1802823210011	4726 38TH AVE S
1802823210012	4730 38TH AVE S
1802823210013	4734 38TH AVE S
1802823210014	3726 MINNEHAHA PKWY E
1802823210015	3720 MINNEHAHA PKWY E
1802823210016	3718 MINNEHAHA PKWY E
1802823210022	4729 37TH AVE S
1802823210023	4725 37TH AVE S
1802823210024	4719 37TH AVE S
1802823210047	3617 47TH ST E
1802823210048	3621 47TH ST E
1802823210049	3625 47TH ST E
1802823210074	4701 34TH AVE S
1802823210078	4629 36TH AVE S
1802823210079	4625 36TH AVE S
1802823210089	4624 36TH AVE S
1802823210090	4628 36TH AVE S
1802823210091	4629 35TH AVE S
1802823210092	4625 35TH AVE S
1802823210093	4621 35TH AVE S
1802823210106	4624 35TH AVE S
1802823210107	4628 35TH AVE S
1802823210119	4737 38TH AVE S
1802823220046	3101 46TH ST E

1802823220047	3201 47TH ST E
1802823220049	4715 33RD AVE S
1802823220057	4601 31ST AVE S
1802823220058	4629 31ST AVE S
1802823220068	4701 ½ 31ST AVE S
2002924130002	2901 8TH AVE N
2002924130045	700 XERXES AVE N
2002924130053	711 VINCENT AVE N
2002924130054	707 VINCENT AVE N
2002924130055	701 VINCENT AVE N
2002924130056	627 VINCENT AVE N
2002924130057	621 VINCENT AVE N
2002924130069	622 VINCENT AVE N
2002924130070	626 VINCENT AVE N
2002924130138	600 XERXES AVE N
2002924420003	300 UPTON AVE N
2002924420004	2700 GLENWOOD AVE N
2002924430010	2621 GLENWOOD AVE N
2002924440048	110 QUEEN AVE N
2002924440050	226 RUSSELL AVE N
2002924440051	110 RUSSELL AVE N
2002924440052	234 SHERIDAN AVE N
2002924440053	270 THOMAS AVE N
2002924440056	225 THOMAS AVE N
2002924440062	110 PENN AVE N
2002924440072	2615 GLENWOOD AVE N
2202824110001	413 DIAMOND LAKE RD E
2202824110042	5509 CLINTON AVE S
2202824110043	5515 CLINTON AVE S
2202824110044	5519 CLINTON AVE S
2202824110054	5535 CLINTON AVE S
2202824110055	5541 CLINTON AVE S
2202824110056	5547 CLINTON AVE S
2202824110057	5555 CLINTON AVE S
2202824140001	5645 CLINTON AVE S
2202824140002	5701 CLINTON AVE S
2202824140003	5705 CLINTON AVE S
2202824140004	5709 CLINTON AVE S
2202824140005	5750 PORTLAND AVE S
2202824140006	5601 CLINTON AVE S
2202824140007	5609 CLINTON AVE S
2202824140008	5615 CLINTON AVE S
2202824140009	5621 CLINTON AVE S
2202824140010	5627 CLINTON AVE S
2202824140011	5631 CLINTON AVE S
2202824140012	5637 CLINTON AVE S
2202824140013	5641 CLINTON AVE S
2202824140014	5715 CLINTON AVE S
2202824140015	5721 CLINTON AVE S

2202824140016	5725 CLINTON AVE S
2202824140017	5731 CLINTON AVE S
2202824140018	5737 CLINTON AVE S
2202824140019	5745 CLINTON AVE S
2202824140020	5749 CLINTON AVE S
2202824410001	5760 PORTLAND AVE S
2202824410002	5808 ½ PORTLAND AVE S
2202824410003	5808 PORTLAND AVE S
2202824410004	5814 PORTLAND AVE S
2202824410005	5820 PORTLAND AVE S
2202824410006	5826 PORTLAND AVE S
2202824410007	5832 PORTLAND AVE S
2202824410008	5838 PORTLAND AVE S
2202824410009	5844 PORTLAND AVE S
2202824410010	510 DIAMOND LAKE LA
2202824410062	406 CHESTER ST
2202824410063	412 CHESTER ST
2202824410065	5912 DIAMOND LAKE LA
2202824410077	5843 CLINTON AVE S
2202824410078	5837 CLINTON AVE S
2202824410079	5831 CLINTON AVE S
2202824410080	5825 CLINTON AVE S
2202824410081	5819 CLINTON AVE S
2202824410085	5800 PORTLAND AVE S
2302824110001	1501 54TH ST E
2302824420026	5937 14TH AVE S
2302824420053	5925 14TH AVE S
2302824420054	5931 14TH AVE S
2302824420055	5917 14TH AVE S
2302824420056	5921 14TH AVE S
2302924410041	420 MAIN ST SE
2402824210001	5500 WOODLAWN BLVD
2402824230010	5617 CEDAR AVE S
2402924320001	101 10TH AVE SE
2402924340003	10 ½ 10TH AVE SE
2402924430001	10 CHURCH ST SE

Section 2. That Article VII, Floodplain Overlay District, Sections 551.540 through 551.650, contained in Chapter 551, Overlay Districts, be and is hereby repealed in whole and replaced with a new Article VII, Sections 551.540 through 551.650, to read as follows:

ARTICLE VII. FP FLOODPLAIN OVERLAY DISTRICT

~~**551.540. Purpose.** The FP Floodplain Overlay District is established 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. These regulations govern development within the FP Overlay District in order to minimize damage to property due to flooding and promote public health, safety and welfare.~~

~~**551.550. Established boundaries.** (a) *In general.* The boundaries of the FP Overlay District shall include those areas within the regional floodplain boundaries and shall be as established in this article and shown on the official zoning map.~~

~~(b) *Floodplain districts.* The FP Overlay District shall be divided into two (2) districts: Floodway District and Flood Fringe District. The boundaries of these districts shall be as shown on the official Flood Insurance Rate Map.~~

~~(c) *Official maps.* The following technical data prepared by the Federal Emergency Management Agency are hereby adopted and incorporated by reference as part of this zoning ordinance: Flood Insurance Study, Volume 1 of 2 and Volume 2 of 2, Hennepin County, Minnesota All Jurisdictions, and the Flood Insurance Rate Map Panels numbered 27053C0212E, 27053C0214E, 27053C0216E, 27053C0217E, 27053C0218E, 27053C0219E, 27053C0352E, 27053C0354E, 27053C0356E, 27053C0357E, 27053C0362E, 27053C0364E, 27053C0366E, 27053C0367E, 27053C0368E, 27053C0369E, 27053C0376E, 27053C0378E, 27053C0379E, 27053C0386E, 27053C0387E, 27053C0388E, and 27053C0389E, for the City of Minneapolis, dated September 2, 2004, as developed by the Federal Emergency Management Agency. The Official Map shall be on file in the office of the Zoning Administrator.~~

~~(d) *Interpretation.* Where interpretation is needed as to the exact location of the boundaries of the Floodway and Flood Fringe Districts, as shown on the official zoning map, as for example, where there appears to be a conflict between a mapped boundary and actual field conditions, the zoning administrator shall make the necessary interpretation. All decisions shall be based on the regional (100 year) flood profile and other available technical data.~~

~~(e) *Removal of 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 regional flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multiple structure or multiple 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.~~

~~**551.560. Warning and disclaimer of liability.** This article does not imply that areas outside the FP Overlay District or land uses permitted within such overlay district will be free from flooding or flood damage. This article shall not create liability on the part of the City of Minneapolis or any officer or employee of the city for any flood damages that result from reliance on this article or any administrative decision lawfully made regarding this article.~~

~~**551.570. Definitions.** As used in this article, the following words and phrases shall mean:~~

~~*Basement.* Any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four (4) sides, regardless of the depth of excavation below ground level.~~

~~*Equal degree of encroachment.* A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.~~

~~*Flood.* The increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the overflowing of water onto land that is usually devoid of surface water.~~

~~*Flood, regional.* 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 one hundred (100)-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.~~

~~*Flood frequency.* The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.~~

~~*Flood Fringe District.* Those areas shown on the Flood Insurance Rate Map as adopted in this article as being within Zone AE, Zone AO, or Zone AH but being located outside the floodway. Where the floodway is not shown for flood zone AE on a lake the flood fringe shall be the area above the Ordinary High Water (OHW) elevation, provided compensating flood water storage is created for any filling or obstruction placed below the one hundred (100)-year flood level.~~

~~*Floodplain.* Those areas shown on the Flood Insurance Rate Map as adopted in this article as being within Zone AE, Zone AO, or Zone AH.~~

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

~~*Floodway District.* Those areas designated as floodway on the Flood Insurance Rate Map as adopted in this article.~~

~~*Lowest Floor.* The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor.~~

~~*Manufactured Home.* A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle".~~

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

~~*Reach.* 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 (2) consecutive bridge crossings would most typically constitute a reach.~~

~~*Regulatory flood protection elevation.* An elevation not less than one (1) foot above the water surface elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway. Within the AO Zones designated on the Flood Insurance Rate Map, this elevation shall be at least one (1) foot greater than the elevation of the highest ground surface adjacent to the proposed structure prior to construction next to the proposed walls of any structure or addition to be constructed.~~

~~*Substantial Damage.* Damage of any origin sustained by a structure where the cost of materials and labor to restore the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before damage occurred.~~

~~*Substantial Improvement.* Within any consecutive one year (365 day) period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure before the "start of construction" of the improvement. This term includes the cost of materials and labor to repair structures which have incurred damage which equals or exceeds fifty (50) percent of the market value. This term does not include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. This term also does not include any alteration of an "historic structure" provided that the alteration will not preclude the structure's continued designation as an "historic structure". For the purpose of this article, "historic structure" shall be as defined in Code of Federal Regulations, Part 59.1.~~

551.580. Administrative provisions. (a) *Permit required.* A permit shall be issued prior to the construction, addition, alteration, repair, or rehabilitation (including normal maintenance and repair) of any building or structure; prior to the construction of a dam, fence, or on-site sewage treatment system; prior to the change or expansion of a nonconformity; and prior to the placement of fill, storage of materials, or excavation of materials within the floodplain.

~~(b) *Zoning certificate required.* In addition to those matters which require a zoning certificate, as specified in Chapter 525, Administration and Enforcement, a zoning certificate shall be obtained prior to any placement of fill, excavation of materials, or storage of materials or equipment within the FP Overlay District.~~

~~(c) *Certification.* An applicant for a zoning certificate shall submit certification to the zoning administrator by a registered professional engineer, registered architect or registered land surveyor that the finished fill and building elevations meet the requirements of this article. Floodproofing measures shall be certified by a registered professional engineer or registered architect.~~

~~(d) *Record of first floor elevation.* The zoning administrator shall maintain a record of the elevation of the lowest floor (including the basement) of all new structures and structural alterations to existing structures in the FP Overlay District. The zoning administrator also shall maintain a record of the elevation to which structures and alterations to structures are floodproofed.~~

~~(e) *Evaluation criteria for conditional uses.* In addition to the conditional use standards contained in Chapter 525, Administration and Enforcement, the city planning commission shall consider the following evaluation criteria for conditional uses located within the FP Floodplain Overlay District:~~

- ~~(1) The danger to life and property due to increased flood heights or velocities caused by encroachments.~~
- ~~(2) The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.~~
- ~~(3) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.~~
- ~~(4) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.~~
- ~~(5) The importance of the services provided by the proposed facility to the community.~~
- ~~(6) The requirements of the facility for a waterfront location.~~
- ~~(7) The availability of alternative locations not subject to flooding for the proposed use.~~
- ~~(8) The relationship of the proposed use to the floodplain management program for the area.~~
- ~~(9) The safety of access to the property in times of flood for ordinary and emergency vehicles.~~
- ~~(10) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.~~
- ~~(11) Such other factors which are relevant to the purposes of this article.~~

~~(f) *Conditional use permit conditions and guarantees.* The city planning commission may impose such conditions on any proposed conditional use permit and require such guarantees as it deems reasonable and necessary to protect the public interest and to ensure compliance with the standards and purposes of this zoning ordinance and policies of the comprehensive plan, including but not limited to the following:~~

- ~~(1) Modification of waste treatment and water supply facilities.~~
- ~~(2) Limitations on period of use, occupancy and operation.~~
- ~~(3) Imposition of operational controls, sureties and deed restrictions.~~
- ~~(4) Requirements for construction of channel modifications, compensatory storage, dikes, levees and other protective measures.~~
- ~~(5) Floodproofing measures, in accordance with the State Building Code and this zoning ordinance.~~

~~(g) *Flood insurance notice and record keeping.* The zoning administrator shall notify the applicant for a variance, as authorized in Chapter 525, Administration and Enforcement, of the following. Such notification shall be maintained with a record of all variance actions, including the basis for their issuance. The zoning administrator shall report such variances issued in an annual or biennial report submitted to the administrator of the National Flood Insurance Program.~~

~~(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 twenty five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage.~~

~~(2) Such construction below the regional flood level increases the risks to life and property.~~

~~(h) *Notifications for Watercourse Alterations.* The Zoning Administrator shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).~~

~~(i) *Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation.* As soon as is practicable, but no later than six (6) months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.~~

~~**551.590. General provisions.** (a) *Use of fill.* Fill, dredge spoils and all other similar materials deposited or stored in the FP Overlay District shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable methods. Such use of fill and similar materials shall comply with the provisions of Chapter 52, Erosion and Sediment Control for Land Disturbance Activities, of the Minneapolis Code of Ordinances.~~

~~(b) *Public utilities.* All public utilities and facilities such as gas, electrical, sewer, and water supply systems shall be floodproofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.~~

~~(c) *On-site sewage treatment and water supply systems.* Where public utilities are not provided, uses shall comply with the following:~~

~~(1) On-site water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the systems.~~

~~(2) New or replacement on-site sewage treatment systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. Such systems 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 article.~~

~~(d) *Public transportation facilities.* Streets, railroad tracks and bridges located within the floodplain shall be designed to minimize increases in flood elevations and shall be compatible with local comprehensive floodplain development plans. Protection to the regulatory flood protection elevation shall be provided where failure or interruption of these public facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Where failure or interruption of service would not endanger life or health, a lesser degree of protection may be provided for minor or auxiliary streets or railroads.~~

~~**551.600. Prohibited uses in the FP Overlay District.** (a) *In general.* All uses not allowed as permitted or conditional uses by this article shall be prohibited, regardless of the underlying primary zoning district.~~

~~(b) *Waste transfer or disposal facilities.* Waste transfer, treatment or disposal facilities shall be prohibited.~~

~~(c) Manufactured homes and manufactured home parks. Manufactured homes, manufactured home parks, and recreational vehicles greater than four hundred (400) square feet in area shall be prohibited.~~

~~**551.610. Permitted uses in the Floodway District.** Permitted uses in the Floodway District shall be limited to the following uses, provided such uses shall have a low flood damage potential, shall not obstruct flood flows or increase flood elevations, shall not involve structures, fill, obstructions, excavations or storage of materials, and shall be permitted in the underlying primary zoning district:~~

~~(1) Outdoor plant nurseries.~~

~~(2) Parking and loading areas.~~

~~(3) Recreational open space uses such as golf courses, tennis courts, driving ranges, archery ranges, public parks, boat launching ramps, swimming areas, play areas, wildlife and nature preserves, and hiking and horseback riding trails.~~

~~(4) Lawns and gardens.~~

~~**551.620. Conditional uses in the Floodway District.** Conditional uses in the Floodway District shall be limited to the following uses, provided such uses shall have a low flood damage potential, shall not cause an increase in the stage of the regional flood or cause an increase in the flood damages in the reach or reaches affected, and shall be allowed in the underlying primary zoning district:~~

~~(1) Structures accessory to permitted and conditional uses, subject to the following:~~

~~a. Accessory structures shall be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the State Building Code. As an alternative, the structure may be floodproofed to the FP-3 or FP-4 floodproofing classification in the State Building Code provided the structure constitutes a minimal investment, shall not exceed five hundred (500) square feet, and for a detached garage, the garage shall be used solely for the parking of vehicles and limited storage. In addition, all floodproofed accessory structures shall be subject to the following:~~

~~1. The structure shall 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. To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.~~

~~2. Any mechanical and utility equipment in the structure shall be installed at or above the regulatory flood protection elevation or shall be adequately floodproofed.~~

~~b. Accessory structures shall not be designed for human habitation.~~

~~c. Accessory structures shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters as follows:~~

~~1. So far as practicable, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow.~~

~~2. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.~~

~~(2) Land uses in which access to or use of a surface water feature is an integral component, such as boathouses, docks, marinas, observation platforms and water control structures such as locks and dams.~~

~~(3) Streets, railroads, bridges, utility transmission lines and pipelines.~~

~~(4) Outdoor storage and display of equipment, machinery or other materials, provided the storage of materials that are flammable, explosive, or potentially injurious to human, animal or plant life in time of flooding shall be prohibited. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after flood warning, in accordance with a plan approved by the city planning commission.~~

~~(5) Placement of fill.~~

~~(6) Structural works for flood control such as levees, dikes and floodwalls, subject to the following:~~

- a. Any proposed work that will change the course, current or cross-section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statutes, Chapter 103G, and other applicable statutes.
- b. Community-wide structural works for flood control intended to remove areas from the regulatory floodplain shall be prohibited.
- c. A levee, dike or floodwall constructed in the Floodway District shall not cause an increase to the regional flood, and the technical analysis shall assume equal conveyance or storage loss on both sides of a stream.

551.630. Permitted uses in the Flood Fringe District. Permitted uses in the Flood Fringe District shall be those uses listed as permitted uses in the underlying primary zoning district. In addition to the standards of Chapter 551.650 such uses shall be subject to the following:

(1) *Structures.* All structures and all additions to such structures shall be elevated on fill so that the lowest floor, including the basement, is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon. As an alternative to elevation on fill, accessory structures may be floodproofed to the FP-1 or FP-2 floodproofing classification in the State Building Code. In addition, accessory structures that constitute a minimal investment and that do not exceed five hundred (500) square feet may be internally floodproofed to the FP-3 or FP-4 floodproofing classification in the State Building Code, subject to the following:

- a. The structure shall 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. To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.
- b. Any mechanical and utility equipment in the structure shall be installed at or above the regulatory flood protection elevation or shall be adequately floodproofed.

(2) *Storage of materials.* The storage of materials and equipment shall be elevated on fill to an elevation at or above the regulatory flood protection elevation.

(3) *Fill.* The cumulative placement of fill shall not exceed twenty-five (25) cubic yards of fill in any one (1) calendar year, unless such fill is specifically intended to elevate a structure in accordance with section (1) above.

551.640. Conditional uses in the Flood Fringe District. Conditional uses in the Flood Fringe District shall be those uses listed as conditional uses in the underlying primary zoning district and all uses listed as permitted uses in the underlying primary zoning district that cannot comply with the elevation, floodproofing or fill standards for permitted uses, as specified in section 551.630 above. In addition to the standards of section 551.650, conditional uses shall be subject to the following:

(1) *Alternative elevation methods.* 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 but are not limited to the use of stilts, pilings or parallel walls, 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 all of the following apply:

- a. The enclosed area is above grade on at least one (1) side of the structure.
- b. The enclosed area is designed to internally flood and is constructed with flood resistant materials.
- c. The enclosed area is used solely for parking of vehicles, building access or storage.
- d. In addition, the structure shall be subject to the following:

~~1. Design and certification. The structure's design and as built condition shall be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code. All electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.~~

~~2. Specific standards for above-grade, enclosed areas. Above grade, fully enclosed areas such as crawl spaces or tuck under garages shall be subject to the following:~~

~~a. The enclosed area shall be designed to internally flood. Design plans shall show the minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. 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 automatic openings shall have a minimum net area of not less than one square inch for every square foot subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic 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 without any form of human intervention~~

~~b. The enclosed area shall be constructed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code.~~

~~c. The enclosed area shall be used only for parking vehicles, storage or building access.~~

~~(2) Basements. Residential basement construction shall be prohibited below the regulatory flood protection elevation. Nonresidential basements may be allowed below the regulatory flood protection elevation, provided the basement shall be structurally dry floodproofed, subject to section (3) below.~~

~~(3) Nonresidential structures. All areas of nonresidential structures, including basements, located below the regulatory flood protection elevation shall be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing shall meet the FP-1 or FP-2 floodproofing classification in the State Building Code, requiring the structure to be watertight with the walls substantially impermeable to the passage of water and requiring structural components to have the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures floodproofed to the FP-3 or FP-4 classification shall be prohibited.~~

~~(4) Storage of materials and equipment. The storage, display or processing of materials that are flammable, explosive, or potentially injurious to human, animal or plant life in time of flooding shall be prohibited. Storage of other material or equipment may be allowed if readily removable from the area within the time available after flood warning in accordance with a plan approved by the city engineer.~~

~~(5) Fill. When more than twenty-five (25) cubic yards of fill is located on a zoning lot in any one (1) calendar year for such activities as on-site storage, landscaping, streets, dredge spoil disposal or construction of flood-control works, an erosion/sedimentation control plan shall be submitted subject to the provisions of this article and the Shoreland District.~~

~~**551.645. Nonconformities.** A structure or the use of a structure or premises which was conforming before the adoption of this article but which is not in conformity with this article may be continued subject to the following conditions:~~

~~(1) No nonconformity shall be altered or expanded in a way which increases its nonconformity.~~

~~(2) Any structural alteration or expansion which would increase 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 State Building Code, except as further restricted in this article.~~

~~(3) If any nonconformity is discontinued for a period of one (1) year or more, any future use of the premises shall comply with this article.~~

~~(4) If any nonconformity is substantially damaged, it shall not be reconstructed except in compliance with this article.~~

(5) If a substantial improvement occurs from any combination of a building addition to the outside dimensions of the building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of this section.

~~**551.650. Standards for all uses located in the Flood Fringe District.** The following standards shall apply to all permitted and conditional uses located in the Flood Fringe District:~~

~~(1) *Vehicular access.* All new principal structures shall provide vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation. If a variance from this requirement is granted, the board of adjustment shall specify limitations on the period of the 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.~~

~~(2) *Commercial uses.* Accessory uses, such as yards and parking lots, may be located at elevations below the regulatory flood protection elevation. However, a zoning certificate for such facilities to be used by the customers, occupants and employees shall not be granted in the absence of a flood warning system that provides adequate time for evacuation, if the area were inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon the occurrence of the regional flood.~~

~~(3) *Industrial uses.* Measures shall be taken to minimize interference with normal plant operations especially for streams having protracted flood durations. Accessory uses such as yards and parking lots may be at an elevation below the regulatory flood protection elevation. However, a zoning certificate for such facilities to be used by the customers, occupants and employees shall not be granted in the absence of a flood warning system that provides adequate time for evacuation, if the area were inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four (4) upon the occurrence of the regional flood.~~

~~(4) *Hydraulic capacity.* 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.~~

551.540. Statutory Authorization. The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses.

551.550. Purpose. (a) *Regulation of development.* This ordinance regulates development in the flood hazard areas of the City of Minneapolis. 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) *Preservation of natural features.* 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.

551.560. General Provisions. (a) How to Use This Ordinance. This ordinance adopts the floodplain maps applicable to the City of Minneapolis and includes two floodplain districts: Floodway and Flood Fringe.

Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Sections 551.600 or 551.610 will apply, depending on the location of a property.

(b) Lands to Which Ordinance Applies. This ordinance applies to all lands within the jurisdiction of the City of Minneapolis shown on the Official Zoning Map and/or the attachments to the map as being located within the boundaries of the Floodway or Flood Fringe district.

The Floodway and Flood Fringe 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.

(c) Incorporation of Maps by Reference. The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for Hennepin County, Minnesota, and Incorporated Areas, dated November 4, 2016 and the Flood Insurance Rate Map panels enumerated here within, dated November 4, 2016, all prepared by the Federal Emergency Management Agency. These materials are on file in the office of the Zoning Administrator. The Effective Flood Insurance Rate Map panels are: 27053C0212F, 27053C0214F, 27053C0216F, 27053C0217F, 27053C0218F, 27053C0219F, 27053C0352F, 27053C0354F, 27053C0356F, 27053C0357F, 27053C0362F, 27053C0364F, 27053C0366F, 27053C0367F, 27053C0368F, 27053C0369F, 27053C0376F, 27053C0378F, 27053C0379F, 27053C0386F, 27053C0387F, 27053C0388F, 27053C0389F.

(d) Interpretation. The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.

Where a conflict exists between the floodplain limits illustrated on the Official Zoning Map and actual field conditions, the flood elevations shall be the governing factor. The Zoning Administrator shall interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.

(e) Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail.

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

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

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

Base Flood Elevation. The elevation of the "regional flood." The term "base flood elevation" is used in the flood insurance survey.

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

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

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

Equal Degree of Encroachment. A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.

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

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

Flood Fringe. The portion of the Special Flood Hazard Area (one percent annual chance flood) located outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Hennepin County, Minnesota.

Flood Insurance Rate Map (FIRM). An official map on which the Federal Insurance Administrator has delineated both the special hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Prone Area. Any land susceptible to being inundated by water from any source (see "Flood").

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

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

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

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

Manufactured Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include the term "recreational vehicle."

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

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

One Hundred Year Floodplain. Lands inundated by the "Regional Flood" (see definition).

Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

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

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

Regulatory Flood Protection Elevation (RFPE). An elevation not less than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway. In Zone AO, the RFPE is established by adding 1 foot to the highest adjacent grade to a structure's proposed location on the ground.

Repetitive Loss. Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

Special Flood Hazard Area. A term used for flood insurance purposes synonymous with "One Hundred Year Floodplain."

Start of Construction. Includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit's expiration date. The actual start is either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure. Anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, fences, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Section 551.635(b) of this ordinance and other similar items.

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

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

(1) Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions.

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

551.580. Administration. (a) Zoning Administrator. The Zoning Administrator shall administer and enforce this ordinance.

(b) Permit Requirements. Permit Required. A permit must be obtained from the Zoning Administrator prior to conducting the following activities:

(1) 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.

(2) The use or change of use of a building, structure, or land.

(3) The construction of a dam, fence, or on-site septic system.

(4) The change or extension of a nonconforming use.

(5) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.

(6) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.

(7) Relocation or alteration of a watercourse (including new or replacement culverts and bridges), unless a public waters work permit has been applied for.

(8) Any other type of "development" as defined in this ordinance.

(c) Application for Permit. Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:

(1) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.

(2) Location of fill or storage of materials in relation to the stream channel.

(3) Copies of any required municipal, county, state or federal permits or approvals.

(4) Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

(d) Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this ordinance.

(e) Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.

(f) 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 must also maintain a record of the elevation to which structures and alterations or additions to structures are floodproofed.

(g) 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).

(h) 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.

551.585.- Variances and Conditional Use Permits. (a) Additional Requirements. An application for a variance to the provisions of this ordinance or for a conditional use permit will be processed and reviewed in accordance with applicable state statutes and Chapter 525 of the zoning ordinance and shall be subject to the additional provisions of this section.

(b) Variances:

(1) Adherence to State Floodplain Management Standards. A variance shall 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.

(2) Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

a. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

b. Variances may only be issued by a community upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

c. Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(3) The Zoning Administrator shall notify the applicant for a variance that:

a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and

b. Such construction below the base or regional flood level increases risks to life and property.

Such notification shall be maintained with a record of all variance actions.

(4) The City of Minneapolis shall 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.

(5) A copy of all decisions granting variances shall 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.

(6) The Zoning Administrator shall maintain a record of all variance actions, including justification for their issuance, and shall 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.

(c) Conditional Uses:

(1) In passing upon conditional use applications, the City must consider all relevant factors specified in other sections of this ordinance, and those factors identified in Section 551.585(d).

(2) The City may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

a. Modification of waste treatment and water supply facilities.

b. Limitations on period of use, occupancy, and operation.

c. Imposition of operational controls, sureties, and deed restrictions.

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

e. Floodproofing measures, in accordance with the State Building Code and this ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(3) The City shall submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or United States Mail to the respective DNR area hydrologist.

(4) A copy of all decisions granting conditional uses shall be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or United States Mail to the respective DNR area hydrologist.

(d) General Considerations. The following factors may be considered in granting variances and imposing conditions on variances and conditional uses in floodplains:

(1) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;

(2) The danger that materials may be swept onto other lands or downstream to the injury of others;

(3) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;

(4) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;

(5) The importance of the services to be provided by the proposed use to the community;

(6) The requirements of the facility for a waterfront location;

(7) The availability of viable alternative locations for the proposed use that are not subject to flooding;

(8) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

(9) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;

(10) The safety of access to the property in times of flood for ordinary and emergency vehicles; and

(11) The expected heights, velocity, duration, rate of rise and sediment transport of the flood waters expected at the site.

551.590. Establishment of Districts. *(a) Floodway District.* The Floodway District includes those areas within Zones AE that have a floodway delineated or AO as shown on the Flood Insurance Rate Map adopted in Section 551.560(c). For lakes, wetlands and other basins within Zones AE that do not have a floodway delineated, the

Floodway District also includes those areas that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

(b) Flood Fringe District. The Flood Fringe District includes areas within Zones AE that have a floodway delineated on the Flood Insurance Rate Map adopted in Section 551.560(c), but are located outside of the floodway. For lakes, wetlands and other basins within Zones AE that do not have a floodway delineated, the Flood Fringe District also includes those areas below the one percent (1%) annual chance one hundred (100)-year flood elevation but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

(c) Applicability. Within the floodplain districts established in this ordinance, the use, size, type, and location of development must comply with the terms of this ordinance and other applicable regulations. In no cases shall floodplain development adversely affect the efficiency or unduly restrict the capacity of the channels or floodways of any tributaries to the main stream, drainage ditches, or any other drainage facilities or systems. All uses not listed as permitted uses or conditional uses in 551.600 or 551.610 are prohibited. In addition, critical facilities, as defined in 551.570 are prohibited in all floodplain districts.

551.600. Floodway District. (a) Permitted Uses in the Floodway District. The following uses, subject to the standards set forth in Section 551.600(b), are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay district:

(1) Outdoor plant nurseries.

(2) Parking and loading areas.

(3) Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.

(4) Residential lawns, gardens, parking areas, and play areas.

(5) Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten (10) days prior to issuance of any permit.

(b) Standards for Permitted Uses in the Floodway District:

(1) The use must have low flood damage potential.

(2) The use must not obstruct flood flows or cause any increase in flood elevations and must not involve structures, obstructions, or storage of materials or equipment.

(3) Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional one percent (1%) chance flood.

(c) Conditional Uses in the Floodway District. The following uses may be allowed as conditional uses following the standards and procedures set forth in 551.585 of this ordinance and further subject to the standards set forth in Section 551.600(d) if otherwise allowed in the underlying zoning district or any applicable overlay district.

(1) Structures accessory to a permitted or conditional use.

(2) Storage of sand, gravel, and other materials.

(3) Marinas, boat rentals, docks, piers, wharves, and water control structures.

(4) Storage yards for equipment, machinery, or materials.

(5) Placement of fill or construction of fences that obstruct flood flows.

(6) Travel-ready recreational vehicles meeting the exception standards in 551.635(b).

(d) Standards for Floodway Conditional Uses:

(1) A conditional use shall not cause any increase in the stage of the one percent (1%) chance or regional flood or cause an increase in flood damages in the reach or reaches affected.

(2) Fill; Storage of Materials and Equipment:

a. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.

b. Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.

c. Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the one percent (1%) chance or regional flood may only be allowed if the Planning Commission has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.

(3) Accessory structures, as identified in Section 551.600(c)(1), may be permitted, provided that:

a. Structures are not intended for human habitation;

b. Structures will have a low flood damage potential;

c. Structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;

d. Service utilities, such as electrical and heating equipment, within these structures must be elevated to or above the regulatory flood protection elevation or properly floodproofed;

e. Structures must be elevated on fill or structurally dry floodproofed in accordance with the FP1 or FP2 floodproofing classifications in the State Building Code. All floodproofed structures must be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls.

f. As an alternative, an accessory structure may be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment and

does not exceed 576 square feet in size. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:

1. To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

2. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

(4) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.

(5) A levee, dike or floodwall constructed in the floodway must not cause an increase to the one percent (1%) chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.

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

(7) Within an AO Zone, there must be adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures or structure additions.

551.610. Flood Fringe District. (a) *Permitted Uses.* Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Section 551.610(b).

(b) Standards for Flood Fringe Permitted Uses:

(1) 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.

(2) Accessory Structures. As an alternative to the fill requirements of 551.610(b)(1), structures accessory to the uses identified in 551.610(a) may be permitted to be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided that:

a. The accessory structure constitutes a minimal investment, does not exceed five hundred seventy-six (576) square feet in size, and is only used for parking and storage.

b. All portions of floodproofed accessory structures below the Regulatory Flood Protection Elevation shall be adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls, be constructed with materials resistant to flood damage, and have all service utilities be water-tight or elevated to above the regulatory flood protection elevation.

c. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:

1. To allow for the equalization of hydrostatic pressure, there must be a minimum of two (2) "automatic" openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

2. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

(3) The cumulative placement of fill or similar material on a parcel must not exceed one thousand (1,000) cubic yards, unless the fill is specifically intended to elevate a structure in accordance with 551.610(b)(1), or if allowed as a conditional use under 551.610(c).

(4) The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.

(5) All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.

(6) 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.

(7) All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.

(8) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan approved by the Zoning Administrator.

(9) 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 one percent (1%) chance flood.

(10) Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.

(11) Manufactured homes and recreational vehicles must meet the standards of 551.635.

(c) Conditional Uses. The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in 551.585 of this ordinance and subject to the standards in section 551.610(d).

(1) Any structure that is not elevated on fill or floodproofed in accordance with Sections 551.610(b)(1) and 551.610(b)(2).

(2) Storage of any material or equipment below the regulatory flood protection elevation.

(3) The cumulative placement of more than one thousand (1,000) cubic yards of fill when the fill is not being used to elevate a structure in accordance with 551.610(b)(1).

(4) The use of methods to elevate structures above the regulatory flood protection elevation, including stilts, pilings, parallel walls, or above-grade, enclosed areas such as crawl spaces or tuck under garages, shall meet the standards in 551.610(d)(5).

(d) Standards for Conditional Uses in the Flood Fringe District:

(1) Basements, as defined by Section 551.570, are subject to the following:

a. Residential basement construction is not allowed below the regulatory flood protection elevation.

b. Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with Section 551.610(d)(2) of this ordinance.

(2) All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP1 or FP2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.

(3) The placement of more than one thousand (1,000) cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.

a. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional one percent (1%) chance flood event.

b. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the Zoning Administrator.

c. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

(4) Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.

(5) 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:

a. The enclosed area is above-grade on at least one side of the structure;

b. It is designed to internally flood and is constructed with flood resistant materials; and

c. It is used solely for parking of vehicles, building access or storage.

The above-noted alternative elevation methods are subject to the following additional standards:

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

2. *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:

i. The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. 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 automatic openings shall 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. The automatic 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 without any form of human intervention; and

ii. That the enclosed area will be designed of flood resistant materials in accordance with the FP3 or FP4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

551.620. Land Development Standards. (a) *In General.* Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within the City of Minneapolis.

(b) *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.

(1) All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.

(2) 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 one percent (1%) chance flood has been approved by the Zoning Administrator. 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.

(3) 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.

(4) If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:

a. All such proposals are consistent with the need to minimize flood damage within the flood prone area;

b. All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage; and

c. Adequate drainage is provided to reduce exposure of flood hazard.

(c) Building Sites. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:

(1) 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;

(2) Constructed with materials and utility equipment resistant to flood damage;

(3) Constructed by methods and practices that minimize flood damage; and

(4) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

551.630. Public Utilities, Railroads, Roads and Bridges. (a) 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.

(b) Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the floodplain must comply with 551.600 and 551.610. 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.

551.635. Manufactured Homes, Manufactured Home Parks, and Recreational Vehicles. (a) Manufactured Homes. New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record, the following requirements apply:

(1) Placement or replacement of manufactured home units is prohibited in the Floodway District.

(b) Recreational Vehicles. New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this ordinance.

(1) Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in Section 551.635(b)(2):

a. Individual lots or parcels of record.

b. Existing commercial recreational vehicle parks or campgrounds.

c. Existing condominium-type associations.

(2) Criteria for Exempt Recreational Vehicles:

- a. The vehicle must have a current license required for highway use.
- b. The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
- c. No permanent structural type additions may be attached to the vehicle.
- d. The vehicle and associated use must be permissible in any pre-existing, underlying zoning district.

(3) Recreational vehicles that are exempt in 551.635(b) lose this exemption when development occurs on the site that exceeds a minimal investment for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and floodproofing requirements of Section 5.0 of this ordinance. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.

551.640. Nonconformities. *(a) Continuance of Nonconformities.* A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 551.570, are subject to the provisions of Sections 551.640(a)(1), (2), (3), (4), (5), and (6) of this ordinance.

(1) A nonconforming use, structure, or occupancy shall not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in Section 551.640(a)(2). Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.

(2) Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential shall 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 551.640(a)(3) and 551.640(a)(7).

(3) If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of any nonconforming structure, that shall be considered substantial improvement, and the entire structure must meet the standards of Section 551.600 or 551.610 for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor.

(4) 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. The Assessor must notify the Zoning Administrator in writing of instances of nonconformities that have been discontinued for a period of more than one year.

(5) If any nonconformity is substantially damaged, as defined in Section 551.570, 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 Section 551.600 or 551.610 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.

(6) If any nonconforming use or structure experiences a repetitive loss, as defined in Section 551.570, it shall not be reconstructed except in conformity with the provisions of this ordinance.

(7) Any substantial improvement, as defined in Section 551.570, to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Section 551.600 or 551.610 of this ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

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

(b) Other Lawful Action. Nothing in this ordinance restricts the City of Minneapolis 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.

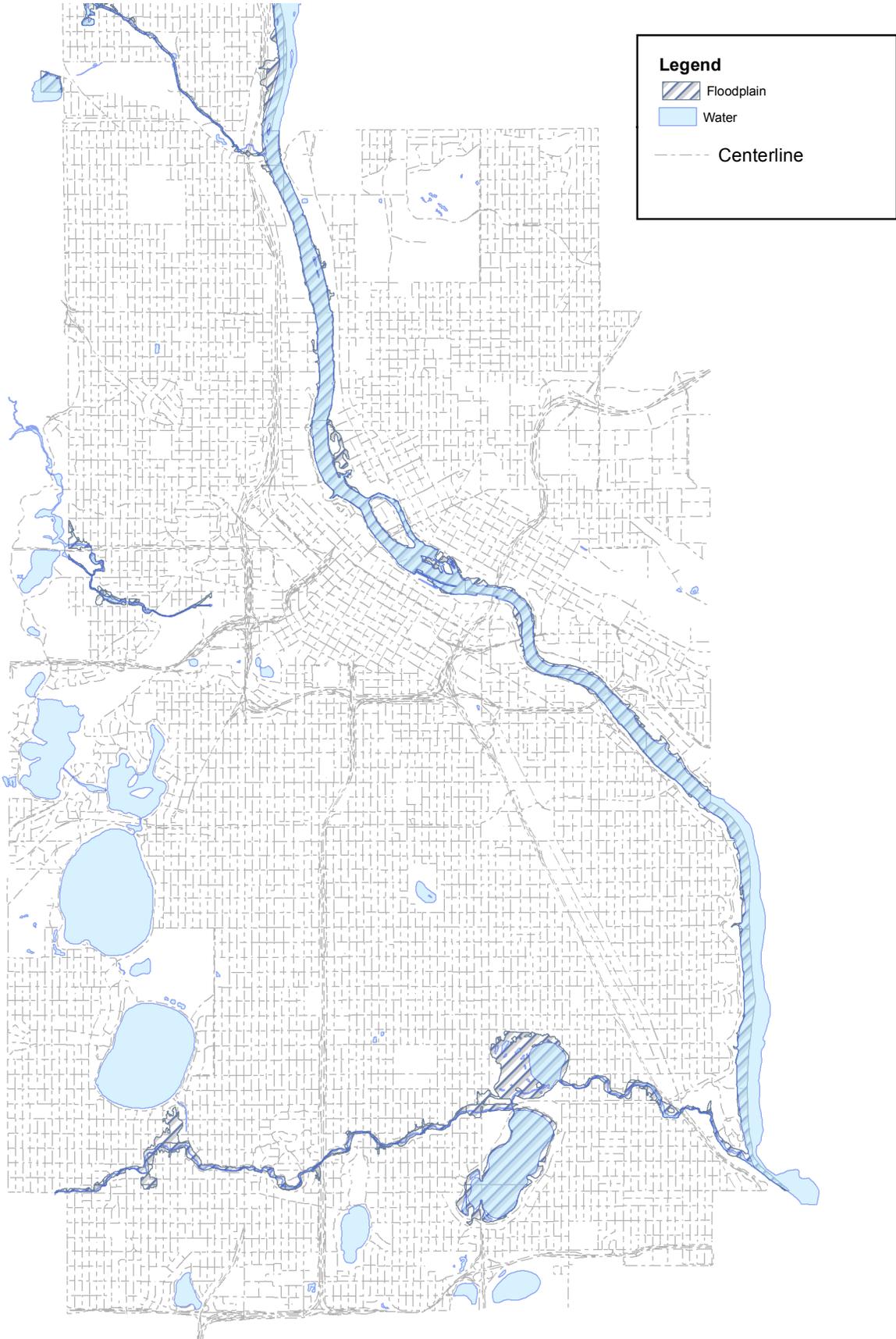
(c) Enforcement. Violations of the provisions of this ordinance will be investigated and resolved in accordance with the provisions of Chapter 525, Article X of the zoning ordinance. In responding to a suspected ordinance violation, the City of Minneapolis may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City of Minneapolis shall 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.

551.650. Amendments. *(a) Floodplain Designation- Restrictions on Removal.* The floodplain designation on the Official 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 regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

(b) Amendments Require DNR Approval. All amendments to this ordinance shall be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.

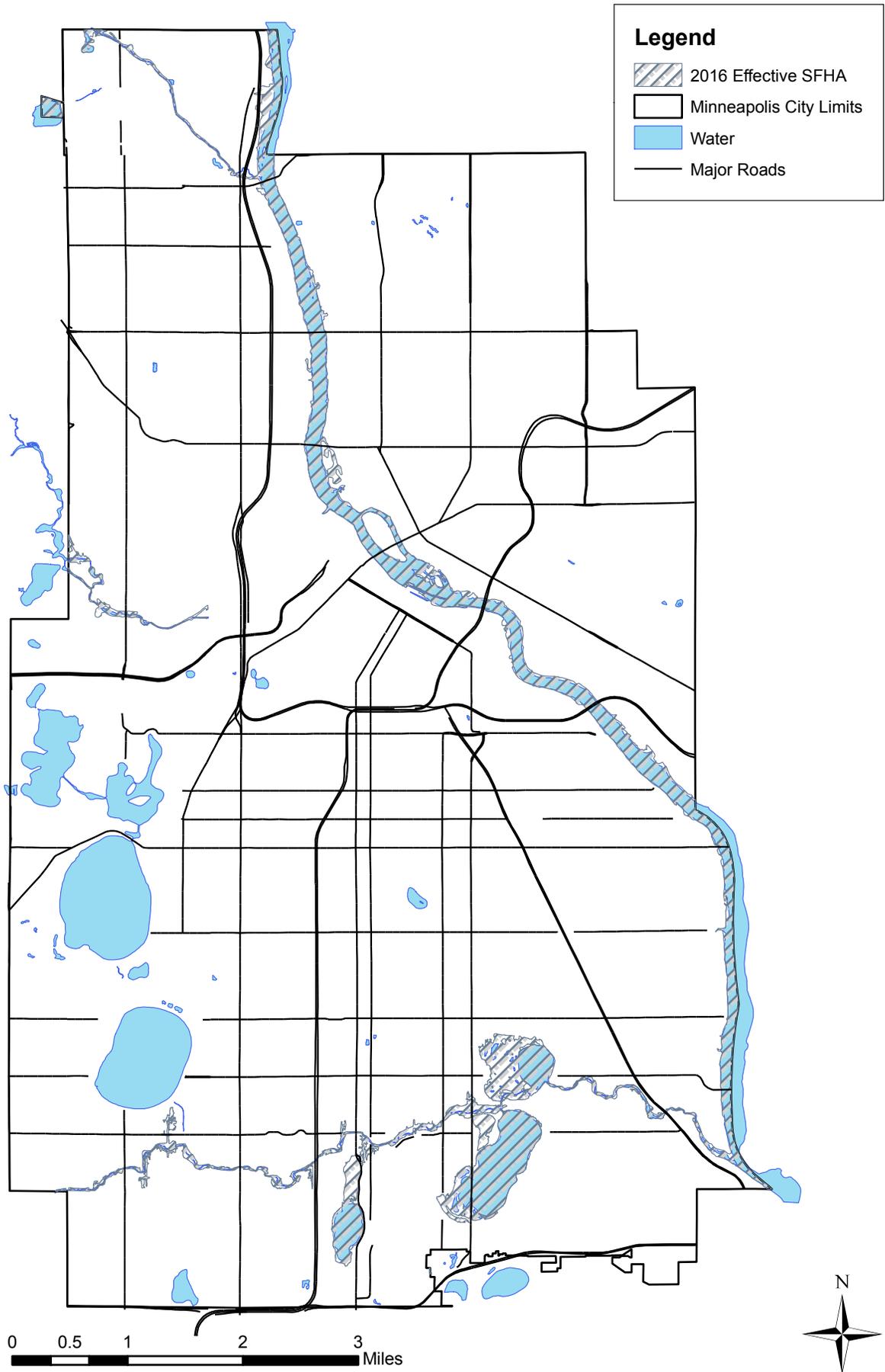
(c) Map Revisions Require Ordinance Amendments. The floodplain district regulations shall be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 551.560 of this ordinance.

Existing Floodplain Boundaries



City of Minneapolis
Community Planning and Economic Development
Development Services Division
Created: Sept 14, 2016





City of Minneapolis
 Community Planning and Economic Development
 Development Services Division
 Created: Sept 14, 2016

Existing and Proposed FP Overlay

