

SECTION 1064 – FLOODPLAIN DISTRICTS ¹ (Ord. 2004-09, 4/14/04; Ord. 2011-XX, XX-XX-XX)

¹ A Flood Insurance Rate Map has been published for the community and the Regulatory Floodway boundary is shown on this map. A separate Flood Boundary and Floodway Map has not been published.

SECTION

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1064.01: STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE:

Subd. 1. The Legislature of the State of Minnesota has, in Minnesota Statutes, Chapter 103F and 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Big Lake, Minnesota does ordain as follows:

Subd. 2. Findings of Fact:

1. The flood hazard areas of Big Lake, Minnesota are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. Methods Used to Analyze Flood Hazards. This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.
3. 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.

Subd. 3. Statement of Purpose. It is the purpose of this Ordinance to promote the public health, safety, and general welfare and to minimize those losses described in Subd. 2, Item 1, by provisions contained herein.

1064.02: GENERAL PROVISIONS:

Subd. 1. Lands to Which Ordinance Applies. This Ordinance shall apply to all lands within the jurisdiction of Big Lake shown on the Official Flood Insurance Rate Map dated November 16, 2011 and/or the attachments thereto as being located within the boundaries of the Floodway and Flood Fringe, Districts.

Subd. 2. Establishment of Official Floodplain Map. The Official Floodplain Map, together with all materials attached hereto, is hereby adopted by reference and declared to be a part of this Ordinance. The attached material shall include the Flood Insurance Study for Sherburne County, Minnesota and Incorporated Areas, prepared by the Federal Emergency Management Agency and dated November 16, 2011, and the Flood Insurance Rate Map panels therein dated November 16, 2011 and numbered Community Number 270663, Panel Numbers 27141C0245F, 27141C0335F, 27141C0345F, 27141C0355F, 27141C0360F and 27141C0365F. The Official Floodplain Map shall be on file in the Office of the Big Lake City Clerk and the Zoning Administrator.

Subd. 3. Regulatory Flood Protection Elevation. The Regulatory Flood Protection Elevation shall be an elevation no lower than one (1) 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.

Subd. 4. Interpretation.

1. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the City and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.
2. The boundaries of the Floodplain Districts shall be determined by scaling distances on the Official Floodplain Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Floodplain Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the City adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year floodplain if earlier, and other available technical data. Persons contesting the location of the

district boundaries shall be given a reasonable opportunity to present their case to the Board and to submit technical evidence.

Subd. 5. Abrogation and Greater Restrictions. It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

Subd. 6. 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 shall not create liability on the part of Big Lake or an officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

Subd. 7. Severability. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

Subd. 8. Annexations. The Flood Insurance Rate Map panels adopted by reference into 1064.02 Subd. 2 above may include floodplain areas that lie outside of the corporate boundaries of the City of Big Lake at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Big Lake after the date of adoption of this ordinance, the newly annexed floodplain lands shall be subject to the provisions of this ordinance immediately upon the date of annexation into the City.

1064.03: ESTABLISHMENT OF FLOODPLAIN ZONING DISTRICTS:

Subd. 1. Floodplain Zoning Districts

1. Floodway District (FW). The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map adopted in Section 1064.02 (General Provisions), Subd. 2 (Establishment of Official Floodplain Map).
2. Flood Fringe District (FF). The Flood Fringe District shall include those areas designated as floodway fringe. The Flood Fringe shall constitute those areas shown on the Flood Insurance Rate Map as adopted in Section 1064.02 (General Provisions), Subd. 2 (Establishment of Official Floodplain Map) as being within Zone AE but being located outside of the floodway.

Subd. 2. Compliance. No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Chapter and other applicable regulations which apply to uses within the jurisdiction of this Chapter. Within the Floodway and Flood Fringe Districts, all uses

not listed as permitted uses or conditional uses in Sections 1065.04, Subd. 1 and 3; and 1064.05, Subd. 1 and 3, that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

1. New manufactured homes, replacement manufactured homes and certain recreational vehicles are subject to the general provisions of this Chapter and specifically Section 1064.07.
2. Modifications, additions, structural alterations, normal maintenance and repair or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Chapter and specifically Section 1029.03 of this Chapter; and
3. As-built elevations for elevated or flood proofed structures must be certified by ground surveys and flood proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this Chapter and specifically as stated in Section 1064.08 of this Chapter.

1064.04: (FW) FLOODWAY DISTRICT:

Subd. 1. Permitted Uses.

1. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
2. Industrial-commercial loading areas, parking areas, and airport landing strips.
3. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, fish hatcheries, firearm ranges, hunting and fishing areas, and single or multiple purpose recreational trails.
4. Residential lawns, gardens, parking areas, and play areas.

Subd. 2. Standards for Floodway Permitted Uses.

1. The use shall have a low flood damage potential.
2. The use shall be permissible in the underlying zoning district if one exists.
3. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

Subd. 3. Conditional Uses.

1. Structures accessory to the uses listed in Section 1064.04, Subd. 1, above and the uses listed in Section 1064.04 Subd 3, Items 1 through 8 below.
2. Extraction and storage of sand, gravel, and other materials.
3. Marinas, boat rentals, docks, piers, wharves, and water control structures.
4. Railroads, streets, bridges, utility transmission lines, and pipelines.
5. Storage yards for equipment, machinery, or materials.
6. Placement of fill or construction of fences.
7. Recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of Section 1064.07, Subd 3, of this Chapter.
8. Structural works for flood control such as levees, dikes and flood walls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the ten (10)-year frequency flood event.

Subd. 4. Standards for Floodway Conditional Uses:

1. The conditional use shall be permissible in the underlying zoning district if one exists.
2. All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the one hundred (100)-year or regional flood or cause an increase in flood damages in the reach or reaches affected.
3. All floodway conditional uses shall be subject to the procedures and standards contained in Section 1007.03, Subd. 1, Item 6h, provisions 5 and 6 of this Chapter.
4. Fill.
 - a. Fill, dredge spoil and all other similar materials deposited or stored in the floodplain shall be protected from erosion by vegetative cover, mulching, rip rap or other acceptable method.

- b. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
 - c. As an alternative, and consistent with Item 4 b, immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the one hundred (100)-year or regional flood but only after the City has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The Conditional Use Permit must be title registered with the property in the Office of the County Recorder.
5. Accessory Structures.
- a. Accessory structures shall not be designed for human habitation.
 - b. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:
 - (1) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and,
 - (2) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
 - c. Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed five hundred (500) square feet in size at its largest projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards:
 - (1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;
 - (2) Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed.; and

- (3) 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 having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding. There must be openings on at least two (2) sides of the structure and the bottom of all openings must be no higher than one (1) 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.
6. 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. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the City.
7. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway.
8. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the one hundred (100)-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

1064.05: (FF) FLOOD FRINGE DISTRICT:

Subd. 1. Permitted Uses. Permitted Uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non residential structure or use of a structure or land shall be a permitted use in the Flood Fringe District provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe "Permitted Uses" listed in Section 1064.05, Subd. 2 "Standards for all Flood Fringe Uses" listed in Section 1064.05, Subd. 5.

Subd. 2. Standards for Flood Fringe Permitted Uses.

1. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower

than one (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.

2. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed five hundred (500) square feet at its largest projection may be internally flood proofed in accordance with Section 1064.04, Subd. 4, 5 c.
3. The cumulative placement of fill where at any one time in excess of one thousand (1,000) cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with Section 1064.05, Subd. 2, Item 1 of this Chapter.
4. The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.
5. The provisions of Section 1064.05, Subd. 5, of this Chapter shall apply.

Subd. 3. Conditional Uses. Any structure that is not elevated on fill or flood proofed in accordance with Section 1064.05, Subd. 2, Items 1 and 2, or any use of land that does not comply with the standards Section 1064.05, Subd. 2, Items 3 and 4 shall only be allowable as a Conditional Use. An application for a Conditional Use shall be subject to the standards and criteria and evaluation procedures specified in Sections 1064.05, Subd. 4., Subd. 5., and 1004.08 of this Chapter.

Subd. 4. Standards for Flood Fringe Conditional Uses.

1. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the Regulatory Flood Protection Elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., 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:
 - 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 or

architect 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:
 - (a) A minimum area of “automatic” openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two (2) openings on at least two (2) sides of the structure and the bottom of all openings shall be no higher than one (1) foot above grade. The automatic openings shall have a minimum net area of not less than one (1) 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; and
 - (b) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.
2. Basements, as defined by Section 1001 of this Chapter, shall be subject to the following:
 - a. Residential basement construction shall not be 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 flood proofed in accordance with Section 1264.05, Subd. 4., of this Chapter.
3. All areas of non-residential structures including basements to be placed below the Regulatory Flood Protection Elevation shall be flood proofed in accordance with the structurally dry flood proofing classifications in the State Building Code. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing

classification in the State Building Code and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures flood proofed to the FP-3 or FP-4 classification shall not be permitted.

4. When at any one time more than one thousand (1,000) cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved Shoreland Management Ordinance. In the absence of a state approved Shoreland Ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the one hundred (100)-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
5. 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. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the City.
6. The provisions of Section 1064.05, Subd. 5. of this Chapter shall also apply.

Subd. 5. Standards for All Flood Fringe Uses.

1. All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the Regulatory Flood Protection Elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.
2. Commercial Uses. Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the Regulatory Flood Protection Elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity

(in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.

3. Manufacturing and Industrial Uses. Measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in Section 1064.05, Subd. 5., Item 2 above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in floodplain areas.
4. Fill shall be properly compacted and the slopes shall be properly protected by the use of rip rap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the one hundred (100)-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
5. Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.
6. Standards for recreational vehicles are contained in Section 1064.07, Subd. 3.
7. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

1064.06: PUBLIC UTILITIES, RAILROADS, ROADS AND BRIDGES

Subd. 1. Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain shall be flood-proofed in accordance with the State Building Code or elevated to above the Regulatory Flood Protection Elevation.

Subd. 2. Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the floodplain shall comply with Sections 1064.04 and 1064.05 of this Chapter. Elevation to the Regulatory Flood Protection Elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety

or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

Subd. 3. On-Site Sewage Treatment and Water Supply Systems. Where public utilities are not provided:

1. On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and
2. New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

1064.07: MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF RECREATIONAL VEHICLES

Subd. 1. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by Chapter 11, Section 1107.01, of the Big Lake Municipal Code.

Subd. 2. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in floodplain districts will be treated as a new structure and may be placed only if elevated in compliance with Section 1064.05 of this Chapter. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with Section 1064.05, Subd. 5., then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the City.

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

Subd. 3. Recreational vehicles that do not meet the exemption criteria specified in Section 1064.07, Item 1, below shall be subject to the provisions of this Chapter and as specifically spelled out in Section 1064.07, Items 3 and 4 below.

1. Exemption. Recreational vehicles are exempt from the provisions of this Chapter if they are placed in any of the areas listed in Section 1064.07, Item 2 below and further they meet the following criteria:

- a. Have current licenses required for highway use.
 - b. Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.
 - c. The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.
2. Areas Exempted For Placement of Recreational Vehicles.
- a. Individual lots or parcels of record.
 - b. Existing commercial recreational vehicle parks or campgrounds.
 - c. Existing condominium type associations.
3. Recreational vehicles exempted in Section 1064.07, Item 1 above, lose this exemption when development occurs on the parcel exceeding five hundred (500) dollars for a structural addition to the recreational vehicle or exceeding \$500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in Sections 1064.04 and 1064.05 of this Chapter. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.
4. New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:
- a. Any new or replacement recreational vehicle will be allowed in the Floodway or Flood Fringe Districts provided said recreational vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation and proper elevated road access to the site exists in accordance with Section 1064.05, Subd. 5., Item 1 of this Chapter. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the one hundred (100)-year or regional flood.
 - b. All new or replacement recreational vehicles not meeting the criteria of (a) above may, as an alternative, be allowed as a Conditional Use if in accordance with the following provisions and the provisions of Section

1064.08 of this Chapter. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the one hundred (100)-year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of Section 1064.07 Subd. 3. (1) (a) and (b) of this Chapter will be met. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Section 1064.06 of this Chapter.

1064.08: ADMINISTRATION:

Subd. 1. Zoning Administrator. A Zoning Administrator or other official designated by the City shall administer and enforce this Chapter. If the Zoning Administrator finds a violation of the provisions of this Chapter the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Section 1064.09 of this Chapter.

Subd. 2. Permit Requirements.

1. Permit Required. A Permit issued by the Building Official in conformity with the provisions of this Chapter shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
2. Application for Permit. Application for a Permit shall be made in duplicate to the Building Official on forms furnished by the Building Official and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.
3. State and Federal Permits. Prior to granting a permit or processing an application for a Conditional Use Permit or Variance, the Zoning Administrator shall determine that the applicant has obtained all necessary state and federal permits.
4. Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a Certificate of Zoning Compliance shall

have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Chapter.

5. Construction and Use to be as Provided on Applications, Plans, Permits, Variances and Certificates of Zoning Compliance. Permits, Conditional Use Permits, or Certificates of Zoning Compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Chapter, and punishable as provided by Section 1064.09 of this Chapter.
6. Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Chapter. Flood-proofing measures shall be certified by a registered professional engineer or registered architect.
7. Record of First Floor Elevation. The Zoning Administrator shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Zoning Administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood-proofed.
8. 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, as may be amended, 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).
9. Notification to FEMA When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not 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.

1064.09: PENALTIES FOR VIOLATION:

Subd. 1. Violation of the provisions of this Chapter or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with

grants of variances or conditional uses) shall constitute a misdemeanor and shall be punishable as defined by law.

Subd. 2. Nothing herein contained shall prevent the City of Big Lake from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include, but are not limited to:

1. In responding to a suspected ordinance violation, the Zoning Administrator and City Council may utilize the full array of enforcement actions available to it including, but not limited to, prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The community must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.
2. When an ordinance violation is either discovered by or brought to the attention of the Zoning Administrator, the Zoning Administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the community's plan of action to correct the violation to the degree possible.
3. The Zoning Administrator shall notify the suspected party of the requirements of this Chapter and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the City. If the construction or development is already completed, then the Zoning Administrator may either:
 - a. issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or
 - b. notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time not to exceed thirty (30) days.
4. If the responsible party does not appropriately respond to the Zoning Administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this Chapter and shall be prosecuted accordingly. The Zoning Administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this Chapter.