



PLANNING COMMISSION MEETING AGENDA

City of New Prague

Wednesday, February 28, 2024 at 6:30 PM

City Hall Council Chambers - 118 Central Ave N

1. CALL TO ORDER

2. APPROVAL OF MINUTES

- [a.](#) January 24, 2024, Planning Meeting Minutes

3. OLD BUSINESS

- a. None

4. NEW BUSINESS

- [a.](#) Request for Conditional Use Permit #C1-2024 - Relocate a Single Family Home to the vacant lot located at 303 Lyndale Ave. N
Douglas Pint - applicant
(Public Hearing Required)
- [b.](#) Concept Review - Floodplain Ordinance Update

5. MISCELLANEOUS

- [a.](#) Annual Community Development Reports:
 - a. 2024 Lot Inventory: Commercial, Industrial, Residential
 - b. Annual Commercial Building Audit 2024
 - c. Summary of 2023 Growth Statistics
- [b.](#) Monthly Business Updates
- c. Comprehensive Plan Update
 - a. Joint Planning/Council Meeting - Monday, March 11th at 5PM
- d. Move March Planning Commission Meeting to Wednesday, April 3rd

6. ADJOURNMENT

*Anyone speaking to the Planning Commission
shall state their name and address for the record.
Thank you.*

THE PURPOSE OF THE ZONING ORDINANCE IS TO PROMOTE THE HEALTH, SAFETY, ORDER, CONVENIENCE AND GENERAL WELFARE, BY REGULATING THE USE OF LAND, THE LOCATION AND USE OF BUILDINGS AND THE ARRANGEMENT OF BUILDINGS ON LOTS, AND THE DENSITY OF POPULATION IN THE CITY OF NEW PRAGUE.

Meeting Minutes
New Prague Planning Commission
Wednesday, January 24, 2024

1. Call Meeting to Order

The meeting was called to order at 6:30 p.m. by Vice Chair Brandon Pike with the following members present Jason Bentson and Ann Gengel. Absent were Shawn Ryan and Dan Meyer.

City Staff Present: Ken Ondich – Planning / Community Development Director, and Kyra Chapman – Planner

2. Approval of Meeting Minutes
A. November 15th, 2023 Regular Meeting

A motion was made by Bentson seconded by Gengel to approve the November 15th regular meeting minutes. Motion carried (3-0).

3. OLD BUSINESS

A. None.

4. NEW BUSINESS

A. Planning Commissioner Training

Planning Director Ondich stated that in previous years the League of Minnesota Cities offered 3–4-hour trainings for Planning Commissioners. The League of Minnesota Cities no longer offers this program. As a substitute, staff will briefly go over the open meeting law, 60 day rule, conditional use permits, and variances. Under state statute, the City may adopt comprehensive plans, approve variances, and zone property. The Planning Commission is advisory to the City Council. New Prague’s Planning Commission is unique in that it does not act as the City’s Board of Appeals and Adjustments. The reason for this is that the City Council historically wanted more authority in situations where land use decisions were appealed. In other words, the Planning Commission only makes recommendations to the City Council.

Planning Director Ondich explained that the Planning Commission must make decisions from the Comprehensive Plan, state statutes, zoning, and subdivision ordinances. As a general rule, a land use decision by the City will be upheld by a court if it is found to be reasonable under the circumstances. Courts give greater discretion to the City on Comprehensive Plans and zoning. Courts give less deference to the City when it comes to conditional and interim use permits, variances, site plans, and plats.

Planning Director Ondich mentioned that during the Planning Commission meetings, a common argument made by applicants are “if you make this decision, you will be setting a ‘precedent’.” Planning Commission always looks at each case by its own merits. The 60-day rule requires cities to review zoning applications (variances, CUPs, site plans) within 60 days. If the City does not approve or deny the application by that time, the application is automatically approved. The City may extend the deadline up to a maximum of an additional 60 days without applicant approval. If the City denies the application, there must be clearly written reasons. If the application is incomplete, staff must inform the applicant within 15 days of receiving the application.

Pike inquired if the 60 Day Rule is a law or a rule.

Planning Director Ondich replied that it is a state law.

Planning Director Ondich stated that staff will try to offer these refreshers and make an updated PowerPoint next year so that it can be presented yearly. These refreshers will likely occur in June when new Planning Commissioners take office.

Planning Director Ondich discussed the open meeting law. The Planning Commission meetings are open to the public. If a meeting occurs when a quorum, or more, meets to discuss Planning Commission topics, even if a decision is not made. E-mail conversations can also be considered meetings if there is a quorum, therefore, violating the open meeting law. Consequences of violation include loss of office, monetary, penalties, and possible attorney fees.

B. Comprehensive Plan Update – Review Future Land Use Map and Mobility Map

Planning Director Ondich explained that some changes have been made to the Future Land Use Map. More medium density residential and high-density residential areas have been added to the map. This will provide more multi-family housing options. As of right now, New Prague has two available vacant lots zoned high-density residential. One is near Raven Stream Elementary School and another is south of Walgreens. As it is currently written in New Prague’s zoning ordinance, single family homes may be built in medium density residential district. As a result, many developers have constructed single family homes in this district, providing less opportunities or spaces for medium density housing. Staff have heard from businesses and the school district that we need a wider variety of housing options. There hasn’t been a market rate apartment constructed in New Prague since the 1990s.

Planning Director Ondich also noted on the Future Land Use map that on the west side of town, there is an area zoned as commercial land. In 2004, it was believed that the west side of town would become the new commercial district. However, the west side doesn’t have nearly as much traffic as the east side. The map also includes possible industrial land near the proposed athletic complex. Adjacent land to the City’s existing industrial land is owned

largely by one owner. Creating a new potential industrial district would reduce the owner's selling power.

Planning Director Ondich displayed the Mobility Map and explained that sidewalks will be added along 2nd St NE, Pershing Ave N, and Lexington. The City will install a sidewalk on one side of these streets during reconstruction projects. The City has largely been adding sidewalks east of Columbus Ave. Most of the sidewalk development projects are complete as related to road reconstruction projects.

Gengel asked how the Steering Committee meetings are coming along.

Pike responded that it's difficult to schedule meetings but once people are together, everyone is very communicative. There are a lot of diverse voices during these meetings since representatives from the Council, Park Board, EDA, and School District are present.

Gengel inquired on how the EDA is involved with the Steering Committee.

Pike explained that topics with the EDA eventually come back to land use such as employment and housing. The EDA wants a diverse and healthy economy.

Planning Director Ondich elaborated that many employees of local businesses cannot afford to live in New Prague. That's where housing options come into play.

Planning Director Ondich stated that the City Council approved the MSA to conduct the small area plan of City Center. It will likely take approximately 3-5 months to complete and will require board representatives to sit on a Steering Committee. The small area plan will connect to the Comprehensive Plan and consider the POPS facility. The small area plan will determine if the whole area will be redeveloped, become a park, or include multi-housing.

5. Miscellaneous

A. Monthly Business Updates (December and January)

Planning Director Ondich introduced the monthly business updates for December and January. The City Council approved 2 If By Sea Tactical's shooting range conditional use permit. A new commercial office building is being constructed at 1305 1st Street NE. The Mayo Clinic Health System just announced a \$9 million investment in oncology/infusion services. At the end of 2023, 330 reroofing and residing permits were issued.

Bentson inquired about the progress of the Rusty Spoke.

Planning Director Ondich stated that almost all the interior alterations are complete. The owner may likely apply for a liquor license soon.

6. Adjournment

A motion was made by Pike, seconded by Gengel, to adjourn the meeting at 7:24 pm. Motion carried (3-0).

Respectfully submitted,



Kyra J. Chapman
Planner



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: PLANNING COMMISSION
FROM: KYRA CHAPMAN - PLANNER
SUBJECT: REQUEST FOR CONDITIONAL USE PERMIT #C1-2024 TO RELOCATE A SINGLE-FAMILY HOME TO THE VACANT LOT LOCATED AT 303 LYNDALE AVE N IN THE RL-70 SINGLE FAMILY RESIDENTIAL ZONING DISTRICT, AS PROPOSED BY DOUGLAS PINT.
DATE: 2/21/24

Background / History

The applicant has applied to relocate an existing single family home and garage onto an existing vacant lot located at 303 Lyndale Ave N. The front porch has since been removed and will not be reattached. The lot was created when it was platted in 2020 as part of the plat named Suerai.

The home is currently located in Lakeville at Otting House Movers which is it’s temporary location. The home is approximately 1,199 sq ft and the detached two car garage is 451 sq ft large.

The home would be placed on a new foundation and would also include the following upgrades, in addition to being brought up to Minnesota State Building Codes, before it would be occupied:

- New windows in bedrooms 2 & 3
- Closet moved to east wall in bedroom 3
- Staircase extended to meet code
- Siding, fascia, soffit, roof repair and paint as needed
- New full basement to be finished later
- Possible deck off master bedroom
- New window to be placed in dining room
- Patio door to be placed in master bedroom
- New laundry location on main floor
- Install smoke and CO detectors
- Plumbing installed
- Garage: frame wall and install fascia, soffit, and siding

Legal Description

Lot 2, Block 1, Suerai Addition, according to the plat thereof, Scott County, Minnesota.

Zoning

The property is zoned RL-70 Single Family Residential. The relocation of a house or other principal structure is listed as a conditional use.

The Zoning Ordinance contains performance standards relating to relocating a structure to a lot within the City as follows:

713 Relocating Structures

1. Permit Required.

No person shall move any principal building from within or without the City limits to a new location within the City without first obtaining a conditional use permit in accordance with the provisions of Section 505 of this Ordinance. An application for such conditional use permit shall indicate the origin and destination of such building, and the route over which it is to be moved. The application shall also indicate the location of the lot on which the house is to be located, the dimensions of the lot and the proposed location of the structure on the lot along with setback distances. No permit to move a building shall be issued unless and until the following conditions are fully complied with and approved by the City Council.

A. The building to be moved must comply in all respects with the State Building Code and other pertinent State rules and regulations and the City Code.

B. The lot on which the building is to be located must meet all the minimum dimensional requirements of the zoning district in which it is located.

C. The building must be placed on the lot so as to meet all the front, side and rear yard requirements as set forth in this Ordinance.

D. Payment of a \$5,000 deposit, to be refunded upon final occupancy, grading and landscaping.

E. Factors that must be considered by the Planning Commission and City Council when reviewing the conditional use permit application:

1. Whether the structure is at such a variance with the established or expected pattern of development in the neighborhood that it would destroy the overall appearance of the neighborhood;

2. The extent of variance, if any, of the proposed structure with the existing age, bulk, architectural style and quality of construction; and

3. *The structure will not substantially diminish or impair property values within the neighborhood.*

2. *Electrical Corrections Requirements.*

In every case in which the removal or displacement of any overhead electrical or other wires is required, it shall be the duty of the person, association, or corporation owning, operating, or controlling said wires to remove or displace the same, so far as the same way may be necessary to effect the removal thereof, shall be authorized by such permit.

The person moving the structure must notify the person, association, or corporation owning, operating, or controlling said wires to remove or displace the same to facilitate the removal of said wires sufficiently to allow the passage of said building along the street over which said wires are suspended.

Any expenses incurred or to be incurred in the moving, removing or displacing of such wire shall be paid for by the person moving the structure.

The subject lot is 65’ wide by 152.93’ deep, thereby meeting the minimum lot size requirement for the RL-70 zoning district (50’ wide and 7,000 sq. ft. minimum).

The home must be placed on the lot to meet the minimum setbacks. There is a 25’ front setback, 30’ rear setback, and a 7’ side setback. The home, as proposed, will meet all setbacks.

Regarding the three factors that must be reviewed in consideration of allowing the structure to be relocated, staff offers the following opinions:

1. *Whether the structure is at such a variance with the established or expected pattern of development in the neighborhood that it would destroy the overall appearance of the neighborhood;*

- Staff believes the age and appearance of the proposed relocated 1970s home would fit in well with the neighborhood which is of an older nature with a variety of home styles that exist. The proposed home will also utilize parking/garage access from the alley, similar to the homes on either side of it.

2. *The extent of variance, if any, of the proposed structure with the existing age, bulk, architectural style and quality of construction; and*

- Staff believes that the home will fit in well due to its age (constructed in 1970s) and design, which is a mix of other homes on the block. North of the property (at 315 Lyndale Ave N), a home was built in 1980 and a home to the south (301 Lyndale Ave N) was built in 1890. A large majority of the homes on the block are rambler style and built in the 1950s and 60s.

3. *The structure will not substantially diminish or impair property values within the neighborhood.*
 - Staff believes that the structure will fit in well at 1,199 sq. ft. on the main level which is just under the above ground sq. ft. average on the block of 1,363 sq. ft, be brought up to current building codes and have a new foundation, all of which will not diminish or impair property values within the neighborhood.

Neighborhood Conditions

The neighborhood is of an older vintage with a mix of housing ages (ranging from 1890 to 1980 on the block) as well as a mix of housing styles (houses range from one story to 2 story on the block).

The properties to the south and west are zoned RL70 Single Family Residential. Properties to the north are zoned RL70 and RL90 Single Family Residential District. Properties to the east are zoned RL90 Single Family Residential District. Northeast of the property, there is Northside Park.

Access

The proposed detached two car garage is intended to be constructed in the rear of the property with access to the alley. The detached garage must have a minimum of 20’ of direct access to the entrance. The rear easement is also 20’ long, therefore, the garage must be built outside of the drainage and utility easement. The driveway from the alley may either be paved with bituminous, or concrete.

Engineering / Public Works Considerations

Public Works Director Matt Rynda stated that the relocation of the home would be during the 2024 CIP (Capital Improvement Project), therefore, the relocation would have to be coordinated for when it can be moved. There may be road restrictions earlier with the warm weather, so timing will be important. The 2024 CIP project will consist of new water and sewer stubs to the lot.

City Engineer Chris Knutson provided the following comments on 2/13/2024:

1. 2nd Street NE , Lexington Avenue N, and Lyndale Avenue N are proposed for full reconstruction in 2024. Access to the property, especially for large vehicles, will be limited or impossible at times.
2. New 1" water and 4" sanitary sewer stubs will be provided with upcoming street reconstruction project. Property owner to coordinate with City on locations for these services.
3. Property owner is encouraged to coordinate private utilities.
4. Property owner must limit site work within the Lyndale Avenue N right of way until reconstruction project is substantially complete. The street location and elevation will change from the existing condition.

- 5. Property owner must provide staging and access plan on how delivery and placement will occur. The site has steeper boulevard grades on Lyndale Avenue N. Trees and overhead wire may interfere with the alley.
- 6. Any damage to new street will be the responsibility of the property owner. Installation before street reconstruction would be best (if possible).

FEMA Flood Plain

N/A

Police Chief and Fire Chief Comments

Police Chief Tim Applen stated that the New Prague Police Department will have to coordinate with the moving company on dates and times as there will likely be some traffic issues. Usually moving companies relocate the home at night to not impede traffic.

Building Official Comments

Building Official Scott Sasse visited the home at Otting House Movers at 27626 Pilsbury Ave in Lakeville on January 26th, 2024 at 9:00am with Doug Pint. The garage was cut off the house in its original condition and needs some framing, sheathing, and siding to close up the side that was attached to this home previously. The garage will remain unfinished on the inside and get the current electrical brought up to code and re-inspected by State electrical inspector. The house will require some exterior work to weatherproof. The required placement of smoke detectors in accordance with NFPA 72 and UL217 are to be in each sleeping room and outside each sleeping room within their immediate vicinity. Smoke detection is required on each level of the home that is defined as habitable. CO detection is required in homes with Fuel fired appliances. Their locations shall be outside the bedroom and not more than 10 feet from each bedroom door and on each level of the home with sleeping room(s). The egress windows in each bedroom are undersized and too high off the finished floor to be complaint. The egress windows must have an available clear space of 5.7 sq ft having the sill be 44” or less to the finished floor. The home’s electrical system will have to be inspected and passed by the Stat electrical inspector also in order to obtain a Certificate to Occupancy.

County Highway Department Comments

N/A

Conditional Use Permit Findings

Section 505 of the Zoning Ordinance states that when granting a conditional use permit the City Council shall make the following findings:

- A. The use will not create an excessive burden on existing parks, schools, streets and other public facilities which serve or are proposed to serve the area. (The proposed relocated single-family home is an expected use of the lot which is zoned RL-70 Single Family Residential and will not burden existing parks, schools, streets or other public facilities.)
- B. The use will be sufficiently compatible or separated by distance or screened from adjacent residentially zoned or used land so that existing homes will not be depreciated in value and there will be no deterrence to development of vacant land. (The proposed relocated single-family home is fully compatible with the adjacent residential properties and will not cause a depreciation in their value.)

- C. The structure and site shall have an appearance that will not have an adverse effect upon adjacent residential properties. (The proposed relocated single-family home will not have an adverse effect upon adjacent residential homes in that it is of a similar era, style and size to other homes on the block.)
- D. The use, in the opinion of the City Council, is reasonably related to the overall needs of the City and to the existing land use. (The proposed relocated single-family home is reasonable related to the overall needs of the City and to the existing land use as it is utilizing a residential lot that has been vacant since it was platted in 2020 and for many years prior to its platting and will fit in with the surrounding homes.)
- E. The use is consistent with the purposes of the Zoning Ordinance and the purposes of the zoning district in which the applicant intends to locate the proposed use. (The proposed relocated single-family home is consistent with the zoning ordinance as a single-family home is a permitted use in the RL-70 Single Family residential zoning district.)
- F. The use is not in conflict with the Comprehensive Plan of the City. (The proposed relocated single-family home is not in conflict with the Comprehensive Plan of the City because the Comprehensive Plan designates this property as being located within the RL-70 Single Family Residential Zoning District.)
- G. The use will not cause traffic hazard or congestion. (The proposed relocated single-family home will not cause traffic hazard or congestion as it is a use typical of a residential lot.)
- H. Adequate utilities, access roads, drainage and necessary facilities have been or will be provided. (The proposed relocated single-family home will be located on an existing residential lot with adequate roads and existing utility stubs which will be completed with the 2024 CIP project.)

Section 505 of the Zoning Ordinance also states that conditions may be placed upon the approval as are considered necessary to protect the public health, safety and welfare.

Staff Recommendation

Staff recommends approval of Conditional Use Permit #C1-2024 to allow the relocation of an existing single-family home to the vacant lot located at 303 Lyndale Ave N in the RL-70 Single Family Residential Zoning District, with the following conditions:

1. This conditional use permit is only valid for moving in the specifically proposed home that is currently located at Otting House Movers at 27626 Pillsbury Ave, Lakeville MN.
2. All requirements of Section 713 of the Zoning Ordinance for relocating structures must be met.
3. In accordance with the Preliminary and Final plat of Suerai Addition, the developer is responsible for the cost and installation of water, sewer, and electric services to the lot.
4. Property owner should limit site work within the Lyndale Avenue N right of way until reconstruction project is substantially complete. The street location and elevation will change from the existing condition.
5. Property owner should provide staging and access plan on how delivery and placement will occur. The site has steeper boulevard grades on Lyndale Avenue N. Trees and overhead wire may interfere with the alley.

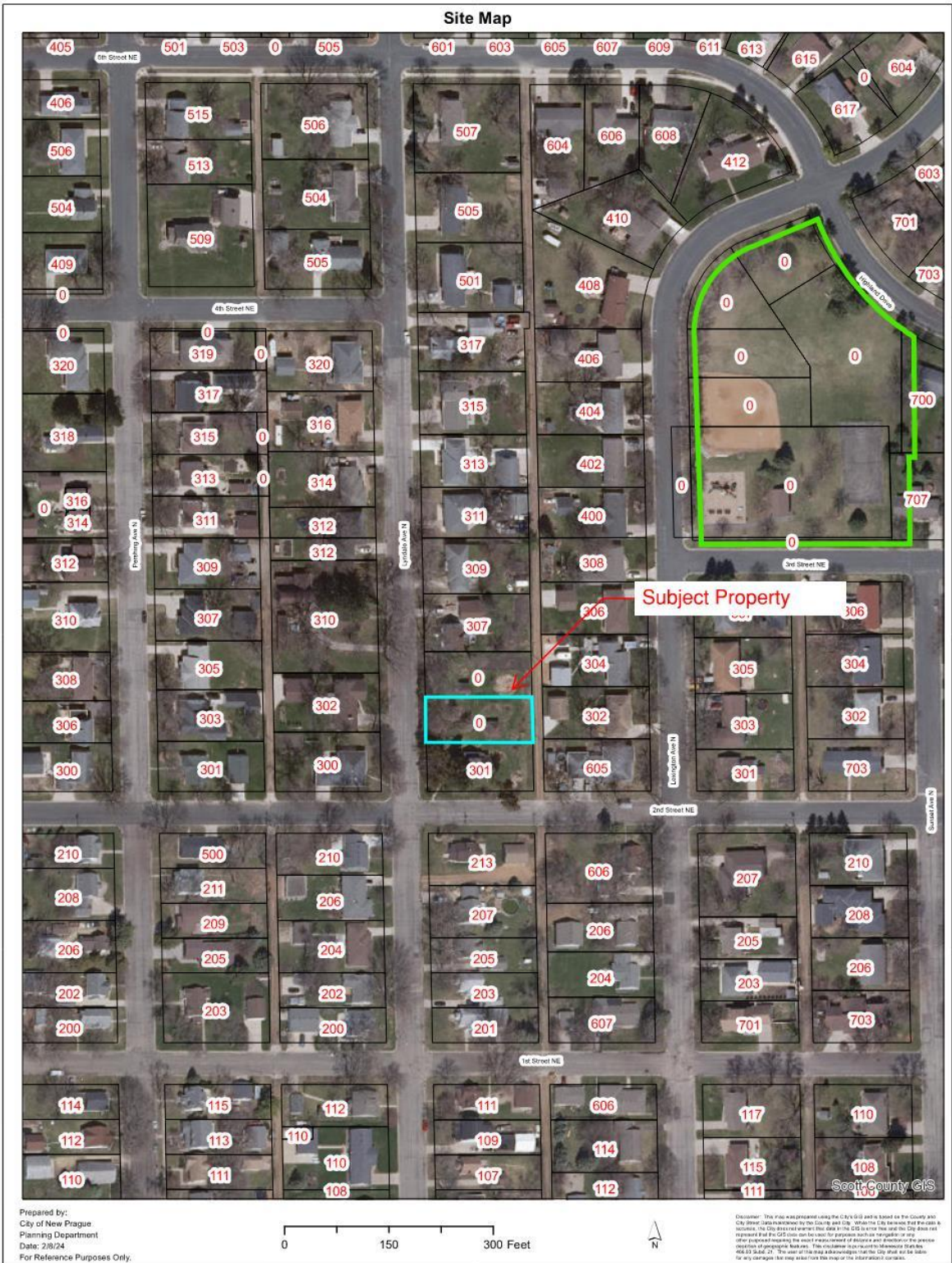
6. Any damage to new street will be the responsibility of the property owner. Installation before street reconstruction would be best (if possible).
7. The placement of the home must be in general compliance with the submitted site plan dated 2/7/24.
8. The proposed parking area from the alley must be paved as required by the Zoning Ordinance.
9. The following improvements must be made to the home before it can be occupied:
 - o Home must meet Minnesota State Building Code requirements
 - o New windows in bedrooms 2 & 3
 - o Closet moved to east wall in bedroom 3
 - o Staircase extended to meet code
 - o Siding, fascia, soffit, roof repair, and paint as needed
 - o New full basement to be finished later
 - o Possible deck off master bedroom
 - o New window to be placed in dining room
 - o Patio door to be placed in master bedroom
 - o New laundry location on main floor
 - o Install smoke and CO detectors
 - o Plumbing installed
 - o Garage: frame wall and install fascia, soffit, and siding

And making the following findings to approve the conditional use permit:

- A. The proposed relocated single-family home is an expected use of the lot which is zoned RL-70 Single Family Residential and will not burden existing parks, schools, streets or other public facilities.
- B. The proposed relocated single-family home is fully compatible with the adjacent residential properties and will not cause a depreciation in their value.
- C. The proposed relocated single-family home will not have an adverse effect upon adjacent residential homes in that it is of a similar era, style and size to other homes on the block.
- D. The proposed relocated single-family home is reasonable related to the overall needs of the City and to the existing land use as it is utilizing a residential lot that has been vacant since it was platted in 2020 and for many years prior to its platting and will fit in with the surrounding homes.
- E. The proposed relocated single-family home is consistent with the zoning ordinance as a single-family home is a permitted use in the RL-70 Single Family residential zoning district.
- F. The proposed relocated single-family home is not in conflict with the Comprehensive Plan of the City because the Comprehensive Plan designates this property as being located within the RL-70 Single Family Residential Zoning District.
- G. The proposed relocated single-family home will not cause traffic hazard or congestion as it is a use typical of a residential lot.
- H. The proposed relocated single-family home will be located on an existing residential lot with adequate roads and existing utility stubs, which will be completed with the 2024 CIP project.

Attachments

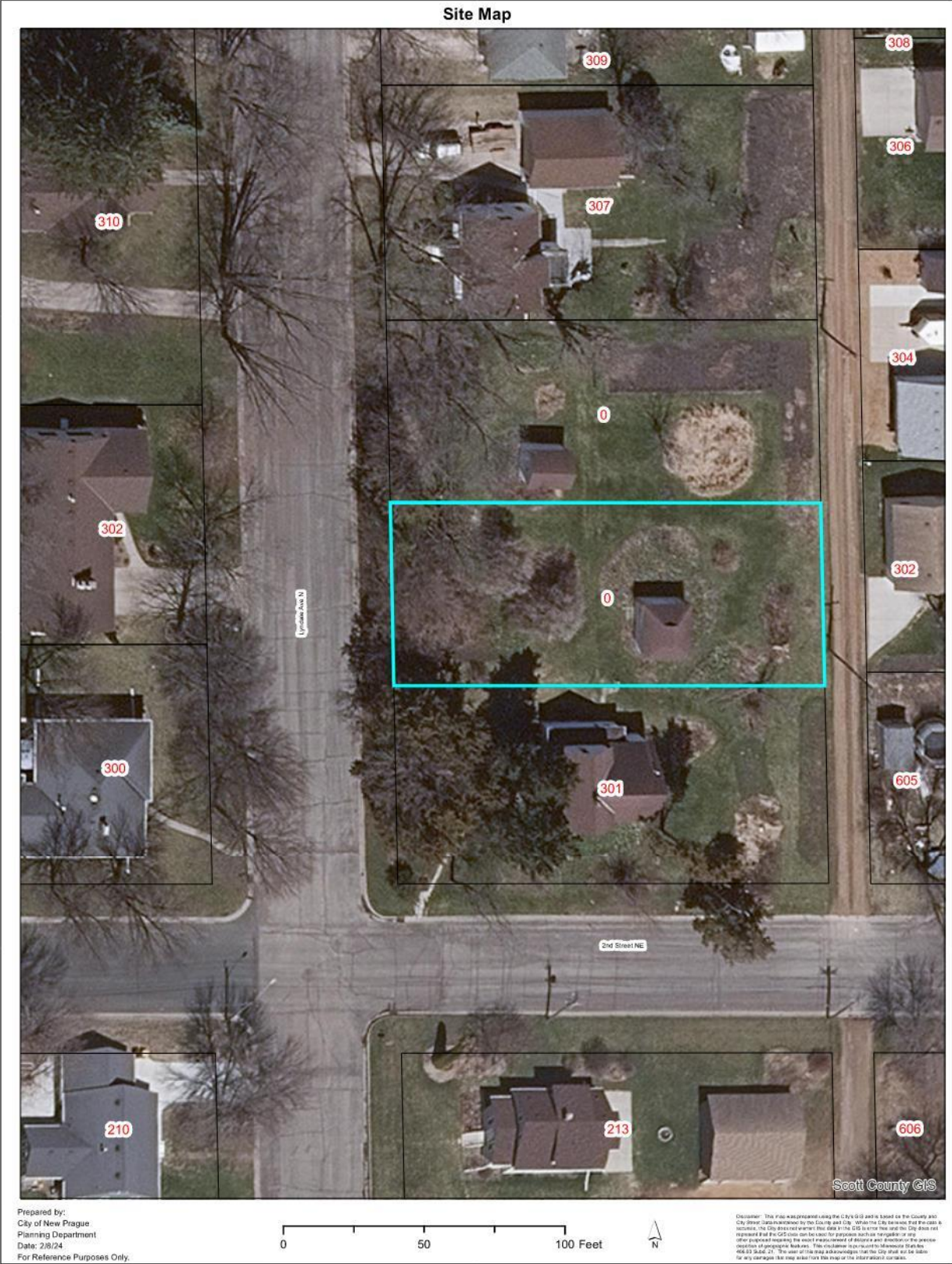
1. Aerial Site Map – Dated 2/8/24
2. Aerial Zoning Site Map – Dated 2/8/24
3. Aerial Site Map Detail – Dated 2/8/24
4. Site Plan Dated – 2/8/24
5. Neighborhood Pictures – Dated 2/9/24 and 2/16/2024
6. Applicant's pictures of Home (interior and exterior)– Undated
7. Oblique Air Photo – Undated



Douglas Pint– CUP #C1-2024 – Relocate Structure
2/28/24 Planning Commission Meeting
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Douglas Pint– CUP #C1-2024 – Relocate Structure
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Douglas Pint– CUP #C1-2024 – Relocate Structure
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Current Vacant Lot



Current Vacant Lot



Home to the South (Built in 1890)



Home to the North (Built in 1980)



Neighborhood Homes Built in the 1960s-70s (Along Lyndale Ave N)



Neighborhood Homes Built in 1960s-70s (Along Lexington Ave N)



Exterior of the Subject Home (Front)



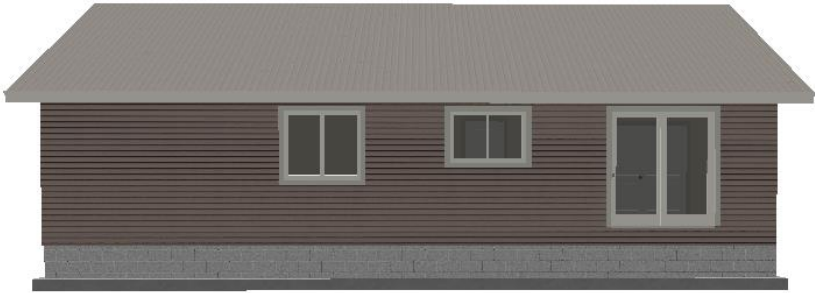
Exterior of the Subject Home (Back)



Exterior of the Subject Home (Garage)



Exterior of the Subject Home (Side)



Proposed Exterior of the Subject Home (East Elevation)



Proposed Exterior of Subject Home (West Elevation)



Interior of Subject Home (Kitchen)



Interior of Subject Home



Interior of Subject Home (Bathroom)



Interior of Subject Home



Interior of Subject Home (Bedroom)



Interior of Subject Home (Bedroom)



Oblique Air Photo View of Vacant Lot



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: PLANNING COMMISSION
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: CONCEPT REVIEW – FLOODPLAIN ORDINANCE UPDATE
DATE: FEBRUARY 22, 2024

The City was recently notified by FEMA that the new Le Sueur County FEMA Flood Insurance Rate Maps (FIRMs) will become effective on July 17, 2024. The Le Sueur County map updates cover all of New Prague City Limits as when the Scott County Maps were previously updated, they excluded all of the City of New Prague.

Shortly after receiving notification from FEMA regarding the effective date of the new flood maps, the DNR contacted the City regarding the requirement that all communities must prove to FEMA that their floodplain management regulations are in compliance with FEMA regulations, specifically for continued participation in the National Flood Insurance Program (NFIP). The DNR is the state coordinating agency for NFIP and will assist the City.

I have spoken with Garry Bennett with the DNR and he provided the City with two model ordinance options for adopting a confirming ordinance. One option is called a “simplified model floodplain ordinance” (see attached) and the other is their typical “model floodplain ordinance” (see attached). It is up to the City to choose which model ordinance to utilize.

The City’s current floodplain ordinance (see attached) is most similar to the typical model ordinance. Mr. Bennett suggested the City consider the simplified model ordinance as New Prague has historically had little to no floodplain development in flood zones. This simplified ordinance is easier to administer than the typical model. During my nearly 20 years with the City, we have not allowed any development within the floodplain and there are very few structures that exist within the floodplain today.

The City is required to have the new ordinance adopted by July 17th, 2024. Also, as part of the process to adopt a new ordinance, the City must have a draft ordinance to the DNR to review by April 17th, 2024. The idea is to have discussion on which ordinance model to use at tonight’s meeting, to review a draft ordinance at the next Planning Commission meeting (likely to be April 3rd) and then hold a public hearing on the ordinance at the April or May Planning Commission meeting before ultimately forwarding to the City Council to review/approve in May or June.

Existing Floodplain Ordinance Language

See attached.

Proposed Zoning Ordinance Language-

See attached “simplified” and “typical” model ordinances.

Recommendation

I recommend that the Planning Commission discuss the two model ordinances and would request consideration of moving forward with the Simplified Model Ordinance for a final draft review at the March Planning Commission meeting.

Attachments:

1. Chapter 152: Flood Hazard Regulations (Existing Ordinance)
2. Simplified Ordinance
3. Typical Model Ordinance
4. FEMA/DNR Letters – Various Dates
5. Preliminary FEMA Firm Maps (Final Maps will be available in a couple of months)

Section

General Provisions

- 152.01 Statutory authorization
- 152.02 Findings of fact
- 152.03 Statement of purpose
- 152.04 Definitions
- 152.05 Applicability
- 152.06 Establishment of the official zoning map
- 152.07 Interpretation
- 152.08 Abrogation and greater restrictions
- 152.09 Warning and disclaimer of liability

Flood Hazard Reduction

- 152.20 Regulatory flood protection elevation
- 152.21 Districts
- 152.22 Compliance
- 152.23 Floodway District
- 152.24 Flood Fringe District
- 152.25 General Flood Plain District
- 152.26 Subdivisions
- 152.27 Utilities, railroads, roads and bridges
- 152.28 Manufactured homes; travel trailers and travel vehicles
- 152.29 Nonconforming uses

Administration and Enforcement

- 152.40 Zoning Administrator
- 152.41 Permits, certification requirement and record keeping
- 152.42 Appeals and variances; duties of the Board of Adjustment
- 152.43 Conditional uses; standards and evaluation procedures
- 152.44 Amendments
- 152.45 Violations

GENERAL PROVISIONS

§ 152.01 STATUTORY AUTHORIZATION.

The legislature of the state, in M.S. Chapter 103E and 462, as they may be amended from time to time, has delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the city does enact the flood hazard regulations set out herein.

(Ord. 148, passed 2-6-95)

§ 152.02 FINDINGS OF FACT.

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

(B) This chapter is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the State Department of Natural Resources.

(Ord. 148, passed 2-6-95)

§ 152.03 STATEMENT OF PURPOSE.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to minimize those losses described in § 152.02 by provisions contained herein.

(Ord. 148, passed 2-6-95)

§ 152.04 DEFINITIONS.

The definitions of the City Zoning Ordinance are hereby adopted by reference and incorporated into this chapter as if fully set out herein.

§ 152.05 APPLICABILITY.

This chapter shall apply to all lands within the jurisdiction of the city shown on the official zoning map and/or the attachments thereto as being located within the boundaries of the Floodway or Flood Fringe Districts or General Flood Plain District.

(Ord. 148, passed 2-6-95)

§ 152.06 ESTABLISHMENT OF THE OFFICIAL ZONING MAP.

The official zoning map, together with all materials attached thereto, is hereby adopted by reference and declared to be a part of this chapter. The attached materials shall include the "Flood Insurance Study, Le Sueur County, Minnesota, and Incorporated Areas," prepared by the Federal Emergency Management Agency and dated July 21, 1999, and the flood insurance rate map panels numbered 27079C0087D, 27079C0088D, 27079C0089D, and 27079C0093 therein, dated July 21, 1999, and flood insurance rate map panel 27079C0091D, dated July 21, 1999 and revised March 11, 2004 to reflect a LOMR. The flood insurance rate map together with the official zoning map shall be on file in the office of the City Clerk and the Zoning Administrator.

(Ord. 148, passed 2-6-95; Am. Ord. passed 8-2-99; Am. Ord. passed 3-6-00; Am. Ord. passed 4-5-04)

§ 152.07 INTERPRETATION.

(A) In their interpretation and application, the provisions of this chapter shall be liberally construed in favor of the governing body, and shall not be deemed a limitation or repeal of any other powers granted by state statutes.

(B) The boundaries of the zoning districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed as to the exact location of the boundaries of the district 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 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 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.

(Ord. 148, passed 2-6-95)

§ 152.08 ABROGATION AND GREATER RESTRICTIONS.

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

(Ord. 148, passed 2-6-95)

§ 152.09 WARNING AND DISCLAIMER OF LIABILITY.

This chapter does not imply that areas outside the flood plain districts or land uses permitted within the flood plain districts will be free from flooding or flood damages. This chapter shall not create liability on the part of the city or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

(Ord. 148, passed 2-6-95)

FLOOD HAZARD REDUCTION**§ 152.20 REGULATORY FLOOD PROTECTION ELEVATION.**

The regulatory flood protection elevation shall be an elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that resulted from designation of a floodway.

(Ord. 148, passed 2-6-95)

§ 152.21 DISTRICTS.

(A) *Floodway District.* The Floodway District shall include those areas designated as floodway on the flood insurance map panels adopted in § 152.06.

(B) *Flood Fringe District.* The Flood Fringe District shall include those areas designated as Zone AE on the Insurance Rate Map panels adopted in § 152.06 that are located outside of the floodway.

(C) *General Floodplain District.* The General Floodplain District shall include those areas within the corporate limits of the city as being within Zone A on the flood insurance rate map adopted in § 152.06.

(Ord. 148, passed 2-6-95; Am. Ord. passed 3-6-00)

§ 152.22 COMPLIANCE.

(A) No new structure or land shall hereafter be used, and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter. Within the Floodway and Flood Fringe Districts, all uses not listed as permitted uses or conditional uses in §§ 152.23 through 152.25 shall be prohibited. In addition, a caution is provided here that new manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this chapter, and specifically § 152.28.

(B) Modifications, additions, structural alteration 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 § 152.29.

(C) 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 § 152.41.

(Ord. 148, passed 2-6-95) Penalty, see § 10.99

§ 152.23 FLOODWAY DISTRICT.

(A) *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, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails; and/or

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

(B) *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.

(C) *Conditional uses.*

(1) Structures accessory to the uses listed in division (A) above and the uses listed in subsections (2) 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;

(7) Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of § 152.28; and/or

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

(D) *Standards for floodway conditional uses.*

(1) No structure, temporary or permanent, or fill, including fill 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 100-year or regional flood, or cause an increase in flood damages in the reach or reaches affected.

(2) All floodway conditional uses shall be subject to the procedures and standards contained in §152.43.

(3) The conditional use shall be permissible in the underlying zoning district if one exists.

(4) The standards for fill are as follows:

(a) Fill, dredge spoil and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap 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 subsection (b) above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood, but only after the governing body 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) The standards for accessory structures are as follows:

(a) Accessory structures shall not be designed for human habitation.

(b) Accessory structures, if permitted, shall be constructed according to the following provisions 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 500 square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards, as appropriate:

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

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

(6) The standards for storage of materials and equipment are as follows:

(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 governing body.

(7) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of M.S. Chapter 1036, as it may be amended from time to time. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.

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

(Ord. 148, passed 2-6-95) Penalty, see § 10.99

§ 152.24 FLOOD FRINGE DISTRICT.

(A) *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 preexisting, underlying zoning use districts exist, then any residential or nonresidential structure or use of a structure or land shall be a permitted use in the Flood Fringe District, provided the use does not constitute a public nuisance. All permitted uses shall comply with the standards for Flood Fringe permitted uses listed in division (B) below and the standards for all Flood Fringe uses listed in division (E) below.

(B) *Standards for Flood Fringe permitted uses.*

(1) All structures, including accessory structures, must be elevated on fill so that the lowest floor including the basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one foot below the regulatory flood protection elevation and the fill shall extend at the elevation at least 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 500 square feet for the outside dimension at ground level may be internally flood proofed in accordance with §

(3) The cumulative placement of fill, where at any one time in excess of 1,000 cubic yards of fill is located on the parcel, shall be allowed only as a conditional use, unless the fill is specifically intended to elevate a structure in accordance with division (B)(1) above.

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

(5) The provisions of division (E) below shall apply.

(C) *Conditional uses.* Any structure that is not elevated on fill or flood proofed in accordance with subsections (1) through (4) above, or any use of land that does not comply with the standards in subsections (3) and (4) above 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 divisions (D) and (E) below, and § 152.43.

(D) *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 and the like, or above-grade, enclosed areas such as crawl spaces or tuck-under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if:

(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. 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. 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. The minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one foot above-grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters; 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 in the City Zoning Ordinance, shall be subject to the following:

(a) Residential basement construction shall not be allowed below the regulatory flood protection elevation.

(b) Nonresidential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry flood proofed in accordance with subsection (3) below.

(3) All areas of nonresidential 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 FF-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 1,000 cubic yards of fill or other similar material is located on a parcel for activities such 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. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the governing body. The plan may incorporate alternative procedures for removal of the material from the flood plain when adequate flood warning time exists.

(5) The standards for storage of materials and equipment are as follows:

(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) The 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 governing body.

(6) The provisions of division (E) below shall also apply.

(E) *Standards for all Flood Fringe uses.*

(1) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of 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 and local flood emergency response procedures exist.

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

(3) For manufacturing and industrial uses, measures shall be taken to minimize interference with normal plant operations, especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in subsection (2) above. In considering permit applications, due consideration shall be given to the needs of an industry whose business requires that it be located in flood plain areas.

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

(5) Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain 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 travel trailers and travel vehicles are contained in §152.23.

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

(Ord. 148, passed 2-6-95)

§ 152.25 GENERAL FLOOD PLAIN DISTRICT.

(A) *Permissible uses.*

(1) The uses listed in § 152.23(A) shall be permitted uses.

(2) All other uses shall be subject to the Floodway/Flood Fringe evaluation criteria pursuant to division (B) below. Section 152.23 shall apply if the proposed use is in the Floodway District and § 152.24 shall apply if the proposed use is in the Flood Fringe District.

(B) *Procedures for Floodway and Flood Fringe Determinations within the General Flood Plain District.*

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

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

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

(c) A profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.

(2) The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District, and to determine the regulatory flood protection elevation. Procedures consistent with Minn. Rules, Parts 6120.5000 through 6120.6200, as they may be amended from time to time, shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:

(a) Estimate the peak discharge of the regional flood;

(b) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas;

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

(3) The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert of the governing body. The governing body must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The governing body, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and Flood Fringe boundaries have been determined, the governing body shall refer the matter back to the Zoning Administrator, who shall process the permit application consistent with the applicable provisions of §§ 152.23 and 152.24.

(Ord. 148, passed 2-6-95; Am. Ord. passed 8-2-99)

§ 152.26 SUBDIVISIONS.

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

(B) The Federal Emergency Management Agency has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 200-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.

(C) In the General Floodplain District, applicants shall provide the information required in §152.25(B) to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

(Ord. 148, passed 2-6-95; Am. Ord. passed 8-2-99) Penalty, see § 10.99

§ 152.27 UTILITIES, RAILROADS, ROADS AND BRIDGES.

(A) All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.

(B) Railroad tracks, roads and bridges to be located within the flood plain shall comply with §§152.23 and 152.24. 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 the 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.

(C) Where public utilities are not provided:

(1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and

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

(Ord. 148, passed 2-6-95)

§ 152.28 MANUFACTURED HOMES; TRAVEL TRAILERS AND TRAVEL VEHICLES.

(A) New manufactured home parks and expansions to existing mobile manufactured home parks shall be subject to the provisions placed on subdivisions by § 152.26.

(B) The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with § 152.23. If vehicular road access for preexisting manufactured home parks is not provided in accordance with § 152.23(A), then replacement manufactured homes will not be allowed until the property owner(s) develops a flood

warning emergency plan acceptable to the governing body.

(C) 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.

(D) Travel trailers and travel vehicles that do not meet the exemption criteria specified in division (E) below shall be subject to the provisions of this chapter and as specifically spelled out in divisions (G) and (H) below.

(E) Travel trailers and travel vehicles are exempt from the provisions of this chapter if they are placed in any of the areas listed in division (F) below, and further if they meet the following criteria:

(1) The travel trailer or travel vehicle has current licenses required for highway use.

(2) The travel trailer or travel vehicle is highway ready, meaning on wheels or the internal jacking systems are attached to the site only by quick disconnect type utilities commonly used in campgrounds and trailer parks, and the trailer or vehicle has no permanent structural type additions attached to it.

(3) The travel trailer or travel vehicle and associated use must be permissible in any preexisting, underlying zoning use district.

(F) Areas exempted for placement of travel/recreational vehicles are as follows:

(1) Individual lots or parcels of record;

(2) Existing commercial recreational vehicle parks or campgrounds; and

(3) Existing condominium type associations.

(G) Travel trailers and travel vehicles exempted in division (E) above lose this exemption when development occurs on the parcel exceeding \$500 dollars for a structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer or travel vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in §§ 152.23 and 152.24.

(H) New commercial travel trailer or travel vehicle parks or campgrounds, and new residential type divisions and condominium associations and the expansion of any existing similar use exceeding five units or dwelling sites shall be subject to the following:

(1) Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe Districts, provided the trailer or vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation and proper elevated road access to the site exists in accordance with § 152(E)(1). Any fill placed in a floodway for the purpose of elevating a travel trailer shall be subject to the requirements of § 152.23.

(2) All new or replacement travel trailers or travel vehicles not meeting the criteria of subsection (1) above may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of § 152.43. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100-year flood. The plan shall be prepared by a registered engineer or other qualified individual, and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with § 152.27(C).

(Ord. 148, passed 2-6-95)

§ 152.29 NONCONFORMING USES.

(A) A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter but which is not in conformity with provisions of this chapter may be continued subject to the conditions of this section.

(B) A nonconforming use shall not be expanded, changed, enlarged or altered in a way which increases its nonconformity.

(C) Any alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or flood proofing techniques, such as the FP-1 through FP-4 flood proofing classifications, allowable in the State Building Code, except as further restricted in division (D) below.

(D) The cost of any structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50% of the market value of the structure unless the conditions of this section are satisfied. The cost of all structural alterations and additions constructed since the adoption of the community's initial flood plain controls must be calculated into today's current cost, which will include all costs such as construction materials and a reasonable cost placed on all manpower labor. If the current cost of all previous and proposed alterations and additions exceeds 50% of the current market value of the structure, then the structure must meet the standards of §§ 152.23 or 152.24 for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

(E) If any nonconforming use is discontinued for 12 consecutive months, any future use of the building pr conform to this chapter. The assessor shall notify the Zoning Administrator in writing of instances of nonconf which have been discontinued for a period of 12 months.

(F) If any nonconforming use or structure is destroyed by any means, including floods, to an extent of 50% or more of its market value at the time of destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. The applicable provisions for establishing new uses or new structures in §§ 152.23 or 152.24 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe District, respectively.

(Ord. 148, passed 2-6-95) Penalty, see § 10.99

ADMINISTRATION AND ENFORCEMENT

§ 152.40 ZONING ADMINISTRATOR.

A Zoning Administrator or other official designated by the governing body shall administer and enforce this chapter. If the Zoning Administrator finds a violation of the provisions of this chapter, he or she shall notify the person responsible for the violation in accordance with the procedures stated in § 152.45.

(Ord. 148, passed 2-6-95)

§ 152.41 PERMITS, CERTIFICATION REQUIREMENT AND RECORD KEEPING.

(A) A permit issued by the Zoning Administrator in conformity with the provisions of this chapter shall be secured prior to the erection, addition, or alternation of any building, structure, or portion thereof, shall be prior to the change or extension of a nonconforming use, and prior to the placement of fill, evacuation of materials, or the storage of materials or equipment within the flood plain.

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

(C) 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.

(D) 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.

(E) 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 the 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.

(F) 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.

(G) The Zoning Administrator shall maintain a record of the elevation of the lowest floor, including the basement, of all new structures and alterations or additions to existing structures in the flood plain. The Zoning Administrator shall also maintain a record of the elevation to which structures are flood proofed.

(Ord. 148, passed 2-6-95) Penalty, see § 10.99

§ 152.42 APPEALS AND VARIANCES; DUTIES OF THE BOARD OF ADJUSTMENT.

(A) The Board of Adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on the Board by state law.

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

(C) The Board may hear requests for variances from the literal provisions of this chapter in instances where their strict enforcement would cause undue hardship because of circumstances unique to the individual property under consideration, and to grant such variances only when it is demonstrated that such actions will be in keeping with the spirit and intent of the section chapter. **UNDUE HARDSHIP** as used in connection with the granting of a reasonable use if used under conditions allowed by the official controls, the plight of the landowner is due to circumstances unique to the property not created by the landowner, and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute an undue hardship if reasonable use for the property exists under the terms of this chapter . **UNDUE HARDSHIP** also includes, but is not limited to, inadequate access to direct sunlight for solar energy systems. Variances shall be granted for earth sheltered construction as defined in M.S. § 216C.06, Subdivision 2, as it may be amended from time to time, when in harmony with the chapter. The Board may not permit as a variance any use that is not permitted under the chapter for property in the zone where the affected person’s land is located. The Board may permit as a variance the

temporary use of a one family dwelling as a two family dwelling. The Board may impose conditions in the granting of variances to insure compliance and to protect adjacent properties.

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

(E) The Board shall arrive at a decision on an appeal or variance within 30 days. In passing upon an appeal, the Board may, so long as the action is in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the Zoning Administrator or other public official. It shall make its decision in writing, setting forth the findings of fact and the reasons for its decisions. In granting a variance the Board may prescribe appropriate conditions and safeguards such as those specified in § 152.43(G), which are in conformity with the purposes of this chapter. Violations of the conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten days of the action.

(F) Appeal from any decision of the Board may be made, and as specified in the community's official controls and also state statutes.

(G) (1) 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 \$20 to \$100 of insurance coverage; and

(b) Construction below the 100-year or regional flood level increases risks to life and property.

(2) The notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report the variances issued in its annual or biennial report submitted to the administration of the National Flood Insurance Program.

(Ord. 148, passed 2-6-95) Penalty, see § 10.99

§ 152.43 CONDITIONAL USES; STANDARDS AND EVALUATION PROCEDURES.

(A) The City Planning and Zoning Commission shall hear and make recommendations to the City Council concerning applications for conditional uses permissible under this chapter. Applications shall be submitted to the Zoning Administrator, who shall forward the application to the Planning and Zoning Commission for consideration.

(B) Upon filing with the Planning and Zoning commission an application for a conditional use Permit, the Zoning Administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application for the proposed conditional use sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing.

(C) The Planning and Zoning Commission shall arrive at a decision on a conditional use within 30 days, and forward their recommendation to the City Council. In granting a conditional use permit, the City Council shall prescribe appropriate conditions and safeguards, in addition to those specified in division (G) below, which are in conformity with the purposes of this chapter. Violations of these conditions and safeguards, when made part of the terms under which the conditional use permit is granted, shall be deemed a violation of this chapter. A copy of all decisions granting conditional use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten days of the action.

(D) Procedures to be followed by the Planning and Zoning Commission in passing on conditional use permit applications within all flood plain districts are as follows:

(1) The applicant shall be required to furnish the following information and additional information deemed necessary by the Planning and Zoning Commission for determining the suitability of the particular site for the proposed use:

(a) Plans in duplicate drawn to scale showing the nature, location, dimensions and elevation of the lot, existing or proposed structures, fill, storage of materials, flood proofing measures and the relationship of the above to the location of the stream channel; and

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

(2) One copy of the information described in subsection (1) above is to be transmitted to a designated engineer or other expert person or agency for technical assistance, where necessary, in elevating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.

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

(4) In passing upon conditional use applications, the Planning and Zoning Commission shall consider all relevant factors specified in other sections of this chapter, and:

- (a) The danger to life and property due to increased flood heights or velocities caused by encroachment;
- (b) 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;
- (c) The proposed water supply and sanitation systems, and the ability of these systems to prevent disease, contamination, and unsanitary conditions;
- (d) The susceptibility of the proposed facility and its contents to flood damage and the effect of the damage on the individual owner;
- (e) The importance of the services provided by the proposed facility to the community;
- (f) The requirements of the facility for a waterfront location;
- (g) The availability of alternative locations not subject to flooding for the proposed use;
- (h) The compatibility of the proposed use with existing development anticipated in the foreseeable future;
- (i) The relationship of the proposed use to the comprehensive plan and flood plain management program for the area;
- (j) The safety of access to the property in times of flood for ordinary and emergency vehicles;
- (k) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site; and
- (l) Any other factors which are relevant to the purposes of this chapter.

(E) The Planning and Zoning Commission shall act in the manner described above within 30 days from receiving the application, except that where additional information is required pursuant to this chapter. The Planning and Zoning Commission shall render a written decision within 30 days from the receipt of the additional information.

(F) Upon consideration of the factors listed above and the purpose of this chapter, the Planning and Zoning Commission shall attach any conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this chapter. The conditions may include, but are 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; and
- (5) Flood proofing measures, in accordance with the State Building Code and this chapter. The applicant shall submit a plan or document certified by a registered professional engineer or architect that the flood proofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(Ord. 148, passed 2-6-95) Penalty, see § 10.99

§ 152.44 AMENDMENTS.

(A) The flood plain designated on the official zoning map shall not be removed from flood plain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regional flood and is contiguous to lands outside the flood plain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if he or she determines that, through other measures, lands are adequately protected for the intended use.

(B) All amendments to this chapter, including amendments to the official zoning map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption.

(C) Changes in the official zoning map must meet the Federal Emergency Management Agency's technical conditions and criteria, and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given ten days written notice of all hearings to consider an amendment to this chapter, and the notice shall include a draft of the ordinance or technical study under consideration.

(Ord. 148, passed 2-6-95)

§ 152.99 VIOLATIONS.

(A) 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 provided for in § 10.99.

(B) Nothing herein contained shall prevent the city from taking any other lawful action as is necessary to prevent or remedy any violation. The actions may include but are not limited to:

- (1) In responding to a suspected violation, the Zoning Administrator and local government may utilize the full array of

enforcement actions available to it, including but not limited to prosecution and fines, injunctions, after-the-fact orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance to the guilty party. The community must act in good faith to enforce these official controls and to correct violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

(2) When a 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 construction or development shall be immediately halted until a proper permit or approval is granted by the community. 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 30 days.

(4) If the responsible party does not appropriately respond to the Zoning Administrator within a 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 condition which existed prior to the violation of this chapter.

(Ord. 148, passed 2-6-95) Penalty, see § 10.99



SIMPLIFIED MODEL FLOODPLAIN ORDINANCE

This model floodplain ordinance is simplified because it includes only one floodplain district, and accommodates a more limited range of development. This ordinance is intended for communities that have little or no existing structures within the floodplain and that meet the following criteria:

- Floodplains are largely undeveloped or protected as parks or open space; and/or
- Each developable parcel can accommodate for building sites outside of the floodplain.

As written, this ordinance prohibits new building within the floodplain, but reasonably accommodates for other common types of development (existing buildings can continue as nonconformities). This ordinance should be further customized based on the mapped flood risk, as well as the current and anticipated development. If there are not any existing nonconforming structures, crossings, or waterbodies, it can be simplified further yet. Local governments are encouraged to work with the DNR to tailor the language for the community.

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SECTION 1.0 STATUTORY AUTHORIZATION AND PURPOSE

- 1.1 **Statutory Authorization.** This floodplain ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program (NFIP) in 44 CFR § 59 to 80; and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.
- 1.2 **Purpose**
 - 1.21 This ordinance regulates development in the flood hazard areas of the City of New Prague. 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.
 - 1.22 This ordinance is adopted in the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding.
 - 1.23 This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.
 - 1.24 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.
- 1.3 **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or private agreements. The standards in this ordinance take precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- 1.4 **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. Not all flood risk is mapped. Larger floods do occur and the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. This ordinance does not create liability on the part of the City of New Prague or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- 1.5 **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.

SECTION 2.0 DEFINITIONS

- 2.1 **Definitions.** Unless specifically defined, 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.
 - 2.111 Base Flood. The flood having a one-percent chance of being equaled or exceeded in any given year. “Base flood” is synonymous with the term “regional flood” used in Minnesota Rules, part 6120.5000.
 - 2.112 Base Flood Elevation (BFE). The elevation of the base flood, regional flood, or one-percent annual chance flood. The term “base flood elevation” is used in the flood insurance study.
 - 2.113 Development. Any man-made change to improved or unimproved real estate including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of materials or equipment.
 - 2.114 Farm Fence. An open type of fence of posts and horizontally run wire, further specified in Minnesota Statutes, section 344.02 Subd. 1(a - d).
 - 2.115 Flood Fringe. The portion of the one-percent annual chance floodplain located outside of the floodway.
 - 2.116 Flood Insurance Rate Map (FIRM). An official map of a community, 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).

- 2.117 Floodplain. The beds, channel and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.
- 2.118 Floodway. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which must be reserved to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.
- 2.119 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.”
- 2.120 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. Those vehicles not meeting this definition shall be considered a structure for the purposes of this ordinance. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term “travel trailer/travel vehicle.”
- 2.121 Regulatory Flood Protection Elevation (RFPE). An elevation no lower than one foot above the elevation of the base flood plus any increases in water surface elevation caused by encroachments on the floodplain that result from designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.
- 2.122 Structure. A roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in Section 4.40, shall also be considered a nonconforming structure for the purposes of this ordinance.
- 2.123 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.
- 2.124 Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:
 - A. 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.
 - B. 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 defined in 44 CFR § 59.1.

SECTION 3.0 JURISDICTION AND DISTRICTS

- 3.1 **Lands to Which Ordinance Applies.** This ordinance applies to all lands under the jurisdiction of the City of New Prague within the Floodplain, shown as Zones A or AE on the Flood Insurance Rate Map panels referenced in Section 3.2.
 - 3.11 The standards imposed in this overlay district are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.
 - 3.12 Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions (as illustrated in Figure 1), the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the one-percent annual chance floodplain.
 - 3.13 Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the City and to submit technical evidence.
- 3.2 **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:
 - Flood Insurance Studies
 - Flood Insurance Study for Scott County and Incorporated Areas, dated February 12, 2021
 - Flood Insurance Study for Le Sueur County and Incorporated Areas, dated July 17, 2024

- Flood Insurance Rate Map Panels
 - Scott County Panel 27139C0280E, dated February 12, 2024
 - Scott County Panel 27139C0290E, dated February 12, 2024
 - Scott County Panel 27139C0295E, dated February 12, 2024
 - Le Sueur County Panel 27079C0086E, dated July 17, 2024
 - Le Sueur County Panel 27079C0087E, dated July 17, 2024
 - Le Sueur County Panel 27079C0089E, dated July 17, 2024
 - Le Sueur County Panel 27079C0091E, dated July 17, 2024
 - Le Sueur County Panel 27079C0093E, dated July 17, 2024

These materials are prepared by the Federal Emergency Management Agency, and are on file in the *[list location where maps will be filed – i.e., City Hall]*.

3.3 **Annexations:** The Flood Insurance Rate Map panels referenced in Section 3.2 may include floodplain areas that lie outside of the corporate boundaries of the City of New Prague at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of New Prague after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation. Annexations into panels not referenced in Section 3.2 require ordinance amendment in accordance with Section 8.0.

SECTION 4.0 PERMITTED ACTIVITIES AND STANDARDS IN THE FLOODPLAIN DISTRICT

4.1 **Permitted Activities.** A permit must be obtained from the Zoning Administrator to verify compliance with all applicable standards outlined in this ordinance prior to the following uses or activities:

- 4.11 Any addition, modification, rehabilitation, repair, or alteration to a nonconforming structure as specified in Section 5.0 of this ordinance. 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 Section 2.0 of this ordinance.
- 4.12 Any use that requires fill, excavation, storage of materials, or placement of anything that may cause a potential obstruction, as well as any other form of development as defined in Section 2.0 of this ordinance.

4.2 **Activities Not Requiring a Permit.** Certain uses or activities may be exempt from obtaining a permit, such as planting a garden, farming, or other obviously insignificant activities such as putting up a mailbox or flagpole. Farm fences, as defined in Section 2.0 of this ordinance, are not considered to be an obstruction, and as such, do not require a permit. A local permit is not required if a public waters work permit has been obtained from the Department of Natural Resources, unless a significant area above the ordinary high water level is also to be disturbed. The continuation of existing uses, when the associated activities do not encroach further on the regulatory floodplain or trigger associated standards in this ordinance, do not require a permit.

4.3 **Minimum Development Standards.**

4.31 **All development must:**

- A. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- B. Be constructed with materials and equipment resistant to flood damage;
- C. Be constructed by methods and practices that minimize flood damage;
- D. Be reasonably safe from flooding and consistent with the need to minimize flood damage;
- E. Be assured to provide adequate drainage to reduce exposure to flood hazards;
- F. Not be detrimental to uses in adjoining areas; and
- G. Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

4.32 **Buildings and Structures.** No new structures, such as buildings or accessory structures may be permitted in the regulatory floodplain. Modifications and alterations of nonconforming structures is subject to the standards in Section 5.0.

- 4.33 **Subdivisions.** All new lots must be able to accommodate for a building site with a natural grade outside of the floodplain. All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE).
- 4.34 **Encroachment Analysis.** Development in the following areas requires hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices (e.g. projects that restore the site to the previous cross-sectional area).
 - A. In a floodway, development may not result in any of the following during the one-percent annual chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities.
 - B. In areas where a floodway has not been delineated, development may not allow stage increases more than one-half (0.5) foot at any point during the one-percent chance flood. This evaluation must include the cumulative effects of previous encroachments. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result.
- 4.35 **Fences** not meeting the definition of farm fences are not permitted.
- 4.36 **Transportation Facilities.** Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. 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. All public transportation facilities should be designed to minimize increases in flood elevations.
- 4.37 **Public Utilities.** All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage, and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.
- 4.38 **Potential Pollutants.** Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life, as well as those likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, Section 115.01, are prohibited.
- 4.39 **Land Alterations.** In areas within 25 feet of the ordinary high water level, land alterations shall be restricted to:
 - A. the minimum required to accommodate beach and access areas, not to exceed a volume greater than 10 cubic yards; and
 - B. the minimum required to accommodate for public utilities, roads, railroad tracks, bridges, and shoreline stabilization projects to correct an identified erosion problem, as verified by a qualified resource agency or the zoning administrator.
- 4.40 **Recreational vehicles** must be travel ready, meeting the following criteria:
 - A. The vehicle must be fully licensed.
 - B. The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.
 - C. No permanent structural type additions may be attached to the vehicle.
- 4.41 **Private On-site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities** shall be subject to applicable provisions detailed in Section 4.37. Replacement of on-site sewage treatment systems are to be constructed to avoid impairment to them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270. No new private service facilities may be permitted in the regulatory floodplain

SECTION 5.0 NONCONFORMITIES

- 5.1 **Continuance of Nonconformities:** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:
- 5.11 Within the floodway, or where the floodway has not been delineated, any expansion or enlargement of uses or structures is prohibited.
 - 5.12 Any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this ordinance, shall not increase the flood damage potential or increase the degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).
 - 5.13 If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in Section 5.3, it may not be reconstructed except in conformity with the provisions of this ordinance.
 - 5.14 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.
- 5.2 **Standards for Modifications and Alterations of Nonconforming Structures.** In addition to the standards identified in 4.3, the following standards and procedures apply to additions, modifications, rehabilitations, repairs, alterations, or maintenance of nonconforming structures:
- 5.21 All structures, including manufactured homes, must be elevated on fill so that the lowest floor of the lowest enclosed area (including basement) is at or above the Regulatory Flood Protection Elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus any stage increases that result from designation of a floodway. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the Zoning Administrator.
 - 5.22 Electrical, heating, ventilation, ductwork, plumbing, and air conditioning equipment and other service facilities are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- 5.3 **Substantial Improvement and Substantial Damage Determinations.** Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the Zoning Administrator is required to determine if such work constitutes substantial improvement or repair of a substantially damaged structure. A determination must be made in accordance with the following procedures:
- 5.31 Estimate the market value of the structure. In the case of repairs, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.
 - 5.32 Estimate the cost of the project. The property owner shall accommodate for inspection, and furnish other documentation needed by the zoning administrator to evaluate costs.
 - A. Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one year.
 - B. Costs to repair damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.
 - 5.33 Compare the cost of the improvement, repairs, or combination thereof to the estimated market value of the structure, and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure, as defined in Section 2.0 of this ordinance.
 - 5.34 Based on this determination, the zoning administrator shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this ordinance.

SECTION 6.0 ADMINISTRATION

- 6.1 **Duties.** A Zoning Administrator or other official must administer and enforce this ordinance.
- 6.11 **Permit Application Requirements.** Permit applications must be submitted to the Zoning Administrator. The permit application must include the following, as applicable:

- A. A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.
- B. Location and detail of grading, fill, or storage of materials.
- C. Copies of any required local, state or federal permits or approvals.
- D. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

6.12 Recordkeeping. The Zoning Administrator must maintain applicable records in perpetuity documenting:

- A. Encroachment analysis, as detailed in Section 4.34.
- B. Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Zoning Administrator.
- C. Substantial damage and substantial improvement determinations, as detailed in Section 5.3, including the cost of improvements, repairs, and market value.
- D. All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.

6.2 Variances

6.21 An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, section 462.357, Subd. 6(2) and this ordinance.

6.22 Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

6.23 Variances from the provisions in this ordinance may only be issued by a community upon:

- A. A showing of good and sufficient cause,
- B. A determination that failure to grant the variance would result in exceptional hardship to the applicant, and
- C. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

6.24 Variances from the provisions in this ordinance may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

6.25 Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law.

6.26 Though variances may be used to modify permissible methods of flood protection, no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).

6.27 The Zoning Administrator must 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 must be maintained with a record of all variance actions.

6.3 **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 Statute, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.

6.4 **Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations:** Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, the City of Kasota must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting

information becomes available. Within areas where the floodway has not been delineated, a map revision is only required if development results in stage increases greater than 0.5 feet.

6.5 **Notifications to the Department of Natural Resources.**

6.51 All notices of public hearings to consider variances or conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.

6.52 A copy of all decisions granting variances and conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

SECTION 7.0 PENALTIES AND ENFORCEMENT

7.1 **Uses in Violation of the Ordinance.** Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this ordinance shall be considered a public nuisance.

7.2 **Civil Remedies.** The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this ordinance may be abated by an action brought by the City of Kasota or the Department of Natural Resources.

7.3 **Enforcement.** Violations of the provisions of this ordinance constitutes a misdemeanor and is punishable as defined by law. The Zoning Administrator 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. The City of Kasota must act in good faith to enforce these official controls and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

SECTION 8.0 AMENDMENTS

8.1 **Ordinance Amendments.** Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in Section 3.2 of this ordinance.

8.2 **Required Approval:** All amendments to this ordinance must be submitted to the Department of Natural Resources (DNR) for review and approval prior to adoption, for compliance with state and federal rules and requirements. The floodplain ordinance shall not be considered valid until approved.

EFFECTIVE DATE: This ordinance shall be in full force and effect from and after its passage and approval.

Adopted by the New Prague City Council

This ____ of _____, _____

(Day) (Month) (Year)

Attest: _____, Mayor

(Name of Elected Official)

Attest: _____, City Clerk

Minnesota Model Floodplain Ordinance

This model ordinance has been developed to be consistent with Minnesota Statutes, Chapter 103F, Minnesota Rules, parts 6120.500 – 6120.6200; 44 CFR § 59 to 78; Federal Emergency Management Agency (FEMA) technical bulletins and policies; as well as other state agency statutes and rules. Ordinance provisions may differ slightly from the wording in law due to inconsistencies or for ease of administration. The model also contains administrative language not in rule to help clarify procedures for the purposes of ordinance administration. Where applicable, the most restrictive standards have been incorporated into this ordinance.

This model includes the three primary types of floodplain districts: Floodway, Flood Fringe, and General Floodplain. As presented, it incorporates ordinance provisions for a community that has all three districts present on their Flood Insurance Rate Maps. Local communities are encouraged to work with DNR to tailor the language based on the flood districts present in the community. Preparers are encouraged to reference the “Commentary” column for further considerations during ordinance development.

Blue bold text in the “Ordinance Language” column indicates optional standards. In most cases, these are recommended higher standards that provide better protection than the minimum state/federal standards, as well as alternative approaches that allow for easier administration. This text is identified as optional and explained in further detail in the “Commentary” column. Please note that for at least a couple of these provisions, deletion may require additional edits, which is explained further in the commentary.

Local governments are encouraged to reach out to DNR staff during your ordinance update process. For those communities interested in other forms of higher ordinance standards, the DNR would be happy to offer feedback and suggestions based on each community’s unique type of risk.

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Ordinance Language

Commentary

SECTION 1.0 STATUTORY AUTHORIZATION AND PURPOSE

- 1.1 **Statutory Authorization.** This floodplain ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program (NFIP) in 44 CFR § 59 to 78; and the planning and zoning enabling legislation in Minnesota Statutes, *[Chapter 394 (for counties) or Chapter 462 (for municipalities)]*.
- 1.2 **Purpose**
 - 1.21 This ordinance regulates development in the flood hazard areas of the *[community]*. 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.
 - 1.22 This ordinance is adopted in the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding.
 - 1.23 This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.
 - 1.24 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.
- 1.3 **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. The standards in this ordinance take precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- 1.4 **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. Not all flood risk is mapped. Larger floods do occur and the flood height may be increased by man-made or natural causes, such as ice jams or bridge openings restricted by debris. This ordinance does not create liability on the part of *[community]* or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- 1.5 **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.

1.3 – 1.5. These statements not needed if already included elsewhere in zoning ordinance.

SECTION 2.0 DEFINITIONS

- 2.1 **Definitions.** Unless specifically defined, 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.
 - 2.111 Accessory Structure. A structure, as defined in this ordinance, that is on the same parcel of property as, and is incidental to, the principal structure or use; an accessory structure specifically excludes structures used for human habitation.

2.0. These definitions may already exist as part of zoning ordinance. Inconsistencies should be carefully considered, as many of these definitions are specific to floodplain management.

Ordinance Language

Commentary

- 2.112 Base Flood. The flood having a one-percent chance of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in Minnesota Rules, part 6120.5000.
- 2.113 Base Flood Elevation (BFE). The elevation of the base flood, regional flood, or one-percent annual chance flood. The term "base flood elevation" is used in the flood insurance study.
- 2.114 Basement. Any area of a structure, including crawl spaces, having its floor subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- 2.115 Building. See *Structure*.
- 2.116 Channel. A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.
- 2.117 Conditional Use. A land use or development that would not be appropriate generally, but may be allowed with appropriate restrictions upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.
- 2.118 **Critical Facilities. Buildings and structures that contain essential facilities and services necessary for emergency response and recovery, or that pose a substantial risk to the public in the event of failure, disruption of function, or damage by flooding. Specifically, this includes facilities identified as Flood Design Class 4 in ASCE 24-14, Flood Resistant Design and Construction, as amended. Examples include health care facilities, facilities required for emergency response, power generating stations, communications towers, or electrical substations.**
- 2.119 Development. Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- 2.120 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.
- 2.121 FEMA. Federal Emergency Management Agency.
- 2.122 Farm Fence. An open type of fence of posts and horizontally run wire, further specified in Minnesota Statutes, section 344.02, Subd. 1(a-d).
- 2.123 Flood. A temporary rise in the stream flow or water surface elevation from any source that results in the inundation of normally dry land areas.
- 2.124 Flood Fringe. The portion of the one-percent annual chance floodplain located outside of the floodway. **This district shall be extended laterally to the 0.2-percent annual chance floodplain, where mapped.**
- 2.125 Flood Insurance Rate Map (FIRM). An official map on which the Federal Insurance Administrator has delineated both the special flood 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).
- 2.126 Flood Insurance Study (FIS). The study referenced in Section 3.2, which is an examination, evaluation and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

2.117. Floodproofing of residential structures requires a "special use permit," per Minnesota Rules, Chapter [6120.5800, Subp.4, item B](#). This ordinance's provisions in 5.3, 6.3, and 11.2 instead accommodates a "Conditional Use Permit."

2.118. This is an optional definition, but Minnesota Rules, Chapter [1335](#) is being revised to reference ASCE 24-14, which has special provisions for critical facilities that are consistent with the provision in 4.33. Once the Chapter 1335 is revised, it is expected that this will no longer be a higher standard.

2.122 is an optional definition, but should be left in if the local government wishes to exempt these fences from permit requirements. See 4.12.

2.124. Communities are encouraged to expand the geographic reach of this ordinance to the 0.2-percent annual chance (500 year) floodplain, where such flood risk mapped. For those communities concerned this would create a burden on pre-existing structures, consider the optional language in 12.13.

Ordinance Language

Commentary

- 2.127 Floodplain. The beds, channel and the areas adjoining a wetland, lake or watercourse, or other source which have been or hereafter may be inundated by the base flood.
- 2.128 Floodproofing. A combination of structural and non-structural additions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- 2.129 Floodway. The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which must be reserved to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.
- 2.130 General Floodplain. Those floodplains designated on the Flood Insurance Rate Maps referenced in Section 3.2, but that do not have a delineated floodway.**
- 2.131 Light Duty Truck. Any motor vehicle that has all three of the following:**
 - A. **8,500 pounds Gross Vehicle Weight Rating or less;**
 - B. **vehicle curb weight of 6,000 pounds or less; and**
 - C. **basic vehicle frontal area less than 45 square feet.**
- 2.132 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 CFR § 60.3.
- 2.133 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."
- 2.134 New Construction. Structures for which the start of construction commenced on or after the effective date of an adopted floodplain management regulation, and includes any subsequent improvements to such structures.
- 2.135 Principal Structure. The main building or other structure on a lot that is utilized for the property's principal use.
- 2.136 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.
- 2.137 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. Those vehicles not meeting this definition shall be considered a structure for the purposes of this ordinance. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."
- 2.138 Regulatory Flood Protection Elevation (RFPE). An elevation that is one foot above the elevation of the base flood plus any increases in the water surface elevation caused by encroachments on the floodplain that result from designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.

2.130. This is an optional definition to support use of the term in Sections 3.33 and 7.0.

2.131. This optional definition helps clarify the term as used in the "Recreational Vehicle" definition. This definition is a variation of what is used in 44 CFR § 86.

2.132. The details provided after the semicolon apply to structures utilizing alternative elevation methods, outlined in 6.22.B, 6.23.D(3), and 6.31.

2.138. Local governments are encouraged to accommodate for "freeboard" above and beyond what's shown here, as it can provide increased protection and lower insurance premiums. Adopting a higher freeboard standard can simplify the definition, allowing for the deletion of everything after "base flood..." - thereby taking stage increases (encroachments) out of the evaluation.

Ordinance Language

Commentary

- 2.139 **Repetitive Loss. Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.**
- 2.140 Stage Increase. Any increase in the water surface elevation during the one-percent annual chance flood caused by encroachments on the floodplain.
- 2.141 Start of Construction. Includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means 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.
- 2.142 Structure. A roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in Section 10.22, shall also be considered a structure for the purposes of this ordinance.
- 2.143 Subdivision. Land that has been divided for the purpose of sale, rent, or lease, including planned unit developments.
- 2.144 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.
- 2.145 Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures that have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:
 - A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
 - B. 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 defined in 44 CFR § 59.1.
- 2.146 Variance. “Variance” means the same as that defined in 44 CFR § 59.1 and Minnesota Statutes, **[Section 394.27, Subd. 7 (for counties) or Section 462.357, Subd. 6(2) (for municipalities)].**
- 2.147 Watercourse. A channel in which a flow of water occurs either continuously or intermittently in a definitive direction. The term applies to either natural or artificially constructed channels.

2.139. This is an optional, but highly recommended definition linked to the provision for repetitive loss properties in Section 12.23.B. The repetitive loss definition provided here is the version required to maximize the eligibility for Increased Cost of Compliance – which is a rider on a flood insurance policy that provides funds to offset the costs to get substantially damaged structures into compliance.

2.145. Communities may choose to identify a threshold less than 50% as a higher standard – further minimizing investments in these high-risk areas.

2.145.B. In general, the definition in 44 CFR § 59.1 includes sites listed on or eligible for the National Register of Historic Places and state- or locally-designated historic properties.

Ordinance Language

Commentary

SECTION 3.0 JURISDICTION AND DISTRICTS

3.0. The maps and floodplain districts present in a community vary. Communities are encouraged to work with the DNR early in the process to customize this section and more.

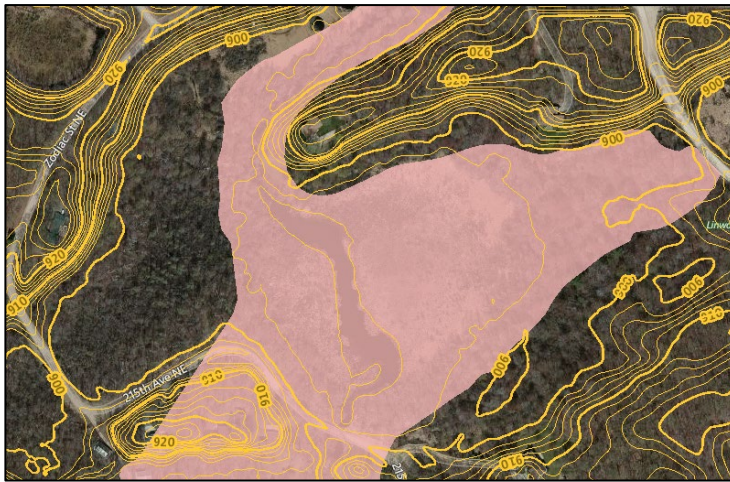
3.1 Lands to Which Ordinance Applies. This ordinance applies to all lands within the jurisdiction of the [community] within the boundaries of the Floodway, Flood Fringe and General Floodplain Districts.

3.11 The Floodway, Flood Fringe or General Floodplain Districts are overlay districts. The standards imposed in the overlay districts are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.

3.11 If the community has a zoning ordinance – as most do – it’s helpful to define these districts as overlay districts. If not, then delete this statement and other overlay references.

3.12 Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions (as illustrated in Figure 1), the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the one-percent annual chance floodplain.

Figure 1: The mapped floodplain may not always align with on-the-ground contour elevations.



3.13 Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the [Planning Commission/Board of Adjustment] and to submit technical evidence.

3.2 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 ___ County, Minnesota, and Incorporated Areas, dated ___ and the Flood Insurance Rate map panels enumerated below, dated ___, all prepared by the Federal Emergency Management Agency. These materials are on file in the [list location where maps will be filed – i.e., City Hall].

3.2 should be customized by jurisdiction and map type. For counties, the map index may be used in lieu of listing all the map panels individually. Cities should consider adopting additional map panels to encompass areas that may potentially be annexed in the future. Communities are also encouraged to adopt preliminary flood studies or other flood studies when other data is more restrictive – either identifying higher BFEs or new floodway areas.

3.3 Districts

3.31 Floodway District. Those areas within Zones [AE] delineated within floodway areas as shown on the Flood Insurance Rate Maps referenced in Section 3.2.

3.32 Flood Fringe District. Those areas within Zones [AE] located outside of the delineated floodway, as shown on the Flood Insurance Rate Maps referenced in Section 3.2. This district shall be extended laterally to the 0.2-percent annual chance floodplain, where mapped.

3.32. Communities are encouraged to regulate the 0.2-percent annual chance (500 year) floodplain, where such areas are mapped. For those communities concerned this would create a burden on pre-existing structures, consider the optional language in 12.13.

3.33 General Floodplain District. Those areas within Zone [A and AE] areas that do not have a floodway delineated as shown on the Flood Insurance Rate Maps referenced in Section 3.2.

3.4 Annexations. The Flood Insurance Rate Map panels referenced in Section 3.2 may include floodplain areas that lie outside of the corporate boundaries of the [community] at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the [community] after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately

3.4 applies to cities only.

Ordinance Language

Commentary

upon the date of annexation. Annexations into panels not referenced in Section 3.2 require ordinance amendment in accordance with Section 14.0.

3.5 only applies to counties or townships.

3.5 **Municipal Boundary Adjustments & Townships.** The Flood Insurance Rate Map panels referenced in Section 3.2 apply countywide. If at any point any lands come under the jurisdiction of another local government, the following shall apply:

3.51 City adjustments of corporate boundaries, including but not limited to annexations and detachments, shall shift floodplain administrative authority of all affected lands immediately upon the date of the boundary adjustment occurring. Cities retain jurisdiction for all incorporated lands, and the County retains jurisdiction under this ordinance on all unincorporated lands, except as provided under Section 3.52 below or through some form of administrative agreement.

3.52 Townships wishing to adopt official controls under Minnesota Statutes, Section 394.33 may only obtain zoning authority for floodplain controls when they have adopted an ordinance that is approved by the Department of Natural Resources and has formally enrolled in the NFIP. Until this occurs, the county shall retain jurisdiction under this ordinance on all unincorporated lands. In the event that a township returns zoning authority, the county shall resume that authority.

SECTION 4.0 REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS

4.1 **Permit Required.** A permit must be obtained from the Zoning Administrator to verify compliance with all applicable standards outlined in this ordinance prior to the following uses or activities:

4.11 The erection, addition, modification, rehabilitation, repair, or alteration of any building, structure, or portion thereof. Normal maintenance requires a permit to determine if such work, either separately or in conjunction with other planned work, constitutes a substantial improvement, as specified in Section 12.13.

4.12 The construction of a fence, pool, deck, or placement of anything that may cause a potential obstruction. **Farm fences, as defined in Section 2.0 of this ordinance, are not considered to be an obstruction, and as such, do not require a permit.**

4.12. This exemption for farm fences is optional. Prompted by rural counties, DNR had negotiated this exemption with FEMA, utilizing a definition that was already in Statute.

4.13 The change or expansion of a nonconforming use.

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

4.15 The placement of fill, excavation, utilities, on-site sewage treatment systems, or other service facilities.

4.16 The storage of materials or equipment, in conformance with Section 4.32.

4.17 Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement dams, culverts and bridges). A local permit is not required if a public waters work permit has been obtained from the Department of Natural Resources, unless a significant area above the ordinary high water level is also to be disturbed.

4.17. Any change in the course, current or cross-section of public waters is regulated under Minnesota Statutes, section 103G.245, and may require a public waters work permit from the DNR. See also 5.24.

4.18 Any other type of "development," as defined in Section 2.0 of this ordinance.

4.2 **No Permit Required.** Certain uses or activities may be exempt from obtaining a permit, such as planting a garden, farming, or other obviously insignificant activities such as putting up a mailbox or flagpole. The continuation of existing uses, when the associated activities do not encroach further on the regulatory floodplain or trigger associated standards in this ordinance, do not require a permit.

4.3 Minimum Development Standards

4.31 All development must:

Ordinance Language

Commentary

- A. Be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- B. Be constructed with materials and equipment resistant to flood damage;
- C. Be constructed by methods and practices that minimize flood damage;
- D. Be constructed with heating, ventilation, duct work, and air conditioning equipment and other service facilities elevated at least up to the Regulatory Flood Protection Elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding;
- E. Be reasonably safe from flooding and consistent with the need to minimize flood damage;
- F. Be assured to provide adequate drainage to reduce exposure to flood hazards;
- G. Not be detrimental to uses in adjoining areas; and
- H. Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
- I. Ensure that any fill or other materials are protected from erosion, discharge, and sediment entering surface waters by the use of vegetative cover or other methods as soon as possible.

4.32 Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the Regulatory Flood Protection Elevation (RFPE), floodproofed, or protected by other measures as approved by the Zoning Administrator. Storage of materials likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, Section 115.01, are prohibited unless adequate safeguards approved by the Minnesota Pollution Control Agency are provided. For projects not requiring approvals by the Minnesota Pollution Control Agency, adequate safeguards must be approved by the Zoning Administrator prior to issuance of a permit.

4.33 **Critical facilities shall be located so that the lowest floor is not less than two feet above the Base Flood Elevation (BFE), or the 0.2% annual chance flood elevation, whichever is higher.**

4.31.B. [FEMA Technical Bulletin 2](#) details requirements for flood-damage resistant materials.

4.32. Minnesota Rules, parts 6120.5800, Subp. 3 and [6120.5800, Subp. 4, item F](#) refer to "pollution of waters," as defined in Minnesota Statutes, section [115.01](#). That definition refers to "pollutants," which refers to "other wastes," both of which are also defined. MPCA safeguards may include [stormwater permits](#), [wastewater permits](#), [mining](#), [Clean Water Act Section 401 Water Quality Certifications](#), and/or a mandatory EAW or EIS.

4.33. This is an optional higher standard, but Minnesota Rules, Chapter [1335](#) is being revised to reference ASCE 24-14. This provision is written to be consistent. LGUs should consider prohibiting critical facilities from the floodplain or regulatory floodplain entirely. Once the Chapter 1335 is revised, it is expected that this will no longer be a higher standard.

Ordinance Language

Commentary

Table 1. Summary of Permitting Requirements for Structures

Structure Type	Floodway	Flood Fringe	Standards*
Accessory Structures – on fill	Only specific uses and types allowed – with CUP	Allowed with Permit	6.23.D(2)
Accessory Structures – Alt. Elevation Methods	Only specific uses and types allowed – with CUP	Allowed with Permit	6.23.D(3)
Accessory Structures – Wet Floodproofing	Only specific uses and types allowed – with CUP	Allowed with Permit	6.23.D(1)
Accessory Structures – Dry (watertight) Floodproofing	Only specific uses and types allowed – with CUP	Allowed with Permit	6.23.D(4)
Residential			
Residential – on fill	Not allowed	Allowed with Permit	6.21.A
Residential – Alt. Elevation Methods	Not allowed	Allowed with CUP	6.41
Residential – Dry (watertight) Floodproofing and/or Basement Construction below RFPE	Not allowed	Not allowed	N/A
Non-Residential			
Non-Residential – on fill	Not allowed	Allowed with Permit	6.22.A
Non-Residential – Alt. Elevation Methods	Not allowed	Allowed with Permit	6.22.B
Non-Residential – Dry (watertight) Floodproofing and/or Basement Construction below RFPE	Not allowed	Allowed with Permit	6.22.C

*Note - many of these standards are cross-referenced

SECTION 5.0 FLOODWAY DISTRICT

5.1 Permitted Uses in Floodway. Development allowed in the floodway district is limited to that which has low flood damage potential and will not obstruct flood flows, increase velocities, or increase the water surface elevations of the one-percent annual chance flood. The following uses and activities may be allowed with a permit, subject to the standards in Section 5.2:

- 5.11 Agricultural uses, recreational uses, parking lots, loading areas, airport landing strips, water control structures, navigational facilities, as well as public open space uses.
- 5.12 Roads, driveways, railroads, trails, bridges, and culverts.
- 5.13 Public utility facilities and water-oriented industries which must be in or adjacent to watercourses.
- 5.14 Grading, filling, land alterations, and shoreline stabilization projects.
- 5.15 No structures, as defined in Section 2.0, are allowed in the Floodway District, except structures accessory to the uses detailed in Sections 5.11 and 5.31, **which require a CUP under Section 5.32.**
- 5.16 **Levees or dikes intended to protect agricultural crops, provided the top of the dike does not exceed the 10-percent annual chance flood event.**

5.0. There are countless ways in which this section can be further customized to be more restrictive. Activities in the floodway can easily impact neighboring land uses, and result in water quality issues. Ordinances may also provide further specificity of uses that require a permit, instead of broadly referring to “agricultural, recreational, or open space uses” like the rules and this ordinance do.

5.12 & 5.14. The uses and activities in these sections weren’t explicitly identified as a permitted use in Minnesota Rules, part 6120.5800, Subp. 3, item A. However, they are included here since they would be allowed in most any underlying zoning district, and accommodating for them ensures the development will still be permitted in conformance with the associated state and federal standards in 5.2 and 5.4.

5.15. Requiring a CUP for an accessory structure in the floodway district, as presented in Section 5.32, is a higher standard.

5.16. This was added to allow agricultural producers the ability to construct a levee for more frequent floods. Applicant would still need to demonstrate that project meets all applicable standards in Section 5.2. This would only be allowed in areas where a 10-percent annual chance flood event has been modeled.

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- 5.2 **Standards for Permitted Uses in Floodway.** In addition to the applicable standards detailed in Section 4.0:
 - 5.21 The applicant must demonstrate that the development will not result in any of the following during the one-percent annual chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities. This shall be demonstrated through hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices (e.g. projects that restore the site to the previous cross-sectional area). This is commonly documented through a “no-rise certification.”
 - 5.22 Any development that would result in a stage increases greater than 0.00 feet may only be allowed with a permit if the applicant has applied for and received approval for a Conditional Letter of Map Revision (CLOMR) in accordance with 44 CFR § 65.12. Map revisions must follow the procedures in Sections 11.15 and 14.0.
 - 5.23 Any development resulting in decreases to the water surface elevation of the base flood identified in the Flood Insurance Study requires a Letter of Map Revision (LOMR) following the procedures in Sections 11.15 and 14.0.
 - 5.24 Any development in the beds of public waters that will change the course, current or cross section is required to obtain a public waters work permit in accordance with Minnesota Statutes, section 103G.245 or a utility crossing license in accordance with Minnesota Statutes, section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required, before applying for a local permit.
 - 5.25 **Any facility used by employees or the general public must be designed with a flood warning system acceptable to the Zoning Administrator that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.**
 - 5.26 Fill and other land alteration activities must offer minimal obstruction to the flow of flood waters, **and be protected from erosion and sediment entering surface waters by the use of vegetative cover, riprap or other methods as soon as possible.**
- 5.3 **Conditional Uses in Floodway.** The following uses and activities may be permitted as conditional uses, subject to the standards detailed in Sections 5.4:
 - 5.31 **Commercial extractive uses, and storage and stockpiling yards.**
 - 5.32 **Structures accessory to uses detailed in Sections 5.11 and 5.31.**
- 5.4 **Standards for Conditional Uses in Floodway.** In addition to the applicable standards detailed in Sections 4.0, 5.2 and 11.2:
 - 5.41 **Extractive uses and storage of materials require the completion of a site development and restoration plan, to be approved by the [community].**
 - 5.42 **Accessory Structures. Structures accessory to the uses detailed in Sections 5.11 and 5.31 must be constructed and placed so as to offer a minimal obstruction to the flow of flood waters, and are subject to the standards in Section 6.23 of this ordinance.**

5.25 is technically a higher standard. Minnesota Rules, part [6120.5900, Subp. 4, item C](#) only requires warning sirens in flood fringe areas, as detailed in 6.25. Adding it here ensures the same protections are applied in the high-risk floodway district as well.

5.26. Second portion of this standard is technically a floodplain higher standard, but required in all shoreland areas, per Minnesota Rules, part [6120.3300, Subp. 4.](#)

5.3. Minnesota Rules, part [6120.5800, Subp. 3](#) gives communities the freedom to subject any use in the floodway to a CUP, which allows for better oversight. As such, the Conditional Uses presented here are technically a higher standard. A community that does not wish to subject these uses to a CUP may instead relocate them under 5.1, while moving relevant standards into 5.2 as appropriate. Note that relocating 5.32 and 5.42 would require rewording 5.15.

5.41. This standard is tied to 5.31. This is technically an optional higher standard, but extractive uses require a CUP in shoreland areas, as identified in Minnesota Rules, part [6120.3200](#), and would be subject to additional shoreland and MPCA related standards. As such, the CUP requirement is provided for consistency.

5.42. Considerations for accessory structures are further detailed in the margin commentary in Section 6.23.

SECTION 6.0 FLOOD FRINGE DISTRICT

- 6.1 **Permitted Uses in Flood Fringe.** Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in Sections 6.2.

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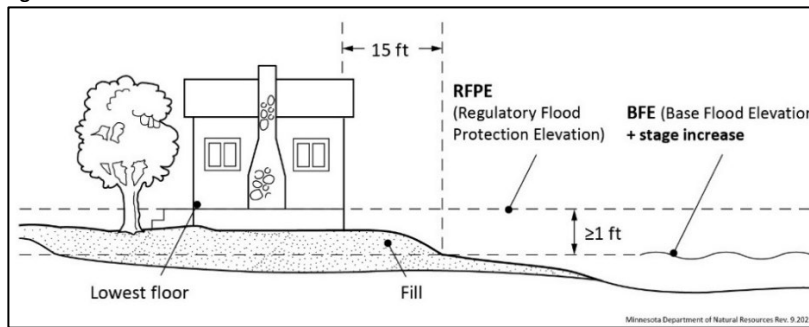
6.2 Standards for Permitted Uses in Flood Fringe. In addition to the applicable standards detailed in Section 4.0:

6.21 Residential Structures.

A. Elevation on Fill. Structures erected, constructed, reconstructed, altered, or moved on fill within the Flood Fringe District shall be placed so that the lowest floor, as defined in Section 2.0 of this ordinance, is elevated at or above the Regulatory Flood Protection Elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus any stage increases that result from designation of a floodway. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the Zoning Administrator. Elevation methods alternative to these fill standards are subject to a Conditional Use Permit, as provided in Section 6.31 of this ordinance (Figure 2). Construction of this type shall only be permitted in locations where the natural ground is no lower than three feet below the base flood elevation.

6.21.A. The last sentence is a higher standard meant to prevent excessive fill and access challenges.

Figure 2: Overview of fill standards for residential structures.



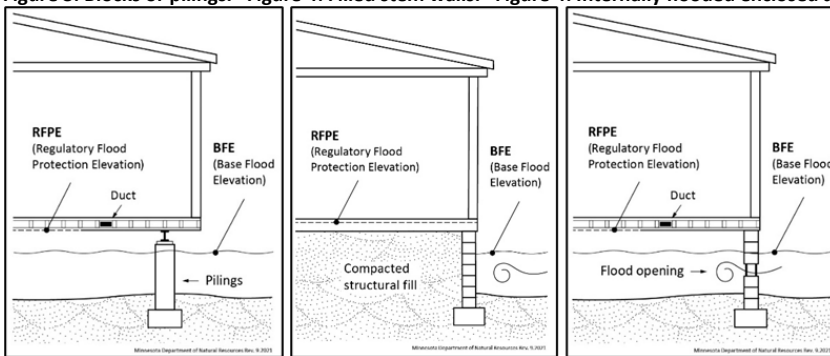
6.22 Nonresidential Principal Structures. Nonresidential principal structures must meet one of the following construction methods:

- A. Elevation on Fill. Structures may be elevated on fill, meeting the standards in Section 6.21.A of this ordinance. Fill for nonresidential structures is not required to be extended 15 feet beyond the outside limits of the structure.
- B. Alternative Elevation Methods. Structures may be elevated using methods alternative to the fill standards in Section 6.21.A of this ordinance. Such methods include the use of blocks, pilings (Figure 3), filled stem walls (Figure 4), or internally-flooded enclosed areas (Figure 5) such as crawl spaces, attached garages, or tuck under garages.

6.22.A. Nonresidential structures are not subject to the 15 foot fill extension requirements. Residential structures that can't meet this fill requirement must be processed as a CUP under Section 6.31.

6.22.B. The standards for alternative elevation methods and internally-flooded spaces are further detailed in [Technical Bulletins 1 and 7-93](#). Note that residential structures utilizing this type of construction require a "special use permit" under Minnesota Rules, part [6120.5800, Subp. 4, item B](#) (a CUP under this model ordinance). A sample nonconversion agreement can be accessed from www.CRSresources.org/400.

Figure 3: Blocks or pilings. Figure 4: Filled stem walls. Figure 4: Internally flooded enclosed area.



Designs accommodating for internally-flooded enclosed areas must be certified by a registered professional engineer or architect, or meet or exceed

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the standards detailed in *FEMA Technical Bulletin 1*, as amended, as well as the following standards:

- (1) The lowest floor, as defined in Section 2.0 of this ordinance, shall be elevated at or above the Regulatory Flood Protection Elevation (RFPE).
- (2) The floor of the enclosed area must be at or above the exterior grade on at least one side of the structure.
- (3) To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings below the base flood elevation on at least two sides of the structure. The bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, have a net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.
- (4) Internally flooded enclosed areas shall only be used for the parking of vehicles, building access, or storage. Bathrooms and toilet rooms shall not be allowed. **Such areas shall be subject to a deed-restricted non-conversion agreement as well as periodic inspections with the issuance of any permit.**

C. Dry Floodproofing. Structures having watertight enclosed basements or spaces below the Regulatory Flood Protection Elevation (RFPE) must meet the following standards:

- (1) Walls must be substantially impermeable to the passage of water, with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, at least up to the Regulatory Flood Protection Elevation (RFPE);
- (2) Must meet the standards of FEMA Technical Bulletin 3, as amended; and
- (3) A registered professional engineer or architect shall be required to certify that the design and methods of construction meet the standards detailed in this Section.

6.23 Accessory Structures. All accessory structures must meet the following standards:

- A. Structures shall not be designed or used for human habitation.
- B. Structures will have a low flood damage potential.
- C. Structures with fewer than two rigid walls, such as carports, gazebos, and picnic pavilions, may be located at an elevation below the Regulatory Flood Protection Elevation.
- D. Structures with two or more rigid walls, must meet one of the following construction methods:
 - (1) Wet Floodproofing. Structures may be floodproofed in a way to accommodate internal flooding. Such structures shall constitute a minimal investment not to exceed 576 square feet in size, one-story in height, and shall only be used for parking and storage. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.

6.23. [FEMA Floodplain Management Bulletin P-214Q](#) details requirements for accessory structures.

6.23.D(1). Specifications for internal flooded spaces are further detailed in [FEMA Technical Bulletins 1 and 7-93](#). According to FEMA policy, accessory structures exceeding 576 square feet do not meet the "minimum investment" standard and are not allowed to accommodate internal flooding (unless through a variance, which are only acceptable in rare situations). Note: the 576 square foot size limit exceeds allowable limits for "water oriented accessory structures" in shoreland areas (identified in Minnesota Rules, part [6120.3300, Subp 3, item H](#)). If an accessory structure is proposed within the shoreland setback, it would be subject to that more restrictive size standard.

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- (2) Elevation on Fill. Structures may be elevated on fill, meeting the standards in Section 6.21.A of this ordinance. Fill is not required to be extended 15 feet beyond the outside limits of the structure.
- (3) Alternative Elevation Methods. Structures may have their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) through methods alternative to the fill standards in Section 6.23.D(2), and must meet the standards in Section 6.22.B of this ordinance.
- (4) Dry Floodproofing. Structures may be dry-floodproofed, or watertight, meeting the standards in Section 6.22.C of this ordinance.

6.24 **All new principal structures must provide vehicular access no lower than one foot below the Base Flood Elevation (BFE), unless a flood warning/emergency evacuation plan has been approved by the [community].**

6.24. This is a recommended higher standard. Rules require ingress and egress standards for subdivisions, but not for other types of development. This standard is provided for safety and consistency.

6.25 Any facilities used by employees or the general public must be designed with a flood warning system acceptable to the [community] that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.

6.25. Under Minnesota Rules, part 6120.5900, Subp. 4, item C, this provision only applies to commercial facilities, but has been reworded to apply to uses such as schools or government facilities.

6.26 Manufactured homes and recreational vehicles must meet the standards of Section 10 of this ordinance.

6.3 **Conditional Uses in Flood Fringe.** The following uses and activities may be permitted as conditional uses, subject to the standards in Sections 6.4:

6.31 Alternative Elevation Methods – Residential Structures. Residential structures with their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) using methods alternative to the fill requirements in Section 6.21.

6.31. Minnesota Rules, part 6120.5800, Subp. 4, item B requires a “special use permit” to floodproof any residential structure (a CUP under this model ordinance). See also comment under 6.22.B.

6.4 **Standards for Conditional Uses in Flood Fringe.** In addition to the applicable standards detailed in Sections 4.0, 6.2 and 11.2:

6.41 All residential structures with lowest floors elevated through alternative elevation methods must meet the standards in Section 6.22.B of this ordinance.

SECTION 7.0 GENERAL FLOODPLAIN DISTRICT

7.1 Permitted Uses in General Floodplain District

7.11 Until the floodway is delineated, allowable uses will be restricted to those listed in the Floodway District, Section 5.0

7.12 All other uses are subject to a floodway/flood fringe determination as provided in Section 7.4, in addition to the standards provided in Sections 7.2 and 7.3. Permitted uses shall be determined as follows:

- A. If the development is determined to be in the Floodway District, Section 5.0 applies.
- B. If the development is determined to be in the Flood Fringe District, Section 6.0 applies.

7.0. The General Floodplain District includes any mapped floodplain without a defined floodway boundary – this is typically an A zone but could also be AE zone. Many of these areas have publicly available Estimated 1% Water Surface Elevations (or “pink lines”), accessible through the DNR’s [Lake and Flood Elevations Online \(LFEO\)](#) viewer, or as a shapefile through [Minnesota Geospatial Commons](#). Many models are available on the DNR’s [Hydraulic Model Download Application](#).

7.2. The DNR can often help to determine the best available base flood elevation data. A best practice in the General Floodplain District is to obtain the RFPE to determine the regulatory boundaries of the floodplain, and encourage applicants to avoid these areas entirely, if possible. Many of these Zone A areas around the state were not mapped using detailed modeling methods, which may result in some unpredictable flood risk. In areas with large lots and alternative development locations, a community may choose to prohibit structural development entirely.

7.2 Determining Flood Elevations

7.21 All development requires a determination of the Base Flood Elevation (BFE). Exceptions to this requirement include projects that restore the site to the previous cross-sectional area, such as shore stabilization or culvert replacement projects. Base Flood Elevations (BFE) may be found using best available data from any Federal, State, or other source (including MNDNR’s Lake & Flood Elevations Online (LFEO) Viewer).

7.22 The Regulatory Flood Protection Elevation (RFPE) can be determined by assuming a one-half (0.5) foot stage increase to accommodate for future cumulative

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impacts. A stage increase does not need to be assumed along lakes, wetlands, and other basins that are not affected by velocities.

7.3 Encroachment Analysis

7.31 Encroachments due to development may not allow stage increases more than one-half (0.5) foot at any point, unless through a map revision following the procedures in Sections 11.15 and 14.0. This evaluation must include the cumulative effects of previous encroachments, and must be documented with hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result.

7.31. Increased flood damage potential has been interpreted mean that it would cause impacts insurable buildings.

7.32 Alterations or changes that result in stage decreases are allowed and encouraged.

7.4 Standards for the Analysis of Floodway Boundaries

7.41 Requirements for Detailed Studies. Any development, as requested by the Zoning Administrator, shall be subject to a detailed study to determine the Regulatory Flood Protection Elevation (RFPE) and the limits of the Floodway District. This determination must be consistent with the minimum standards for hydrologic and hydraulic mapping standards and techniques, as detailed in Minnesota Rules, part 6120.5600, Subp. 4 and FEMA Guidelines and Standards for Flood Risk Analysis and Mapping, as revised. Additionally:

- A. A regulatory floodway necessary to carry the discharge of the one-percent annual chance flood must be selected without increasing the water surface elevation more than one-half (0.5) foot at any point. This determination should include the cumulative effects of previous encroachments. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result; and
- B. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries, unless topography, existing development patterns, and comprehensive land use plans justify a modified approach, as approved by the Department of Natural Resources.

7.42 Other Acceptable Methods. For areas where a detailed study is not available or required:

7.42. Minnesota Rules, part [6120.5700, Subp. 4](#) gives DNR the authority to authorize alternative methods for the delineation of the floodway. The DNR can often assist with this analysis.

A. Development prohibited in floodways (e.g. most buildings) requires a floodway/flood fringe determination to verify the development is within the flood fringe. This determination must be done by a professional engineer or utilize other accepted engineering practices. The Department of Natural Resources may also provide technical assistance and must approve any alternative methods used to determine floodway boundaries.

B. For areas where the floodway has not been determined in and along lakes, wetlands, and other basins, the following methodology may be used as an alternative to Item A above, provided these areas are not affected by velocities and the lot is able to accommodate a building site above the Regulatory Flood Protection Elevation (RFPE):

7.42.B. This optional language can be used to accommodate floodway delineations in lake situations – as long as the site is not located in an area affected by velocities – such as those near the inlet or outlet of a basin. By adhering to this methodology, a development would eliminate the need to analyze rise and avoid any kind of increased damage potential prohibited by rule.

- (1) All areas that are at or below the ordinary high water level, as defined in Minnesota Statutes, section 103G.005, Subd. 14, will be considered floodway, and all areas below the Base Flood Elevation (BFE) but above the ordinary high water level will be considered flood fringe, provided that within 25 feet of the ordinary high water level, or within the Shore

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Impact Zone as identified in the community’s Shoreland ordinance, whichever distance is greater, land alterations shall be restricted to:

- (a) The minimum required to accommodate beach areas, access areas, and accessory structures as permitted, not to exceed a volume greater than 10 cubic yards; projects involving volumes exceeding 10 cubic yards require floodway/flood fringe determination in accordance with the procedures in Section 7.42, item A; and
- (b) The minimum required to accommodate shoreline stabilization projects to correct an identified erosion problem as verified by a qualified resource agency or the zoning administrator.

SECTION 8.0 SUBDIVISION STANDARDS

8.1 Subdivisions. All subdivided land must meet the following requirements. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

8.11 All lots within floodplain districts must be suitable for a building site outside of the Floodway District.

8.12 Subdivision of lands within the floodplain districts may not be approved if the cost of providing governmental services would impose an unreasonable economic burden on the [community].

8.13 All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE), unless a flood warning/emergency evacuation plan has been approved by the [community].

8.14 The Floodway and Flood Fringe District boundaries, the Regulatory Flood Protection Elevation (RFPE) and the required elevation of all access roads must be clearly identified on all required subdivision drawings and platting documents.

8.13. The two foot below RFPE access requirement is a suggested standard. Minnesota Rules, part 6120.5900, Subp. 2 requires the establishment of ingress/egress and road standards, but does not provide a specific depth.

SECTION 9.0 PUBLIC AND PRIVATE UTILITIES, SERVICE FACILITIES, ROADS, BRIDGES, AND RAILROADS

9.1 Public Transportation Facilities. Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. 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. All public transportation facilities should be designed to minimize increases in flood elevations.

9.2 Public Utilities. All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage, and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited in the one-percent annual chance floodplain. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.

9.2. Minnesota Pollution Control Agency oversees the Rules regulating Solid Waste (Minnesota Rules, Chapter 7035), and Department of Health regulates wells (Minnesota Rules, Chapter 4725).

9.3 Private On-Site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities. Private facilities shall be subject to applicable provisions detailed in Section 9.2. In addition, new or replacement on-site sewage treatment systems are to be located to avoid impairment to them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270.

9.3. MPCA oversees the Rules regulating Individual Subsurface Sewage Treatment Systems (Minnesota Rules, Chapter 7080), which regulate location and design in relation to floodplains.

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SECTION 10.0 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

10.1 **Manufactured Homes.** Manufactured homes and manufactured home parks are subject to applicable standards for each floodplain district. In addition:

10.11 New and replacement manufactured homes must be placed and elevated in compliance with Section 6.0 of this ordinance and must be securely anchored to a system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

10.12 New manufactured home parks and expansions to existing manufactured home parks must meet the appropriate standards for subdivisions in Section 8.0 of this ordinance.

10.2 **Recreational Vehicles.** New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain must either:

10.21 Meet the requirements for manufactured homes in Section 10.1, or

10.22 Be travel ready, meeting the following criteria:

- A. The vehicle must be fully licensed.
- B. The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.
- C. No permanent structural type additions may be attached to the vehicle.
- D. Accessory structures may be permitted in the Flood Fringe District, provided they do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Sections 4.0 and 6.23.

10.2 is worded to recognize MN Department of Health Rules, identified in Minnesota Rules, part 4630.0200, which prohibits mobile home parks and recreational camping areas in flood-prone areas. Placement or replacement of manufactured home units may be allowed in existing manufactured home parks or on lots of record.

10.21. If other provisions in your zoning ordinance prohibit RVs from establishing permanence, this provision can be omitted.

SECTION 11.0 ADMINISTRATION

11.1 **Duties.** A Zoning Administrator or other official must administer and enforce this ordinance.

11.11 **Permit Application Requirements.** Permit applications must be submitted to the Zoning Administrator. The permit application must include the following, as applicable:

- A. A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.
- B. Location and detail of grading, fill, or storage of materials.
- C. Copies of any required local, state or federal permits or approvals.
- D. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

11.11. Communities are free to use the Minnesota Model Floodplain Development Permit Application form, or some variation of it.

11.11.C. This could include watershed districts, drainage authorities, adjacent jurisdictions, or the DNR.

11.12 **Recordkeeping.** The Zoning Administrator must maintain applicable records in perpetuity documenting:

- A. All certifications for dry floodproofing and alternative elevation methods, where applicable.
- B. Analysis of no-rise in the Floodway District, as detailed in Section 5.21, and encroachment analysis ensuring no more than one-half foot of rise in the General Floodplain District, as detailed in Sections 7.22 and 7.31.
- C. Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall

11.12.C. Use of a [FEMA Elevation Certificate](#) is recommended for documenting as-builts, as these can be used for getting an insurance policy or an appeal from the federal mandatory insurance requirement.

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be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Zoning Administrator.

- D. Substantial damage and substantial improvement determinations, as detailed in Section 12.13, including the cost of improvements, repairs, and market value.
- E. All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.

11.13 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 finished fill and building floor elevations or other flood protection measures are in compliance with the requirements of this ordinance.

11.14 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 in accordance with Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.

11.15 Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, the **[community]** must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available. Within the General Floodplain District, a map revision is only required if development results in stage increases greater than 0.5 feet.

11.2 Conditional Uses and Variances

11.21 Process.

- A. An application for a conditional use permit will be processed and reviewed in accordance with the provisions of this ordinance.
- B. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, section **[394.27, Subd. 7 (for counties) or 462.357, Subd. 6(2) (for municipalities)]** and this ordinance.

11.22 Additional Variance Criteria. The following additional variance criteria must be satisfied:

- A. Variances must not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
- B. Variances from the provisions of this ordinance 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.

11.22 includes additionally variance criteria unique for floodplains. Most of these are additional requirements of FEMA, but parts D & E come from State rules. Note specifically the reference to "exceptional hardship" in 11.22.B(2). This term must remain in the ordinance, even though "hardship" has been omitted from state variance criteria in statutes. Federal standards for variances are detailed in [44 CFR § 60.6](#), and further clarified in [FEMA Publication P-993 – Variances and the National Flood Insurance Program](#).

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- C. Variances from the provisions in this ordinance may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- D. Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law.
- E. Variances may be used to modify permissible methods of flood protection, but no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).
- F. The Zoning Administrator must notify the applicant for a variance in writing that:
 - (1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (2) Such construction below the base flood level increases risks to life and property. Notification must be maintained with a record of all variance actions.

11.23 Considerations for Approval. The **[community]** must consider all relevant factors specified in other sections of this ordinance in granting variances and conditional use permits, **including the following:**

- A. **The potential danger to life and property due to increased flood heights or velocities caused by encroachments.**
- B. **The danger that materials may be swept onto other lands or downstream to the injury of others.**
- C. **The safety of access to the property in times of flood for ordinary and emergency vehicles.**

11.24 Conditions of Approval. The **[community]** may attach such conditions to the granting of variances and 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. **Limitations on period of use, occupancy, and operation.**
- B. **Imposition of operational controls, sureties, and deed restrictions.**
- C. **The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**
- D. **Other conditions as deemed appropriate by the Zoning Administrator and [planning commission/city council].**

11.3 Notifications to the Department of Natural Resources

11.31 All notices of public hearings to consider variances or conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.

11.32 A copy of all decisions granting variances and conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

SECTION 12.0 NONCONFORMITIES

12.1 **Continuance of Nonconformities.** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance, but which is not in

11.23 and 11.24 are both optional to generate discussion during review. Decision makers are encouraged to apply reasonable conditions where it makes sense to do so.

12.0. This section contains federal standards that go above and beyond those detailed in the statewide standards for nonconformities detailed in Minnesota Statutes, Sections [462.357, Subd 1e](#) and [394.36](#).

Ordinance Language

Commentary

conformity with the provisions of this ordinance, may be continued subject to the following conditions:

- 12.11 Within the floodway and general floodplain districts (when a site has been determined to be located in the floodway following the procedures in Section 7.3, or when the floodway has not been delineated), any expansion or enlargement of uses or structures is prohibited.
- 12.12 Within all districts, any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this ordinance, shall not increase the flood damage potential or increase the degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).
- 12.13 If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in Section 12.2, it may not be reconstructed except in conformity with the provisions of this ordinance. **Any structures located outside the one-percent annual chance floodplain are exempt from this provision.**
- 12.14 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.
- 12.15 **If any nonconforming structure has utilities, electrical, or mechanical equipment damaged due to flooding, it must be rebuilt in conformance with the elevation requirements in Section 4.31.D to the greatest extent practicable. This requirement shall apply regardless of the determinations made in Section 12.2.**

12.2 Substantial Improvement and Substantial Damage Determinations. Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the Zoning Administrator is required to determine if such work constitutes substantial improvement or repair of a substantially damaged structure. A determination must be made in accordance with the following procedures:

- 12.21 Estimate the market value of the structure. In the case of repairs, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.
- 12.22 Estimate the cost of the project. The property owner shall accommodate for inspection, and furnish other documentation needed by the zoning administrator to evaluate costs.
 - A. Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one year.
 - B. Costs to repair damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.
- 12.23 Compare the cost of the improvement, repairs, or combination thereof to the estimated market value of the structure, and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure, as defined in Section 2.0 of this ordinance.
 - A. **For the purposes of determining whether the proposed work would constitute substantial improvement, the evaluation shall also include all rehabilitations, additions, or other improvements completed since the community has adopted floodplain standards impacting this structure.**

12.13. Recommended provision to give flexibility for communities who choose to regulate the 500-year floodplain or other additional areas beyond the 100-year floodplain. Adopting this standard would minimize burdens on pre-existing structures.

12.15 is an optional higher standard that requires service facilities, which are frequently damaged during basement floods, to be rebuilt in a way that reduces future damages.

12.2. Additional guidance for Substantial Improvement and Substantial Damage Determinations is provided on the page, [Substantial Improvement and Substantial Damage Determinations in Floodplains](#). This page contains links to other state and federal guidance. The state model floodplain permit application form also offers guidance for documenting this evaluation.

12.23.A is an optional higher standard to reduce the extent by which at-risk structures can be expanded. The language here limits expansions to 50% over the life of the structure. Federal standards require that substantial improvement be tracked over a one-year period, which would theoretically allow expansions up to 50% expansions year after year. Expansions result greater insurance costs, increase the potential loss, and increase the costs to eventually get the structure into compliance. This provision can be further customized to instead limit expansions over a given time period (for example, no expansions beyond 50% over the course of 10 or 20 years).

Ordinance Language

Commentary

B. **If any nonconforming structure experiences a repetitive loss, as defined in Section 2.0 of this ordinance, it shall be considered substantially damaged and must not be reconstructed except in conformity with the provisions of this ordinance.**

12.23.B is optional but highly encouraged, in order to gradually eliminate nonconformities that are frequently damaged but not to the "50%" level. This provision would expand the structures that would be eligible for Increased Cost of Compliance – which provides funds to elevate, demolish, or relocate, or floodproof damaged structures.

12.24 Based on this determination, the zoning administrator shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this ordinance.

SECTION 13.0 VIOLATIONS AND PENALTIES

13.1 **Uses in Violation of the Ordinance.** Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this ordinance shall be considered a public nuisance.

13.2 **Civil Remedies.** The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this ordinance may be abated by an action brought by the **[community]** or the Department of Natural Resources.

13.3 **Enforcement.** Violations of the provisions of this ordinance constitutes a misdemeanor and is punishable as defined by law. The Zoning Administrator 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. 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.

SECTION 14.0 AMENDMENTS

14.1 **Ordinance Amendments.** Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in Section 3.2 of this ordinance.

14.2 **Required Approval.** All amendments to this ordinance must be submitted to the Department of Natural Resources for review and approval prior to adoption, for compliance with state and federal rules and requirements. The floodplain ordinance shall not be considered valid until approved.

EFFECTIVE DATE: This ordinance shall be in full force and effect from and after its passage and approval.

Adopted by the **[community]** Board/City Council

This _____ of _____, _____
(Day) (Month) (Year)

Attest: _____, County Board
Chairperson/Mayor
(Name of Elected Official)

Attest: _____, County
Administrator/City Clerk



Federal Emergency Management Agency

Washington, D.C. 20472

January 17, 2024

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

IN REPLY REFER TO:
19P

The Honorable Duane Jirik
Mayor, City of New Prague
118 Central Avenue North
New Prague, Minnesota 56071

Community Name: City of New Prague,
Le Sueur County,
Minnesota
Community No.: 270249
Map Panels Affected: See FIRM Index

Dear Mayor Jirik:

This is to notify you of the final flood hazard determination for Le Sueur County, Minnesota and Incorporated Areas, in compliance with Title 44, Chapter I, Part 67, Section 67.11, Code of Federal Regulations (CFR). This section requires that notice of final flood hazards shall be sent to the Chief Executive Officer of the community, all individual appellants, and the State Coordinating Agency, and shall be published in the *Federal Register*.

The statutory 90-day appeal period that was initiated for your community when the Department of Homeland Security’s Federal Emergency Management Agency (FEMA) published a notice of proposed flood hazard determinations for your community in the local newspaper has elapsed. FEMA did not receive any appeals of the proposed flood hazard determinations or submittals regarding the Preliminary Flood Insurance Study (FIS) report and Flood Insurance Rate Map (FIRM) during that time.

Accordingly, the flood hazard determinations for your community are considered final. The final notice for flood hazard determinations will be published in the *Federal Register* as soon as possible. The FIS report and FIRM for your community will become effective on July 17, 2024. Before the effective date, we will send your community final printed copies of the FIS report and FIRM. For insurance purposes, the community number and new suffix code for the panels being revised are indicated on the FIRM and must be used for all new policies and renewals.

Because the FIS report for your community has been completed, certain additional requirements must be met under Section 1361 of the National Flood Insurance Act of 1968, as amended, within 6 months from the date of this letter.

It must be emphasized that all the standards specified in 44 CFR Part 60.3(d) of the National Flood Insurance Program (NFIP) regulations must be enacted in a legally enforceable document. This includes adoption of the current effective FIS report and FIRM to which the regulations apply and other modifications made by this map revision. Some of the standards should already have been enacted by your community in order to establish initial eligibility in the NFIP. Your

community can meet any additional requirements by taking one of the following actions in this Paragraph of the NFIP regulations:

1. Amending existing regulations to incorporate any additional requirements of 44 CFR Part 60.3(d);
2. Adopting all the standards of 44 CFR Part 60.3(d) into one new, comprehensive set of regulations; or
3. Showing evidence that regulations have previously been adopted that meet or exceed the minimum requirements of 44 CFR Part 60.3(d).

Also, prior to the effective date, your community is required, as a condition of continued eligibility in the NFIP, to adopt or show evidence of adoption of the floodplain management regulations that meet the standards of 44 CFR Part 60.3(d) of the NFIP regulations by the effective date of the FIRM. These standards are the minimum requirements and do not supersede any State or local requirements of a more stringent nature.

Many states and communities have adopted building codes based on the International Codes (I-Codes); the model I-Codes (2009 and more recent editions) contain flood provisions that either meet or exceed the minimum requirements of the NFIP for buildings and structures. The model codes also contain provisions, currently found in an appendix to the International Building Code, that apply to other types of development and NFIP requirements. In these cases, communities should request review by the NFIP State Coordinator to ensure that local floodplain management regulations are coordinated (not duplicative or inconsistent) with the State or Local building code. FEMA's resource, *Reducing Flood Losses through the International Code: Coordinating Building Codes and Floodplain Management Regulations, 5th Edition (2019)*, provides some guidance on this subject and is available at <https://www.fema.gov/emergency-managers/risk-management/building-science/building-codes/flood>.

Communities that fail to enact the necessary floodplain management regulations will be suspended from participation in the NFIP and subject to the prohibitions contained in Section 202(a) of the Flood Disaster Protection Act of 1973 (Public Law 93-234) as amended, and 44 CFR Part 59.24.

To assist your community in maintaining the FIRM, we have enclosed a Summary of Map Actions (SOMA) to document previous Letters of Map Change (LOMC) actions (i.e., Letters of Map Amendment, Letters of Map Revision) that will be affected when the revised FIRM panels referenced above become effective. If no LOMCs were issued previously for your community, you are receiving a SOMA for informational purposes only.

Once the FIS report and FIRM are printed and distributed, the digital files containing the flood hazard data for the entire county can be provided for use in a computer mapping system. These files can be used in conjunction with other thematic data for floodplain management purposes, insurance requirements, and many other planning applications. Copies of the digital files of the

FIRM panels may be obtained by calling our FEMA Mapping and Insurance eXchange (FMIX), toll free, at (877) 336-2627 (877-FEMA MAP) or by visiting the Map Service Center at <https://www.msc.fema.gov>. In addition, your community may be eligible for additional credits under our Community Rating System if you implement your activities using digital mapping files.

For assistance with your floodplain management ordinance or enacting the floodplain management regulations, please contact Ceil Strauss, CFM, NFIP State Coordinator for Minnesota by telephone at (651) 259-5713. If you should require any additional information, we suggest that you contact the Director, Mitigation Division of FEMA, Region 5 at (312) 408-5500 for assistance. If you have any questions concerning mapping issues in general or the enclosed SOMA, please call our FMIX at the telephone number shown above. Additional information and resources you may find helpful regarding the NFIP and floodplain management can be found on our website at <https://www.fema.gov/flood-maps>. Copies of these documents may also be obtained by calling our FMIX.

Sincerely,



Luis V. Rodriguez, P.E.,
Director, Engineering and Modeling Division
Risk Management Directorate | Resilience

Enclosure:
Final SOMA

cc: Community Map Repository
Ken Ondich, Planning and Community Development Director, City of New Prague

bcc: FEDD File
Study Contractor
Ceil Strauss, CFM, State NFIP Coordinator, Minnesota Department of Natural Resources-
Waters
Thomas Sivak, Region 5 Administrator

January 24, 2024

The Honorable Duane Jirik
Mayor, City of Le Sueur
118 Central Avenue North
New Prague, MN 56071

Dear Mayor Jirik,

RE: Actions Due to New Flood Insurance Study for Le Sueur County, Minnesota

You recently received a letter from the Federal Emergency Management Agency (FEMA) dated January 17, 2024, about your floodplain regulations. This letter, known as the Letter of Final Determination (LFD), explains that the Flood Insurance Rate Maps (FIRMs) and Le Sueur County Flood Insurance Study are now complete and will become effective on July 17, 2024 (which is 6 months from the date of the LFD).

This letter is intended to explain the statement in the LFD that “your community is required... to adopt or show evidence of adoption of floodplain management regulations that meet the standards of Paragraph 60.3(d)... by the effective date of the FIRM.” In other words, ***your community must amend your floodplain ordinance, or adopt a new ordinance, that is effective by July 17, 2024, in order to continue participating in the National Flood Insurance Program (NFIP).*** The DNR, as the State Coordinating Agency for the NFIP, will be assisting you in this effort.

The DNR will advise your staff in detail as to the specific state and federal standards your community’s ordinance should meet. The community may also choose to consider standards beyond the state and federal minimum standards to help reduce risk. Our floodplain program staff will be contacting your staff from our shared email account – floodplain.dnr@state.mn.us - within the next couple of weeks. We will provide a draft ordinance tailored to your community and more detailed instructions of the adoption process. I urge you to respond and act as soon as possible to initiate this process in order to prevent your community from being suspended from the National Flood Insurance Program should you not meet the 6-month deadline.

We strongly encourage your community to adopt and publish a new or revised floodplain ordinance and forward it to DNR’s attention at least two days prior to this date – July 15, 2024. Please plan ahead to accommodate for internal review, review with DNR, holding a public hearing, and completion of the adoption/publication process. A scan of the signed and/or certified copy of the ordinance, along with our final approval, must be sent to the Federal Emergency Management Agency’s Chicago Regional Office by July 17, 2024.

We anticipate that electronic versions of the final maps will be available at [“Search All Products” section of FEMA’s Map Service Center](#) within the next month or two. All communities will eventually receive one set of paper copies of the updated Le Sueur County Flood Insurance Study and the respective flood insurance rate map panels from FEMA.

FEMA has advised us that, ***without exception***, a community will be suspended from the National Flood Insurance Program if the required floodplain ordinance documents are not received in its Chicago Regional

Office by the study/map effective date. A suspended community may be reinstated if the community: 1) submits the required floodplain ordinance language; and 2) documents that no improper floodplain development has occurred since the study/map effective date and that any existing known floodplain violations have been properly mitigated. During the suspension period, no flood insurance policies can be written or renewed in the community. This would have a serious impact on people exposed to flood damage or those who are trying to purchase homes in the designated 100-year floodplain, where flood insurance is a requirement of the loan.

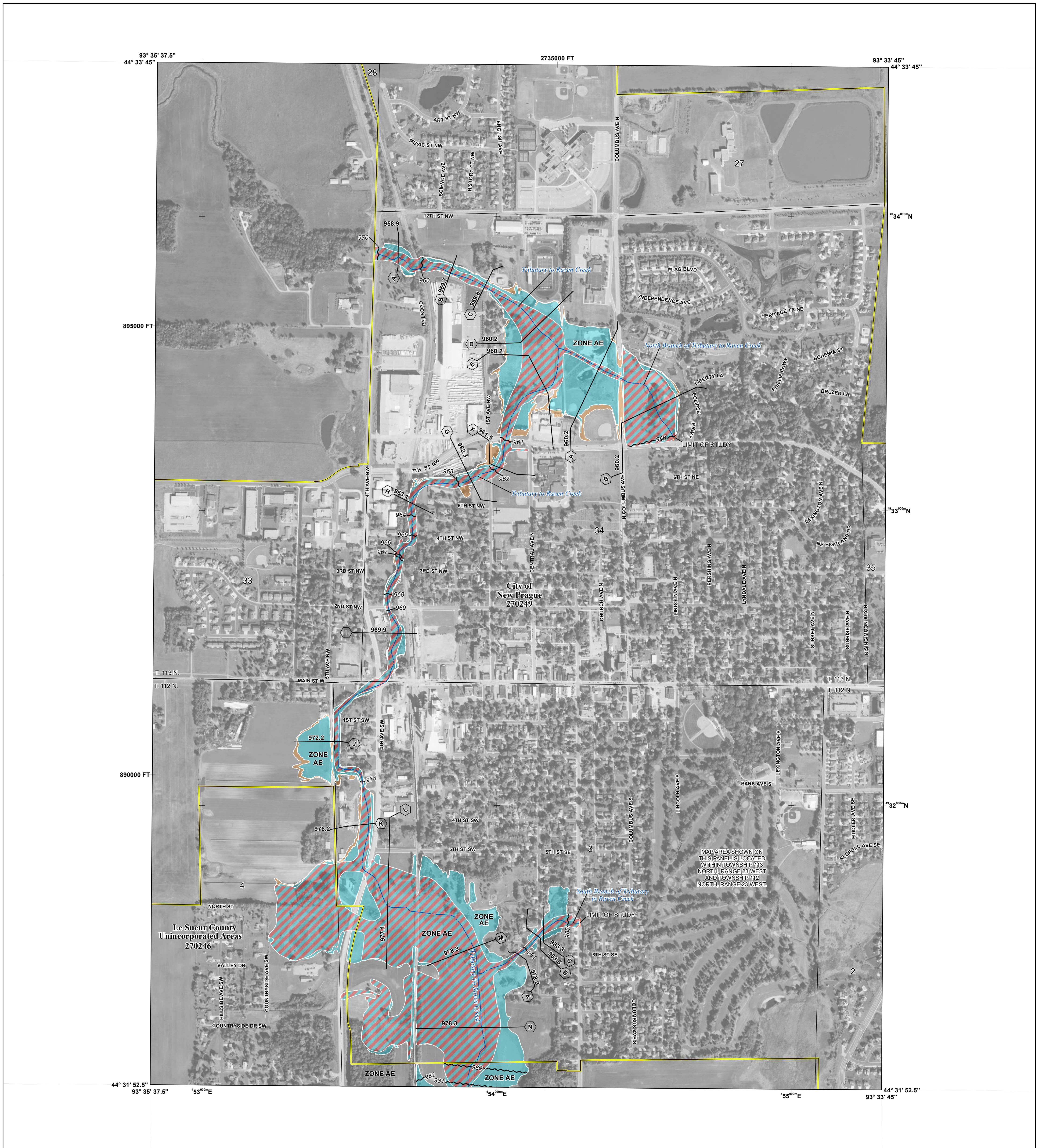
While our office in St. Paul will be the main contact for the ordinance update, we will coordinate with DNR Area Hydrologist Alan Gleisner of our Hutchinson area office. Mr. Gleisner will continue to be your main contact for day-to-day assistance with administering your floodplain management ordinance and for questions about other DNR water-related programs and permits. Please feel free to contact Mr. Gleisner at any time at (320) 753-0344 or alan.gleisner@state.mn.us. If you have questions for me, you may contact me at the address found in the footer of this letter, at (651) 259-5713, or at ceil.strauss@state.mn.us.

Sincerely,



Ceil Strauss, CFM
State Coordinator, National Flood Insurance Program

c: Ken Ondich, Planning and Community Development Director – City of New Prague
Alan Gleisner, Area Hydrologist
floodplain.dnr@state.mn.us



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT
THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT [HTTPS://MSC.FEMA.GOV](https://MSC.FEMA.GOV)

	Without Base Flood Elevation (BFE) Zone A, V, A99
	With BFE or Depth Zone AE, AO, AH, VE, AR
	Regulatory Floodway
	0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
	Future Conditions 1% Annual Chance Flood Hazard Zone X
	Area with Reduced Flood Risk due to Levee See Notes. Zone X
	Area with Flood Risk due to Levee Zone D
	NO SCREEN Area of Minimal Flood Hazard Zone X
	Area of Undetermined Flood Hazard Zone D
	Channel, Culvert, or Storm Sewer
	Levee, Dike, or Floodwall
	Cross Sections with 1% Annual Chance Water Surface Elevation
	Coastal Transect
	Coastal Transect Baseline
	Profile Baseline
	Hydrographic Feature
	Base Flood Elevation Line (BFE)
	Limit of Study
	Jurisdiction Boundary

NOTES TO USERS

For information and questions about this Flood Insurance Rate Map (FIRM), available products associated with this FIRM, including historic versions, the current map date for each FIRM panel, how to order products, or the National Flood Insurance Program (NFIP) in general, please call the FEMA Mapping and Insurance eXchange at 1-877-FEMA-MAP (1-877-336-2627) or visit the FEMA Flood Map Service Center website at <https://msc.fema.gov>. Available products may include previously issued Letters of Map Change, a Flood Insurance Study Report, and/or digital versions of this map. Many of these products can be ordered or obtained directly from the website.

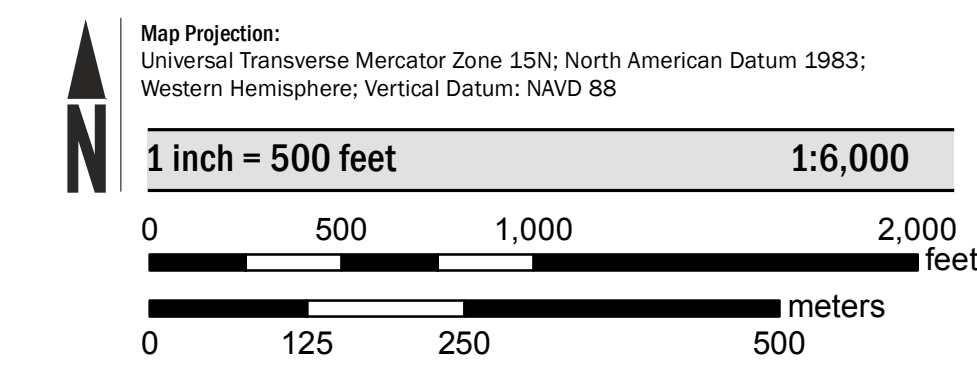
Communities annexing land on adjacent FIRM panels must obtain a current copy of the adjacent panel as well as the current FIRM Index. These may be ordered directly from the Flood Map Service Center at the number listed above.

For community and countywide map dates refer to the Flood Insurance Study Report for this jurisdiction.

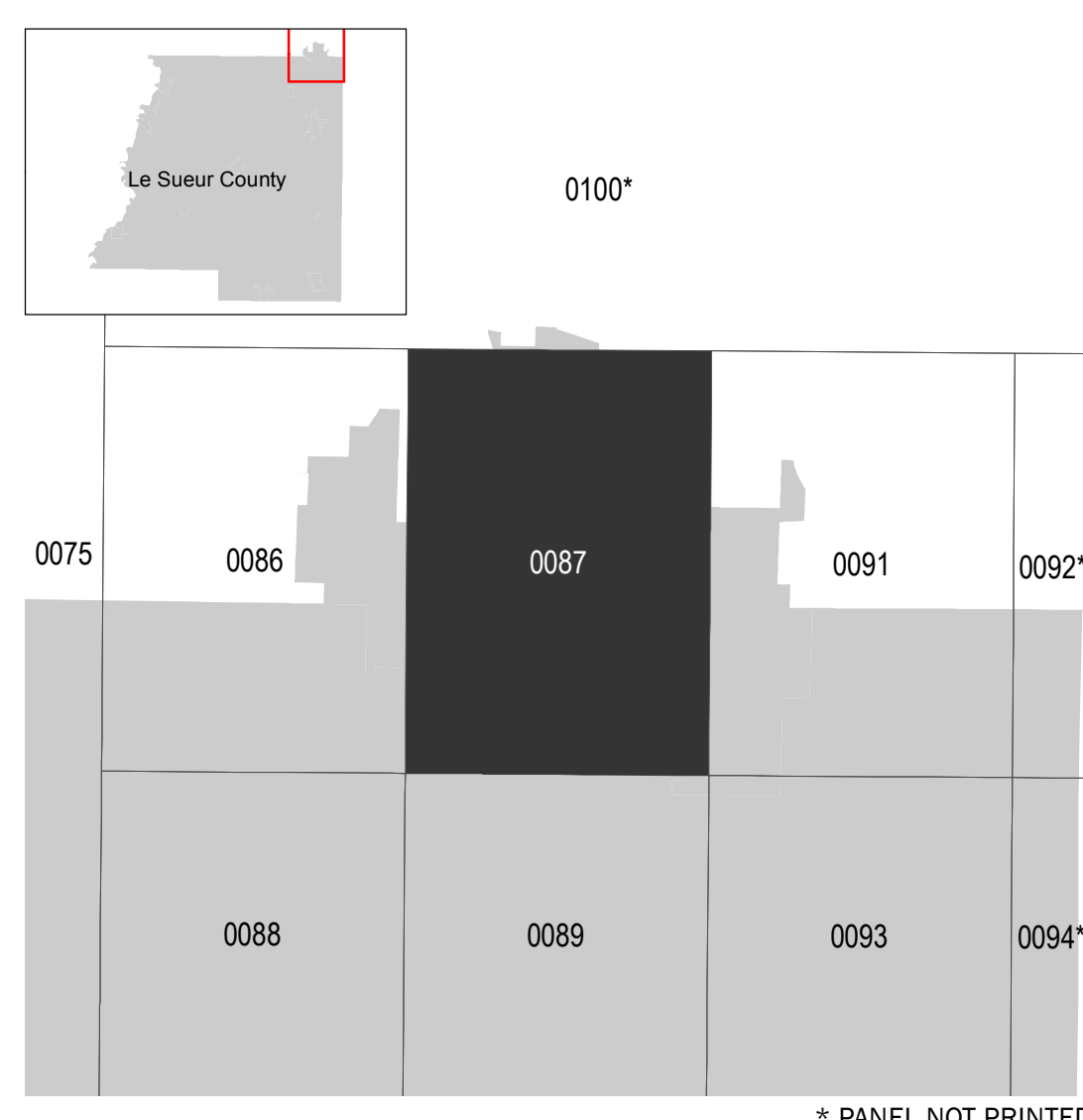
To determine if flood insurance is available in this community, contact your insurance agent or call the National Flood Insurance Program at 1-800-638-6620.

Base map information shown on this FIRM was derived from USDA Aerial Photography Field Office Imagery, dated 2015, and digital data provided by Le Sueur County GIS, dated 2017.

SCALE



PANEL LOCATOR



National Flood Insurance Program

**NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP**

LE SUEUR COUNTY, MINNESOTA
and Incorporated Areas

PANEL 87 of 435

Panel Contains:

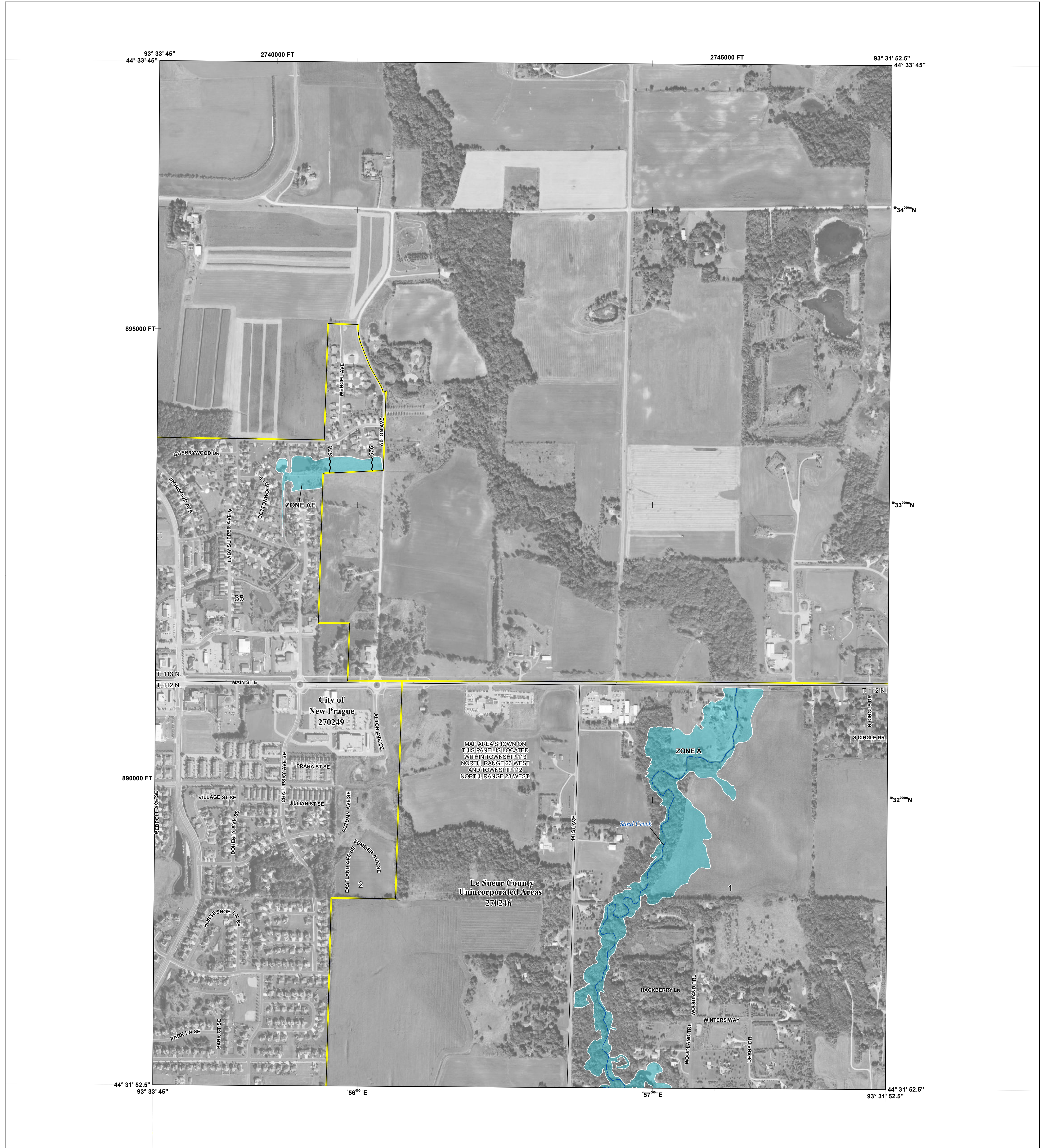
COMMUNITY	NUMBER	PANEL	SUFFIX
LE SUEUR COUNTY	270246	0087	E
NEW PRAGUE, CITY OF	270249	0087	E

PRELIMINARY
7/14/2022

VERSION NUMBER
2.6.3.5

MAP NUMBER
27079C0087E

MAP REVISED



FLOOD HAZARD INFORMATION

SEE FIS REPORT FOR DETAILED LEGEND AND INDEX MAP FOR FIRM PANEL LAYOUT
THE INFORMATION DEPICTED ON THIS MAP AND SUPPORTING DOCUMENTATION ARE ALSO AVAILABLE IN DIGITAL FORMAT AT [HTTPS://MSC.FEMA.GOV](https://MSC.FEMA.GOV)

SPECIAL FLOOD HAZARD AREAS		Without Base Flood Elevation (BFE) Zone A, V, A99
		With BFE or Depth Zone AE, AO, AH, VE, AR
		Regulatory Floodway
		0.2% Annual Chance Flood Hazard, Areas of 1% annual chance flood with average depth less than one foot or with drainage areas of less than one square mile Zone X
		Future Conditions 1% Annual Chance Flood Hazard Zone X
		Area with Reduced Flood Risk due to Levee See Notes. Zone X
OTHER AREAS OF FLOOD HAZARD		Area with Flood Risk due to Levee Zone D
		Area of Minimal Flood Hazard Zone X
OTHER AREAS		Area of Undetermined Flood Hazard Zone D
GENERAL STRUCTURES		Channel, Culvert, or Storm Sewer
		Levee, Dike, or Floodwall
		18.2 17.5 Cross Sections with 1% Annual Chance Water Surface Elevation
		Coastal Transect
		Coastal Transect Baseline
		Profile Baseline
		Hydrographic Feature
		Base Flood Elevation Line (BFE)
OTHER FEATURES		Limit of Study
		Jurisdiction Boundary

NOTES TO USERS

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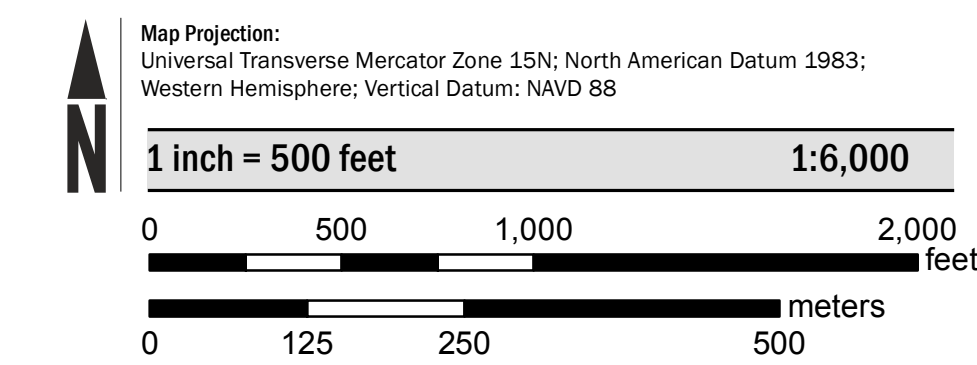
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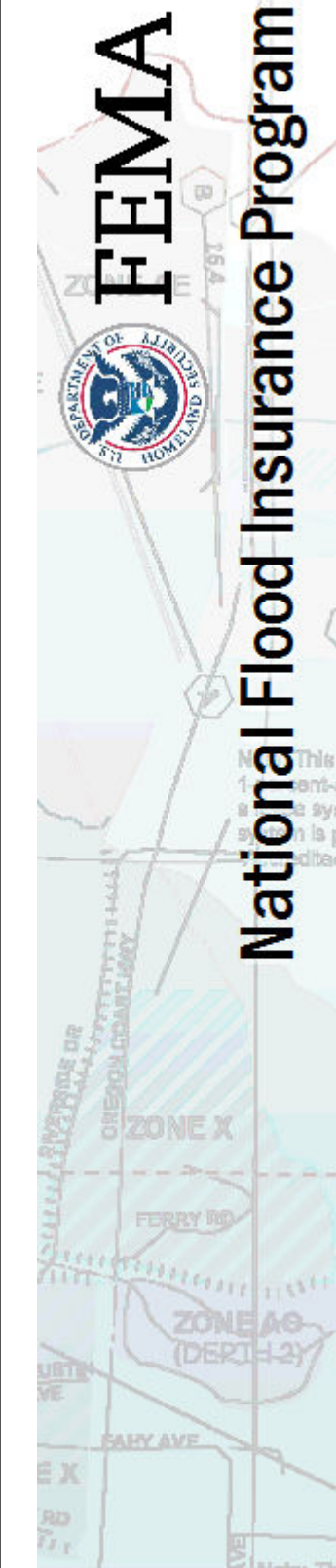
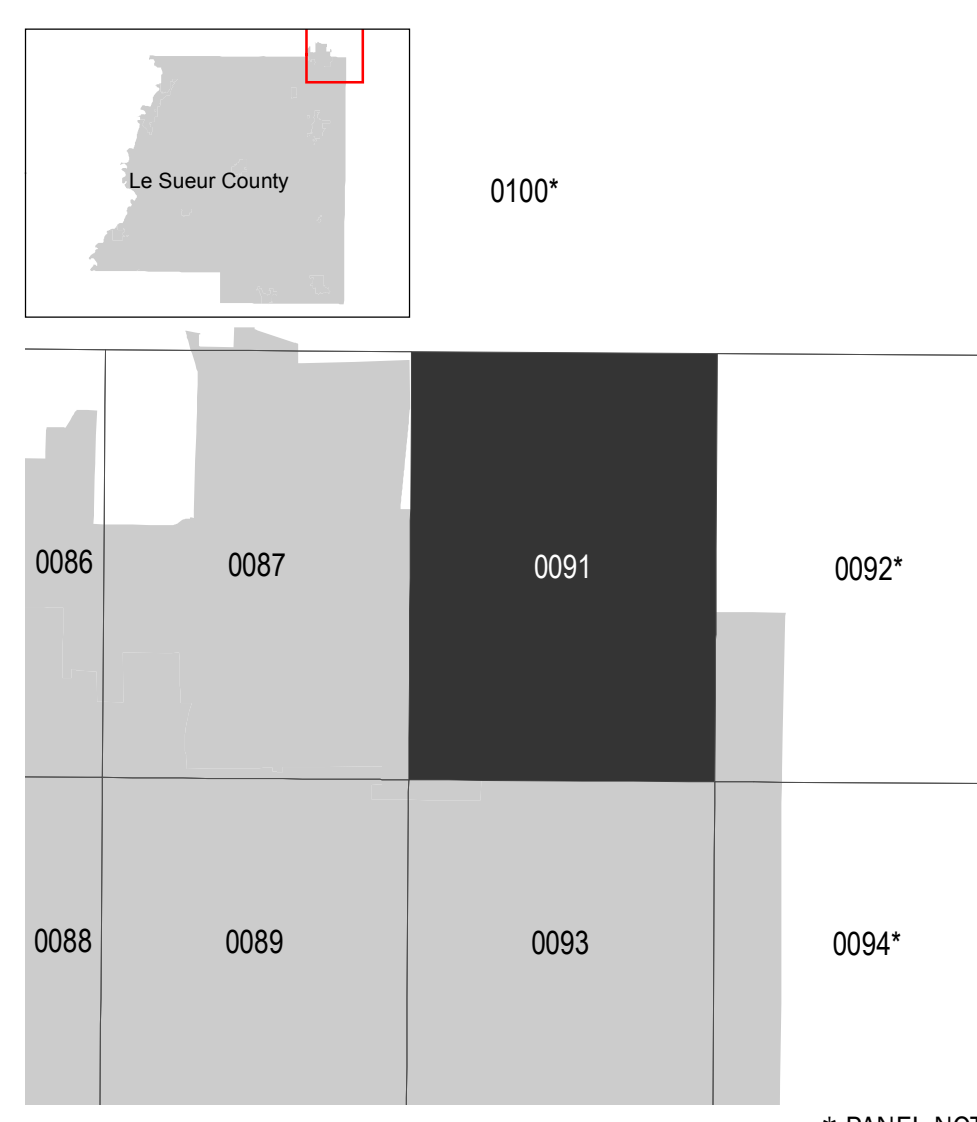
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SCALE



PANEL LOCATOR



**NATIONAL FLOOD INSURANCE PROGRAM
FLOOD INSURANCE RATE MAP**

LE SUEUR COUNTY, MINNESOTA
and Incorporated Areas

PANEL 91 of 435

COMMUNITY	NUMBER	PANEL	SUFFIX
LE SUEUR COUNTY	270246	0091	E
NEW PRAGUE, CITY OF	270249	0091	E

Panel Contains:

COMMUNITY	NUMBER	PANEL	SUFFIX
LE SUEUR COUNTY	270246	0091	E
NEW PRAGUE, CITY OF	270249	0091	E

**PRELIMINARY
7/14/2022**

VERSION NUMBER
2.6.3.5
MAP NUMBER
27079C0091E
MAP REVISED



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
CC: EDA & PLANNING COMMISSION
FROM: KYRA CHAPMAN, PLANNER
SUBJECT: 2024 LOT INVENTORY: COMMERCIAL, INDUSTRIAL, RESIDENTIAL
DATE: JANUARY 4, 2024

Planning staff recently updated the inventory of all vacant lots within the city limits and identified only those lots that have municipal utilities available to them and are ready to build on. Attached to this memo are maps of the three categories of lots.

Residential Lots: Currently, there are 37 vacant residential lots available as opposed to 43 lots last year. 19 of the lots are located in Scott County, however, 3 of the lots are vacant multi-unit townhome lots meant to house 6-to-8-unit buildings. In Le Sueur County there are 18 vacant lots. Even though the vacant lots are indicated on the map, this does not signify that all the lots are for sale. Although there was a total of 11 new home permits issued in 2023, the preliminary and final plat of Pond 3rd Addition split the residential property into four parcels.

Commercial Lots: There are a total of 8 vacant commercial lots available within the city compared to 11 vacant lots last year. The total acreage of the commercial lots amasses to 18.73 acres. In 2023, Lot 6, Block 4 Highview 10th Addition and Lot 2, Block 2, Simon Acres 1st Addition were combined into a single parcel, which is currently undergoing construction to become an office space.

Industrial Lots: Of the City’s shovel-ready sites, only 4 lots are vacant. Besides the shovel ready parcels, there are two other available vacant industrial lots. The first available vacant lot is located north of the fire station, and is owned by Randy Kubes and amasses to 0.96 acres. The second lot located north of the industrial park (totaling 76 acres) could be annexed and developed.

Staff Recommendation:

Staff recommends that the City Council, EDA and Planning Commission review the reports as information.



City of New Prague
Vacant Lot Inventory

Commercial, Industrial & Residential Properties

January 2024



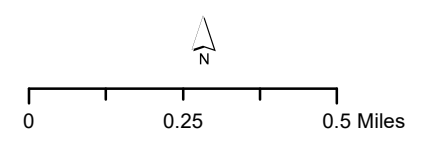
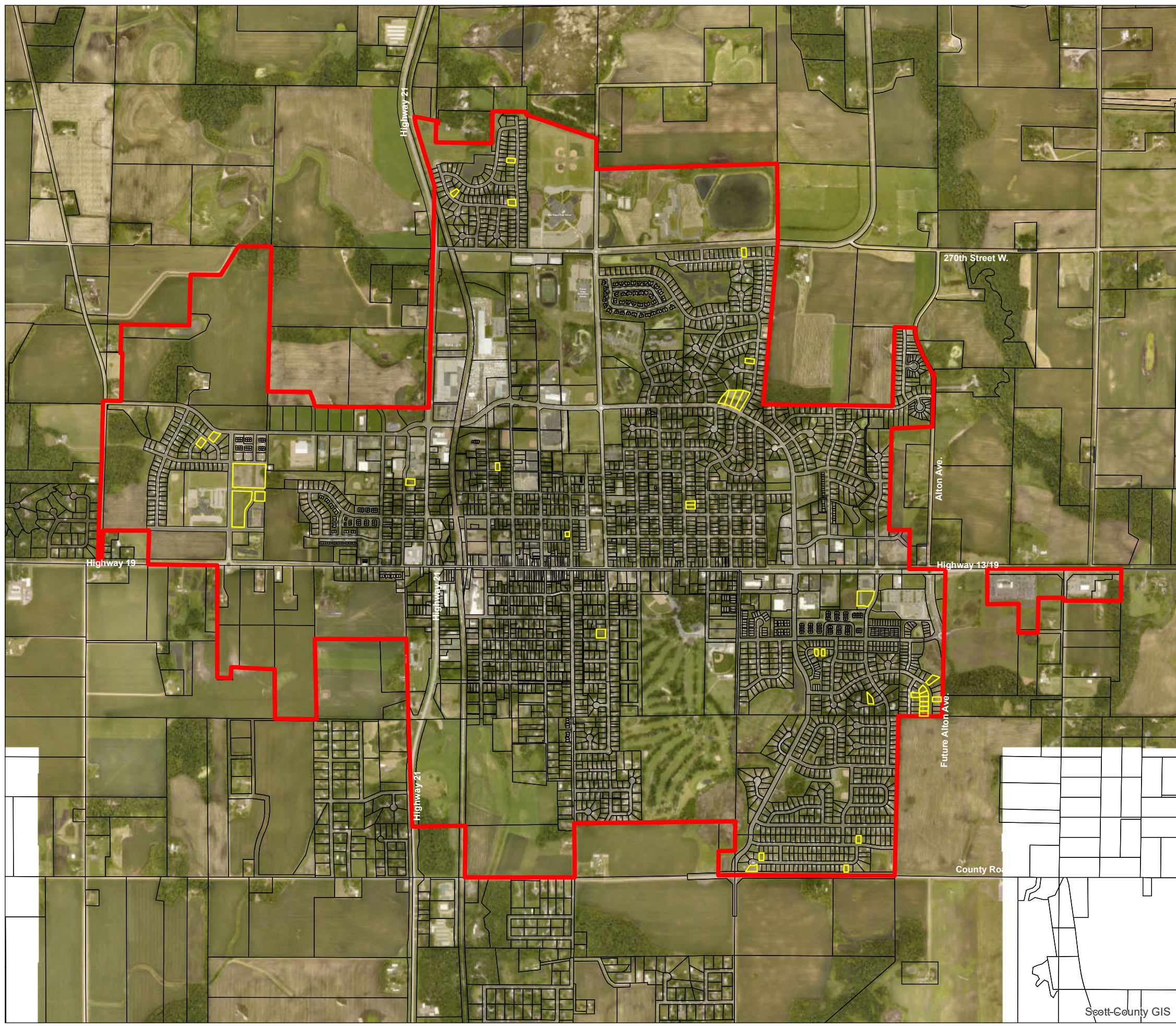
Residential Lots Available for Development With Municipal Utilities January 4, 2024

Notes:

Scott County Lots: 19*
(*3 of these lots are zoned RM for up to 105 units).

LeSueur County Lots: 18*
(*2 lots are zoned RH. One parcel is 1.35 acres for up to 43 apartment units and other is 1.6 acres large.)

Total Lots: 37



Contacts for Vacant Residential Land Updated: 1/4/24

Randy Kubes
612-599-7440
<http://www.kubesrealty.com/>
Owner/Developer of Various Lots in:
Tikalsky Acres
Homefield Addition 1 & 2
Raven Stream Village

K.A. Witt Construction
952-758-2108
<http://www.kawitt.com/>
Owner/Developer of Various Lots in:
Heritage Estates #11
Eastland

For Tikalsky Estates Property:

Pete Dwyer
petejdwyer@gmail.com
651-343-9269
&
Gene Dwyer
eugene1799@gmail.com
651-592-2008

For Pond 3rd Addition Properties

Mike Weinandt

mikeweinandt@yahoo.com

612-282-3790

Deutschland First Addition

Marv Deutsch

952-758-3669

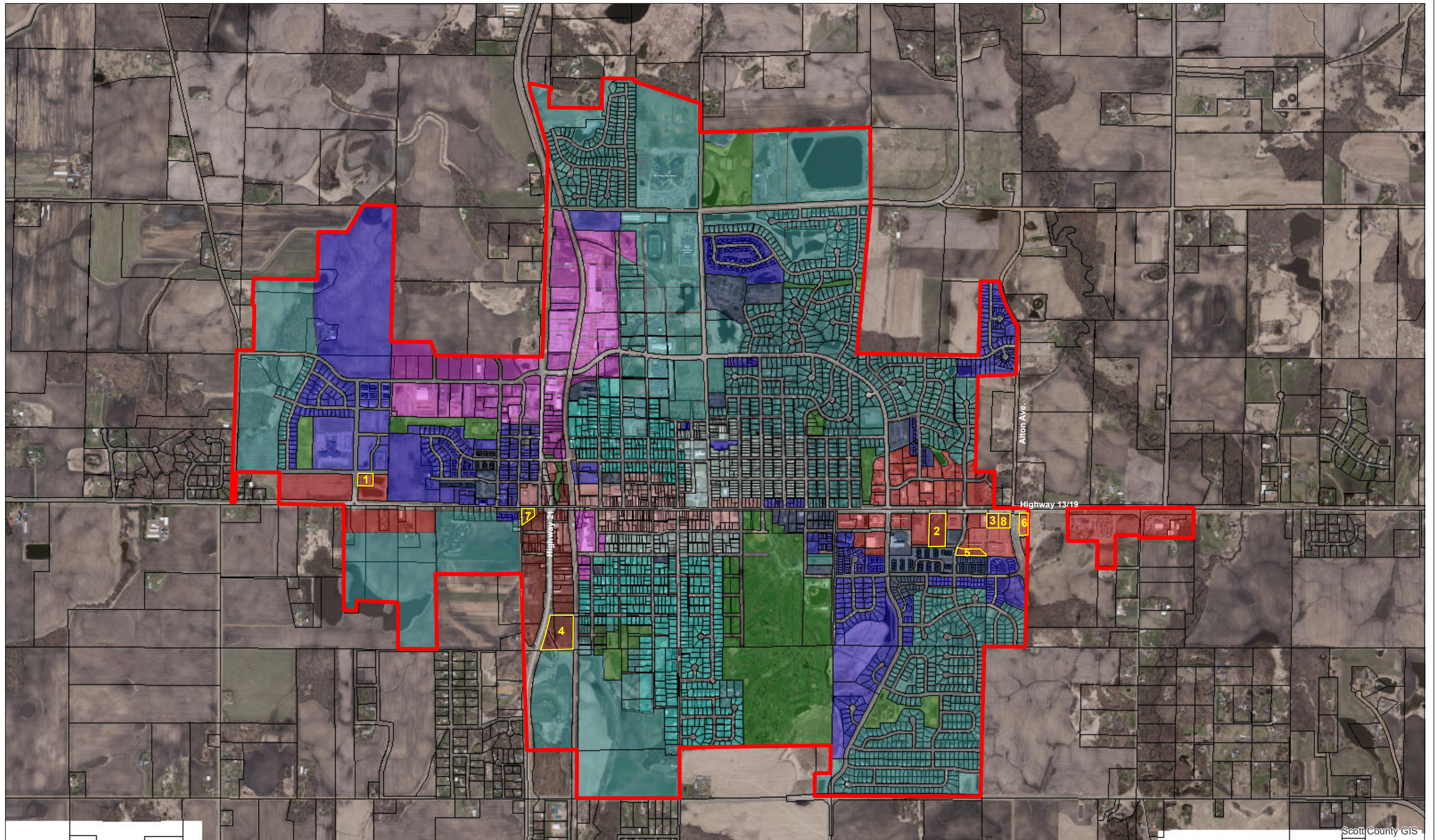
Many local realtors are also able to help in your search as well as found in this link from the New Prague Chamber of Commerce:

<http://www.newprague.com/>

Or on the City's website:

www.ci.new-prague.mn.us then go to Departments – EDA – New Resident Guide

New Prague Vacant Commercial Sites Available for Development
With Municipal Utilities - January 2024

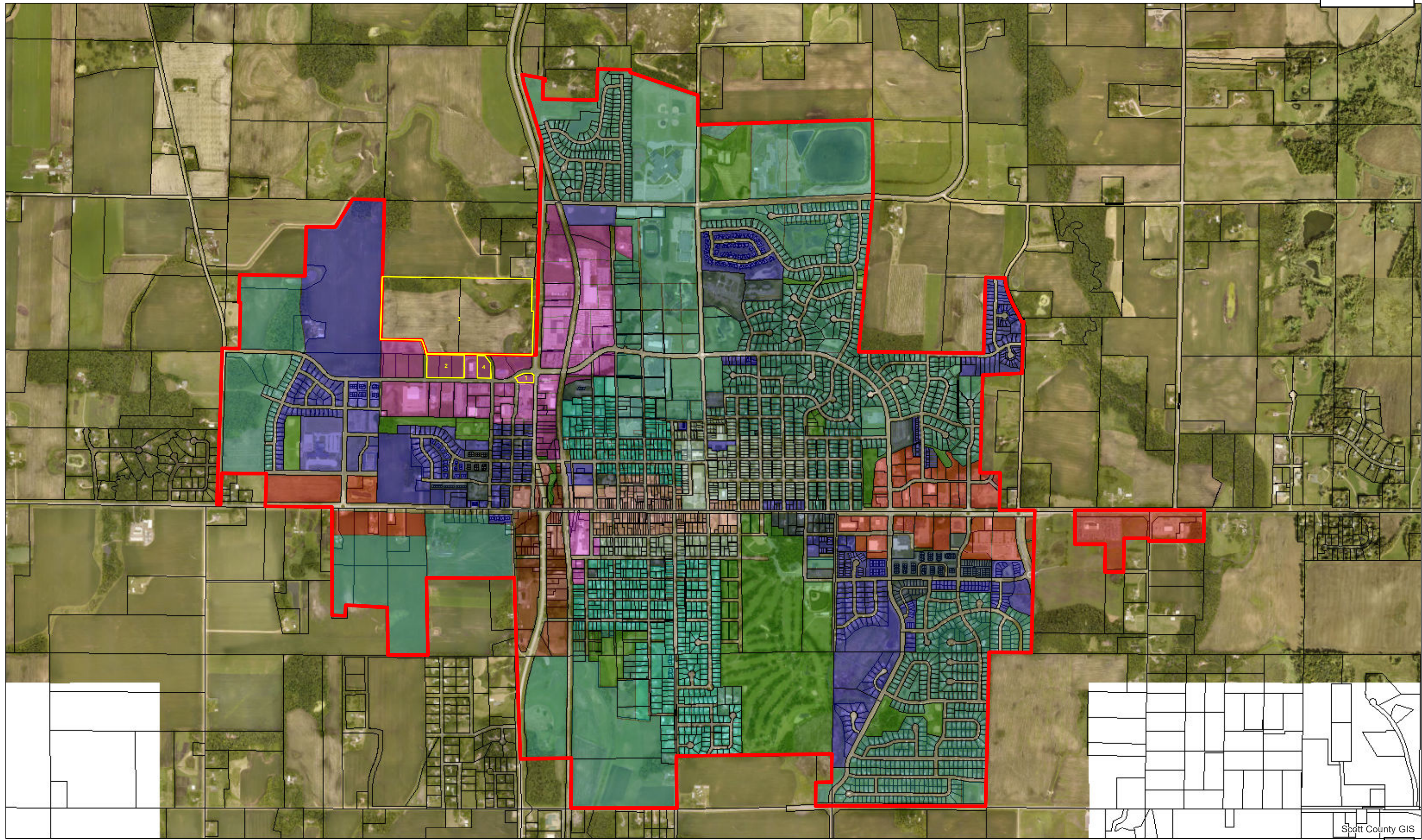


Contacts for Vacant Commercial Land Updated: 1/4/24

1. Pat Sullivan
952-457-0479
1.33 acres
2. Roger and Barb Beckius
952-758-4976
4.4 acres
3. New Prague Commons, LLC (Urban Associates)
Bill Abel
612-597-5570
williamabel.mn@gmail.com
0.97 acres
4. Palmer Welcome
952-758-3509
6.55 acres
5. New Prague Commons, LLC (Urban Associates)
Bill Abel
612-597-5570
williamabel.mn@gmail.com
1.4 acres
6. Witt Development, Inc.
952-758-4429
1.52 acres
7. Kubes Realty – Randy Kubes
952-445-9110
1.38 acres
8. Heartland Credit Union
5500 South Robert TRL, Inver Grove Heights, MN 55077
1.18 acres

***Note: 18.73 acres total**

New Prague Vacant Industrial Sites Available for Development
With Municipal Utilities - January 2024



**Contacts for Vacant Industrial Land
Updated: 1/4/24**

1. Randy Kubes
612-599-7440
0.96 acres

2. City of New Prague
Joshua M. Tetzlaff – City Administrator
Ken Ondich – Planning / Community Development Director
14.35 Acres for sale
“Shovel Ready” Industrial Lots Ranging in Size from 1.97 to 2.49 Acres in size
952-758-4401

3. Bejan Darbandi
410-303-4832
76 acres (future annexation to City)

4. Scott Equipment Co
952-758-2591
2.084 acres



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
CC: EDA & PLANNING COMMISSION
FROM: KEN ONDICH – PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
KYRA CHAPMAN - PLANNER
SUBJECT: ANNUAL COMMERCIAL BUILDING AUDIT 2024
DATE: 1/25/24

On January 9th, 2024, staff completed a review of commercial and industrial properties in New Prague and some properties adjoining the City and also conferred with Chamber Director Brooke Sticha on the findings of the review. A listing of occupancy and changes dating back to 2020 is attached to this memo. This cover memo makes a few observations and summarizes the changes that have occurred in the last year.

In summary, there have been 11 new business openings in New Prague and the immediate area (as opposed to 14 last year), by either new business start-ups or businesses moving into New Prague; there have been 23 business closings/changes as compared to 22 last year. Closings means actual business closings or moving out of New Prague and Changes means changes in ownership, name changes, change in business location within the city, changes in services, or expansions. There are 26 vacancies of various commercial spaces/lots (compared to 31 vacancies last year).

Some of the new businesses include:

- Brick’s Boatworks opened up their new headquarters in the industrial park.
- Cedar Press Coffee opened permanently.
- T-Mobile opened a new store at the East Town Plaza Strip Mall.
- Starlight Productions opened downtown.
- Smoke & Fire opened.
- Bishop Investments is constructing their own building on 1st Street NE.
- Outlaw Saloon opened.
- Hair Force opened downtown.
- Lark Studio arts opened downtown.

Some notable changes include:

- MVE Biological Solutions is nearing completion of 26,000 sq. ft. in building additions at 201 7th Street NW.
- Scott Equipment purchased a lot in the industrial park to build an office building to support their manufacturing operations.
- The Broz, LLC has new ownership.
- Sugar Rose Bakeshop moved to a building downtown.
- NP Power Nutrition closed.
- Tech Support Minnesota moved to a new location on the east side of town.
- Tobacco E-Cig's Center expanded and moved locations within the New Prague Commons Strip Mall.
- Pizza Ranch temporarily closed.
- Pioneer Saloon closed.
- Hanzel Refinishing and Upholstering closed.
- Quality Flow constructed a large storage building.
- Daleko Arts closed.
- Corner Bar was sold to new owners.

**New Prague Business Inventory
2024**

Section 5, Item a.

Address	Occpant Status 1/16/20	Occpant Status 1/13/21	Occpant Status 1/6/22	Occupant Status 1/2/2023	Occupant Status 1/9/2024
411 4th Av. SW	Knights of Columbus	Knights of Columbus	Knights of Columbus	Knights of Columbus	Knights of Columbus
409 4th Av. SW	Dairy Queen	Dairy Queen	Dairy Queen	Dairy Queen	Dairy Queen
407 4th Av. SW	ASI Car Wash Business/Reclaim Equipment Inc.	ASI Car Wash Business/Reclaim Equipment Inc.	ASI Car Wash Business/Reclaim Equipment Inc.	ASI Car Wash Business/Reclaim Equipment Inc.	ASI Car Wash Business/Reclaim Equipment Inc. (Plat and building permit applied for new warehousing building)
401 4th Av. SW	Vacant (Alterations)	XpresSystems Inc.	XpresSystems Inc.	XpresSystems Inc.	XpresSystems Inc. (Plat and building permit applied for new warehousing building)
307 4th Av. SW	ASI Car Wash Business/Reclaim Equipment Inc.	ASI Car Wash Business/Reclaim Equipment Inc.	ASI Car Wash Business/Reclaim Equipment Inc.	ASI Car Wash Business/Reclaim Equipment Inc.	ASI Car Wash Business/Reclaim Equipment Inc. (Plat and building permit applied for new warehousing building)
205 1/2 4th Ave SW	Lasting Impressions Salon	Lasting Impressions Salon	Lasting Impressions Salon	Lasting Impression Salon	Lasting Impression Salon
205 4th Av. SW	New Prague Auto	New Prague Auto	New Prague Auto	New Prague Auto (New Owners)	New Prague Auto
201 4th Av. SW	EP Electric Pump - G&K Rental	EP Electric Pump - G&K Rental	EP Electric Pump - G&K Rental	EP Electric Pump - G&K Rental & Appointments USA	EP Electric Pump - G&K Rental & Appointments USA
408 Main St. W. Suite 100	The Depot	The Depot	The Depot	The Depot	The Depot
410 Main St W	Vacant Space - Apartments in the Rear on 2nd Level and One on Main Level with additional vacant commercial spaces in the rear	Vacant Space - Apartments in the Rear on 2nd Level and One on Main Level with additional vacant commercial spaces in the rear	Vacant Space - Apartments in the Rear on 2nd Level and One on Main Level with additional vacant commercial spaces in the rear	2 If By Sea Tactical, Apartments in the Rear on 2nd Level and One on Main Level	2 If By Sea Tactical, Apartments in the Rear on 2nd Level and One on Main Level
404 Main St. W.	West End Liquors	West End Liquors	West End Liquors	West End Liquors	West End Liquors
400 Main St W	Skuzacek Quality Meats	Skuzacek Quality Meats	Skuzacek Quality Meats	Skuzacek's Quality Meats	Skuzacek's Quality Meats
100 2nd Ave. SW	Vacant (closed 12/31/19)	Vacant (New Owner)	Mach Lumber Storage, The Urban Flea Market, Vacant Warehouse	Mach Lumber Storage, The Urban Flea Market, MVE and ASI Storage, vacant Mill	CUP approved for 2 If By Sea Indoor Firing Range, Mach Lumber Storage, MVE and ASI Storage, vacant mill
212 Main St. W.	Weddings at the Broz	Weddings at the Broz	Weddings at the Broz	Weddings at the Broz	Weddings at the Broz (The Broz, LLC new owners)
210 Main St. W.	Weddings at the Broz	Weddings at the Broz	Weddings at the Broz	Weddings at the Broz	Weddings at the Broz (The Broz, LLC new owners)
201 2nd Av. SW	Mach Lumber	Mach Lumber (new shed)	Mach Lumber	Mach Lumber	Mach Lumber
302 2nd Av. SW	Connelly Plumbing and Heating - Steve Rynda Construction and Landscaping	Connelly Plumbing and Heating - Steve Rynda Construction and Landscaping	Connelly Plumbing and Heating - Steve Rynda Construction and Landscaping	Connelly Plumbing and Heating - Steve Rynda Construction and Landscaping	Connelly Plumbing and Heating - Steve Rynda Construction and Landscaping
306 2nd Av. SW	Emma Krumbes Pie & Bread Co.	Emma Krumbes Pie & Bread Co.	Emma Krumbes Pie & Bread Co.	Emma Krumbes's Pie & Bread Co.	Emma Krumbes's Pie & Bread Co.

**New Prague Business Inventory
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138 Main St. W.	Edina Realty	Vacant	North American Title	Doma	Near North Title Group (name change)
136 Main St. W.	Dr. Dvorak Dental Office	Dr. Dvorak Dental Office	Dr. Dvorak Dental Office	Dental On First	Dental On First
130 Main St. W.	Endeavor Trikes - Snap Fitness - To the Pointe Dance Academy	Endeavor Trikes - Snap Fitness - To the Pointe Dance Academy	Endeavor Trikes - Snap Fitness - To the Pointe Dance Academy	Endeavor Trikes - Snap Fitness - To the Pointe Dance Academy	Endeavor Trikes - Snap Fitness - To the Pointe Dance Academy
126 & 128 Main St. W.	Salon de Beaute - Boutique and Jennifer Busch Photography	Salon de Beaute - Boutique and Vacant	Salon de Beaute - Boutique and Vacant	Salon de Beaute - Boutique and Agricultral Relations Council Foundation	Salon de Beaute - Boutique and Agricultral Relations Council Foundation
122 Main St. W.	Edward Jones	Edward Jones (exterior renovations)	Edward Jones	Edward Jones	Edward Jones
120 Main St. W.	Farmhouse Market (added 2 lodging rooms on 2nd level)	Farmhouse Market	Farmhouse Market	Praha Inn (Upstairs,), Vacant Main Floor	Sugar Rose Bakeshop, Praha Inn
114 Main St. W.	Lucid Tattoo Coffee Bar & Oddities	Lucid Tattoo Coffee Bar & Oddities / Sterling Contracting, LLC (in Back)	Vacant / Sterling Contracting, LLC (in Back)	Chalk It Up (Under Construction)	(in progress of Bargain Lodge moving in)
112 Main St. W.	New Prague Floral & Such	New Prague Floral & Such	New Prague Floral & Such	New Prague Floral & Such	New Prague Floral & Such
110 Main St. W.	Radio Shack (The Electronic Connection)	Radio Shack (The Electronic Connection)	Radio Shack (The Electronic Connection)	Radio Shack (The Electronic Connection)	Radio Shack (The Electronic Connection)
106 Main St. W.	China Royal	China Royal	China Royal	China Royal	China Royal
102 Main St. W.	To The Pointe Dance Academy	To The Pointe Dance Academy	To The Pointe Dance Academy	To The Pointe Dance Academy	To The Pointe Dance Academy
100 Main St. W.	Corner Bar	Corner Bar	Corner Bar	Corner Bar	Corner Bar
102 Main St. E.	The Consignment Lodge (Main Floor) - Upstairs Vacant	The Consignment Lodge(Reduced Hours)(Main Floor) - Upstairs Vacant	Vacant(Main Floor) - Upstairs Vacant (Structural Repairs Occurred)	The Bargain Lodge - Upstairs Vacant, Duck Cup Memorial (rear)	The Bargain Lodge (in process of moving out) - Upstairs Vacant, Duck Cup Memorial (rear, but will be taking this entire space soon)
104 Main St. E.	Downtown Sound - Troy Flemming Guitar Studio	Downtown Sound - Troy Flemming Guitar Studio	Downtown Sound - Music Lessons Studios	Downtown Sound - Music Store	Downtown Sound - Music Store
106 Main St. E.	Dominos Pizza - Apartments Upstairs	Dominos Pizza - Apartments Upstairs	Dominos Pizza - Apartments Upstairs	Dominos Pizza - Apartments Upstairs	Dominos Pizza - Apartments Upstairs
108 Main St. E.	Patty's Place	Patty's Place	Patty's Place	Cedar Press Coffee LLC (under construction)	Cedar Press Coffee LLC
110 Main St. E.	Daleko Arts	Daleko Arts	Daleko Arts	Daleko Arts	Starlight Productions
112 Main St. E.	Sue's Quilt Shop	Sue's Quilt Shop	Sue's Quilt Shop	Sue's Quilt Shop	Sue's Quilt Shop
116 Main St. E.	NP Nutrition & Supplements	NP Nutrition & Supplements	NP Nutrition & Supplements	NP Nutrition & Supplements	Vacant
118 Main St. E. Suite 1	Vacant	Vacant	Deputy Registrar Office	Deputy Registrar Office	Deputy Registrar Office
118 Main St. E. Suite 2	Electric Beach Tanning Salon	Electric Beach Tanning Salon	Electric Beach Tanning Salon	Electric Beach Tanning Salon	Electric Beach Tanning Salon
120 Main St. E.	Tikalsky Laser	Tikalsky Laser	Tikalsky Laser	Tikalsky Laser	Tikalsky Laser
122 Main St. E.	New Prague Tobacco - Downtown	New Prague Tobacco - Downtown	New Prague Tobacco - Downtown	New Prague Tobacco Vape & CBD Downtown	New Prague Tobacco Vape & CBD Downtown
124 Main St. E.	New Prague Post Office	New Prague Post Office	New Prague Post Office	New Prague Post Office	New Prague Post Office
126 Main St. E.	Crawfords Standard Service (no fuel)	Crawfords Standard Service	Crawfords Standard Service	Vacant	Vacant
200 Main St. E.	Suel Printing	Suel Printing	Suel Printing	Suel Printing	Suel Printing

**New Prague Business Inventory
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Address	Occpant Status 1/16/20	Occpant Status 1/13/21	Occpant Status 1/6/22	Occupant Status 1/2/2023	Occupant Status 1/9/2024
204 Main St. E.	Scott Law Firm - Bruce Scott Realty - Scott Insurance Services	Scott Law Firm - Bruce Scott Realty - Scott Insurance Services	Scott Law Firm - Bruce Scott Realty - Scott Insurance Services	Bruce Scott Law Firm PA & Beacon Real Estate Group	Bruce Scott Law Firm PA & Beacon Real Estate Group
208 Main St. E.	Kitty's Hair Fashions	Kitty's Hair Fashions	Kitty's Hair Fashions	Kitty's Hair Fashions	Kitty's Hair Fashions
210 Main St. E.	Salon Paws	Salon Paws	Salon Paws	Salon Paws	Salon Paws
222 Main St. E.	Traxler Wealth Management - Pamper the Soul	Traxler Wealth Management - Vacant	Traxler Wealth Management - Vacant	Traxler Wealth Management - Vacant	Traxler Wealth Management - Vacant
226 Main St. E.	Truelife Real Estate Solutions / Brad Carlson Agency	Truelife Real Estate Solutions / Brad Carlson Agency	Truelife Real Estate Solutions / Brad Carlson Agency	Truelife Real Estate Solutions / Brad Carlson Agency / Vacation Rental Added on 2nd Floor	Truelife Real Estate Solutions / Brad Carlson Agency / Vacation rental on 2nd Floor
232 Main St. E.	South Metro Homes / Global Real Estate Solutions - Cultivated Ink Tattoo Studio - Massage or Knot	South Metro Homes / Global Real Estate Solutions - Cultivated Ink Tattoo Studio - Massage or Knot - CSS Office	South Metro Homes / Global Real Estate Solutions - Cultivated Ink Tattoo Studio - Massage or Knot - CSS Office	South Metro Homes / Global Real Estate Solutions - Cultivated Ink Tattoo Studio - Massage or Knot - CSS Office	South Metro Homes / Global Real Estate Solutions - Cultivated Ink Tattoo Studio - Massage or Knot - CSS Office
104 Columbus Ave. S.	Daniel Hedin Leasing the Space	Daniel Hedin Leasing the Space	Daniel Hedin Leasing the Space	Daniel Hedin Leasing the Space	Daniel Hedin Leasing the Space
300 Main St. E.	New Prague Public Utilities	New Prague Public Utilities	New Prague Public Utilities	New Prague Public Utilities	New Prague Public Utilities
308 Main St. E.	Hartmann Well Co. - Apartments Upstairs	Hartmann Well Co. - Apartments Upstairs	Hartmann Well Co. - Apartments Upstairs	Hartmann Well Co. - Apartments Upstairs	Hartmann Well Co. - Apartments Upstairs
314 Main St. E.	Soak Laundromat - Erickson Family Chiropractic - Vacant - Vacant Space	Soak Laundromat - - New Prague Family & Sports Chiropractic - Erickson Family Chiropractic - Vacant - Vacant	Soak Laundromat - - New Prague Family & Sports Chiropractic - Superior Remodeling - The Well Youth Center	Soak Laundromat-Superior Remodeling-The Well Youth Center-Health Source Chiropractic, New Prague Counseling	Soak Laundromat-Superior Remodeling-The Well Youth Center-Health Source Chiropractic, New Prague Counseling
400 Main St. E.	Library	Library	Library	Library	Library
400 Lexington Ave. S.	New Prague Golf Club	New Prague Golf Club - Kitchen Alteration	New Prague Golf Club	New Prague Golf Course	New Prague Golf Course
300 Lexington Ave. S.	Park Ballroom	Park Ballroom	Park Ballroom	Park Ballroom	Park Ballroom
205 Lexington Ave. S.	CSSW Ltd. - Tech Support of Minnesota	CSSW Ltd. - Tech Support of Minnesota	CSSW Ltd. - Tech Support of Minnesota	CSSW Ltd. -Tech Support of Minnesota	CSSW Ltd. -Minnesota Nonpublic School Accrediting Association
101 Lexington Ave. S.	New Prague Dental	New Prague Dental	New Prague Dental	New Prague Dental	New Prague Dental
610 Main St. E.	Bruzek Funeral Home	Bruzek Funeral Home - Alterations	Bruzek Funeral Home	Bruzek Funeral Home	Bruzek Funeral Home
825 1st. St. SE	Carbone's	Carbone's	Carbone's	Carbone's	Smoke & Fire
100 10th Av. SE	Speedway - McDonalds	Hy-Vee Fast & Fresh Express - McDonalds	Hy-Vee Fast & Fresh Express - McDonalds	Hy-Vee Fast & Fresh Express - Vacant	Hy-Vee Fast & Fresh Express - Vacant
200 10th Ave. SE	Vacant	Hy-Vee (Under Construction)	Hy-Vee	Hy-Vee	Hy-Vee
202 10th Ave. SE	Vacant Lot	Hy-Vee (Under Construction)	Hy-Vee	Hy-Vee	Hy-Vee
801 1st St. SE	Sugar Rose Bakeshop	Sugar Rose Bakeshop	Sugar Rose Bakeshop	Sugar Rose Bakeshop	T-Mobile

**New Prague Business Inventory
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803 1st St. SE	Mainstream Boutique	Mainstream Boutique	Mainstream Boutique	Mainstream Boutique	Mainstream Boutique
805 1st St. SE	Great Clips	Great Clips	Great Clips	Great Clips	Great Clips
807 1st St. SE	New Prague ATA Family Martial Arts	New Prague ATA Family Martial Arts	New Prague ATA Family Martial Arts	New Prague ATA Family Martial Arts	New Prague ATA Family Martial Arts
809 1st St. SE	El Tequila	El Tequila	El Tequila	El Tequila	El Tequila
815 1st St. SE	Geisen Family Chiropractic	Geisen Family Chiropractic	Geisen Family Chiropractic	Geisen Family Chiropractic	Geisen Family Chiropractic
817 1st St. SE	ID Threadz	ID Threadz	ID Threadz	ID Threadz	ID Threadz
819 1st St. SE	Star Nails	Star Nails	Star Nails	Star Nails	Star Nails
821 1st St. SE	Massage 4 U	Massage 4 U	Massage 4 U	Massage 4 U	Massage 4 U
823 1st St. SE	Uncle Earl's Pet Center	Uncle Earl's Pet Center	Uncle Earl's Pet Center	Uncle Earl's Pet Center	Uncle Earl's Pet Center
1101 1st St. SE	First Bank and Trust	First Bank and Trust	First Bank and Trust	First Bank and Trust	First Bank and Trust
1100 1st St. SE	Praha Village	Praha Village	Praha Village	Praha Village	Praha Village
1701 1st St. SE					Scooters Coffee (applied for a buidling permit and minor subdivision).
1300 Main St. E.	Holy Trinity Lutheran Church	Holy Trinity Lutheran Church (Expansion)	Holy Trinity Lutheran Church	Holy Trinity Lutheran Church	Holy Trinity Lutheran Church
100 Chalupsky Ave SE	Walgreens	Walgreens	Walgreens	Walgreens	Walgreens
102 Chalupsky Ave. SE	Vacant Lot	Vacant Lot	Vacant Lot	Vacant Lot	Vacant Lot
201 Chalupky Ave. SE			Vacant (New Construction)	Vacant	Tobacco E-Cig's Center
203 Chalupsky Ave. SE			Vacant (New Construction)	Vacant	Tobacco E-Cig's Center
205 Chalupsky Ave. SE			Vacant (New Construction)	Vacant	Vacant
207 Chalupsky Ave. SE			Vacant (New Construction)	Edward Jones	Edward Jones
209 Chalupsky Ave SE	Vacant	Southwest Eyecare	Southwest Eyecare	Southwest Eyecare	Southwest Eyecare
211 Chalupsky Ave SE	Vacant	Southwest Eyecare	Southwest Eyecare	Southwest Eyecare	Southwest Eyecare
213 Chalupsky Ave SE	Verizon Wireless Store	Verizon Wireless Store	Verizon Wireless Store	Verizon Authorized Retailer - Victra	Verizon Authorized Retailer - Victra
215 Chalupsky Ave SE	New Prague Vape & Tobacco	New Prague Vape & Tobacco	New Prague Vape & Tobacco	New Prague Vape & Tobacco	Vacant
217 Chalupsky Ave SE	Papa Murphy's	Papa Murphy's	Papa Murphy's	Papa Murphy's	Papa Murphy's
219 Chalupsky Ave SE	Hairchitects	Hairchitects	Hairchitects	Hairchitects	Hairchitects
221 Chalupsky Ave SE	Anytime Fitness	Anytime Fitness	Anytime Fitness - interior alterations	Anytime Fitness	Anytime Fitness
225 Chalupsky Ave SE	Heartland Credit Union	Heartland Credit Union	Heartland Credit Union	Heartland Credit Union	Heartland Credit Union

**New Prague Business Inventory
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200 Alton Ave SE	Coborns (Expansion of Main Store, Liquor Store) - Caribou Coffee	Coborns - Caribou Coffee	Coborns - Caribou Coffee	Coborns - Caribou Coffee	Coborns - Caribou Coffee
103 Chalupsky Ave. SE	O'Reilly Auto Parts	O'Reilly Auto Parts	O'Reilly Auto Parts	O'Reilly Auto Parts	O'Reilly Auto Parts
101 Chalupsky Ave. SE	Vacant Lot	Vacant Lot	Permit Applied for New McDonalds	McDonalds	McDonalds
100 Alton Ave SE				Vacant Lot (purchased by Heartland Credit Union)	Vacant Lot
102 Alton Ave SE				Vacant Lot	Vacant Lot
1185 280th St.	Jeff Belzers Ford, Chrysler, Jeep, Dodge, Ram (Alterations and Annexed into the City)	Jeff Belzers Ford, Chrysler, Jeep, Dodge, Ram	Jeff Belzers Ford, Chrysler, Jeep, Dodge, Ram	Jeff Belzers Ford, Chrysler, Jeep, Dodge, Ram	Jeff Belzers Ford, Chrysler, Jeep, Dodge, Ram
939 280th St. W.	Jeff Belzers New Prague Chevrolet (Annexed into the City)	Jeff Belzers New Prague Chevrolet	Jeff Belzers New Prague Chevrolet	Jeff Belzers New Prague Chevrolet	Jeff Belzers New Prague Chevrolet
169 280th St. W.	Tri County Auto Body	Tri County Auto Body	Tri County Auto Body	Tri County Auto Body	Tri County Auto Body
3105 LeRoy Av.	Deutsch Construction	Deutsch Construction	Deutsch Construction	Deutsch Construction	Deutsch Construction
200 E. 280th St.	HillSpring Church	HillSpring Church	HillSpring Church	HillSpring Church	HillSpring Church
27980 Koeper Ave	Hands of Friendship	Hands of Friendship	Hands of Friendship	Hands of Friendship	Hands of Friendship
27851 Koeper Ave	McGuire Landscaping	McGuire Landscaping	McGuire Landscaping	McGuire Landscaping	McGuire Landscaping
530 280th St. W.	Spirit of Life Church	Spirit of Life Church	Spirit of Life Church	Spirit of Life Church	Spirit of Life Church
27934 Koeper Ave.	Praha Distributing	Praha Distributing	Praha Distributing	Praha Distributing	Praha Distributing
27920 Koeper Ave.	Vacant	Vacant	Vacant	Vacant	Vacant
27800 Koeper Ave.	Advanced Seeding and Erosion Control	Advanced Seeding and Erosion Control	Advanced Seeding and Erosion Control	Advanced Seeding and Erosion Control	Advanced Seeding and Erosion Control
1530 280th St. W.	KA Witt - Pinpoint Realty	KA Witt - Pinpoint Realty	KA Witt - Pinpoint Realty	KA Witt - Pinpoint Realty	KA Witt - Pinpoint Realty
1409 Main St. E.	Gerold Bros. Construction / The Well	Gerold Bros. Construction / The Well	Gerold Bros. Construction / Vacant	Vacant / Prodena Auction Services	Hertaus Flooring (submitted a building permit)/ Prodena Auction Services
1401 Main St. E.	NAPA Auto Parts - MN Auto Depot	NAPA Auto Parts - MN Auto Depot	NAPA Auto Parts - MN Auto Depot	NAPA Auto Parts - MN Auto Depot	NAPA Auto Parts - MN Auto Depot
1501 1st St. NE	Memories & Milestones Academy - Vacant suite	Memories & Milestones Academy (Expansion Underway)	Memories & Milestones Academy (Expansion Completed)	Memories & Milestones Academy (New Ownership)	Early Childhood Academy (new name)
101 Chalupsky Ave. NE	Vacant Lot	Kwik Trip	Kwik Trip	Kwik Trip	Kwik Trip
1305 1st Street NE					Bishop Investments (office under construction)
1400 1st. St. NE	Parkview Medical Clinic- Optimal Sports Physical Therapy	Parkview Medical Clinic- Optimal Sports Physical Therapy	Parkview Medical Clinic- Optimal Sports Physical Therapy	Parkview Medical Clinic - Optimal Sports Physical Therapy	Parkview Medical Clinic - Optimal Sports Physical Therapy
1403 1st St NE				Lonsdale Construction	Lonsdale Construction
1407 1st St. NE	Lonsdale Construction Company / Vacant - 3 Apartments Upstairs	Lonsdale Construction Company / MN Grain & Feed Association - 3 Apartments Upstairs	Lonsdale Construction Company / MN Grain & Feed Association - 3 Apartments Upstairs	MN Grain & Feed Association - 3 Apartments Upstairs	Tech Support Minnesota, Apartments Upstairs
1200 1st St. NE	Quality Inn & Suites	Quality Inn & Suites	Quality Inn & Suites	Quality Inn & Suites	Quality Inn & Suites

**New Prague Business Inventory
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1306 1st St. NE	Giesenbrau Bier Co.	Giesenbrau Bier Co.	Giesenbrau Bier Co. (outdoor patio expansion)	Giesenbrau Bier Co.	Giesenbrau Bier Co.
1300 1st St. NE	ACE Hardware	ACE Hardware	ACE Hardware	ACE Hardware	ACE Hardware
1201 1st St. NE	New Day Church	New Day Church	New Day Church	New Day Church	New Day Church
1301 1st St. NE	Re/Max Advantage Plus - American Family Kreuser Office - Distinctive Mortgages - No. American Title - Vacant	Re/Max Advantage Plus - American Family Kreuser Office - Distinctive Mortgages - No. American Title - Trademark Title	Re/Max Advantage Plus - American Family Kreuser Office - Distinctive Mortgages - Trademark Title	Re/Max Advantage Plus - American Family Kreuser Office - Distinctive Mortgages - Trademark Title	Re/Max Advantage Plus - American Family Kreuser Office - Distinctive Mortgages - Trademark Title
1102 1st St. NE	Pizza Ranch	Pizza Ranch	Pizza Ranch	Pizza Ranch	Pizza Ranch (temporarily closed)
1100 1st St. NE	Roundbank	Roundbank	MinnWest Bank	MinnWest Bank	MinnWest Bank
1101 1st St. NE	Goldsmith Eye Care	Goldsmith Eye Care	Goldsmith Eye Care	Goldsmith Eye Care	Goldsmith Eye Care
203 10th Ave NE				Valley Accounting & Tax - Keepsake Insurance Agency, LLC	Valley Accounting & Tax - Keepsake Insurance Agency, LLC
205 10th Ave. NE	New Prague Ceska Louisville Insurance - Valley Accounting & Tax - Keller Property Management - Keepsake Insurance	New Prague Ceska Louisville Insurance - Valley Accounting & Tax - Keller Property Management - Keepsake Insurance	New Prague Ceska Louisville Insurance - Valley Accounting & Tax - Keller Property Management - Keepsake Insurance	New Prague Ceska Louisville Insurance	New Prague Ceska Louisville Insurance
211 10th Ave. NE	Main Street Dental	Main Street Dental	Main Street Dental	Main Street Dental	Main Street Dental
212 Ladyslipper Av.	Midwest Assistance / Ameriprise	Midwest Assistance / Ameriprise	Midwest Assistance / Ameriprise	Midwest Assistance / Ameriprise	Midwest Assistance / Ameriprise
212 10th Ave. NE	Mayo Clinic Health Systems New Prague	Mayo Clinic Health Systems New Prague	Mayo Clinic Health Systems New Prague	Mayo Clinic Health Systems New Prague	Mayo Clinic Health Systems New Prague
200 10th Ave. NE	Fishtale Grill	Fishtale Grill	Fishtale Grill	Fishtale Grill	Fishtale Grill
104 10th Ave. NE	Subway - Vacant	Subway - The Yoga Tree	Subway - The Yoga Tree	Subway - The Yoga Tree	Subway - The Yoga Tree
102 10th Ave. NE	Holiday (internal alterations)	Holiday	Holiday	Holiday	Holiday
1003 Main St. E.	NP Vet Clinic	NP Vet Clinic	NP Vet Clinic	NP Vet Clinic	NP Vet Clinic
411 Main St. E.	Adelphia Metals	Adelphia Metals	Adelphia Metals	Adelphia Metals	Adelphia Metals
301 Main St. E.	H&R Block - Secure Base Counseling Center	H&R Block - Secure Base Counseling Center	H&R Block - Secure Base Counseling Center	H&R Block - Seure Base Counseling Center	H&R Block - Seure Base Counseling Center
115 1st Ave. SE	Kubes Realty - South Suburban Oral Surgeons - Kayla Paler Photography - Restoration Fitness & Wellcare - Brusseau Diversified Wealth Management - South Metro Counseling - Scott Equipment - Scott Equipment	Kubes Realty - South Suburban Oral Surgeons - Restoration Fitness & Wellcare - Brusseau Diversified Wealth Management - South Metro Counseling - Scott Equipment - Shimota Project Management	Kubes Realty - South Suburban Oral Surgeons - Restoration Fitness & Wellcare - Brusseau Diversified Wealth Management - South Metro Counseling - Scott Equipment - Shimota Project Management	Kubes Realty-South Suburban Oral Surgeons-Brusseau Diversified Wealth Management-South Metro Counseling-Scott Equipment-Shimota Project Management-Amy Wold Licensed Psychologist	Kubes Realty - South Suburban Oral Surgeons - Brusseau Diversified Weackh Management - South Metro Counseling - Scott Equipment - Shimota Project Management - Amy Wold Licensed Psychologist
227 Main St. E.	St. Wenceslaus Church & School	St. Wenceslaus Church & School	St. Wenceslaus Church & School	St. Wenceslaus Church & School	St. Wenceslaus Church & School

**New Prague Business Inventory
2024**

Section 5, Item a.

Address	Occpant Status 1/16/20	Occpant Status 1/13/21	Occpant Status 1/6/22	Occupant Status 1/2/2023	Occupant Status 1/9/2024
201 Main St. E.	Back & Neck Clinic	Back & Neck Clinic - Alteration	Back & Neck Clinic	Back & Neck Clinic	Back & Neck Clinic
129 Main St. E.	MinnTrust Mortgage - Apartment Upstairs	Vacant - Apartment Upstairs	Vacant - Apartment Upstairs	Innovative Waste Recyclcing - Apartment Upstairs	Innovative Waste Recyclcing - Apartment Upstairs
127 Main St E	Vacant	Vacant	1319 Woodfire Tavern	1319 Woodfire Tavern	1319 Woodfire Tavern
125 Main St. E.	Czech'ers Sports Bar	Czech'ers Sports Bar	1319 Woodfire Tavern	1319 Woodfire Tavern	1319 Woodfire Tavern
123 Main St. E.	Cedar and Sage	Cedar and Sage	Cedar and Sage	Cedar and Sage	Cedar and Sage
123A Main St. E.	Velvet Touch Catering	Velvet Touch Catering	Velvet Touch Catering	Velvet Touch Catering	Velvet Touch Catering
121 Main St. E.	Massage on Main	Hertaus Floors	Hertaus Floors	Hertaus Floors	Hertaus Floors
121 Main St. E. Suite A	Hertaus Floors	Hertaus Floors	Hertaus Floors	Hertaus Floors	Hertaus Floors
119 Main St. E.	Wornson Goggins	Wornson Goggins	Wornson Goggins	Wornson Goggins	Wornson Goggins
111 Main St. E.	Tupy Insurance	Tupy Insurance	Tupy Insurance	Tupy Insurance	Tupy Insurance
107 E. Main Street	Vacant	Vacant	The Local 105	The Local 105	The Local 105
105 Main St. E.	Vacant	Vacant	The Local 105	The Local 105	The Local 105
103 Main St. E.	Scott County Abstract & Title - Murray & Associates LLC	Scott County Abstract & Title - Murray & Associates LLC	Scott County Abstract & Title - Murray & Associates LLC	Scott County Abstract & Title - Murray & Associates LLC	Scott County Abstract & Title - Murray & Associates LLC
101 Central Av. N.	Dr. Doug Vayda	Dr. Doug Vayda	Dr. Doug Vayda	Dr. Doug Vayda	Dr. Doug Vayda
101 Main St. E.	New Prague Chamber of Commerce	New Prague Chamber of Commerce	New Prague Chamber of Commerce	New Prague Chamber of Commerce	New Prague Chamber of Commerce
107 Central Av. N.	Vacant - Keller Williams Realty - Vacant - Vacant	Vacant - Keller Williams Realty - Vacant - Vacant	Vacant - Keller Williams Realty - Vacant - Vacant	Carol Lambrecht - Keller Williams Preferred Realty - Vacant - Vacant	Carol Lambrecht - Keller Williams Preferred Realty - Vacant - Vacant
111 Central Av. N.	US Bank	US Bank - Alterations	US Bank	US Bank	US Bank
201 Central Av. N.	Faithpoint Lutheran Church	Faithpoint Lutheran Church (For Sale)	House of Grace Church	House of Grace Church	House of Grace Church
118 Central Av. N.	City of New Prague	City of New Prague	City of New Prague	City of New Prague	City of New Prague
101 Main St. W.	City Purchased - "Central Plaza" Plans Underway	City Purchased - "Central Plaza" Plans Underway	Central Plaza (pending construction)	Central Plaza	Central Plaza
103 Main St. W.	Pioneer Bar	Pioneer Bar	Pioneer Bar	Pioneer Bar	Outlaw Saloon
105 Main St. W.	Schoenecker Agency Farmers Insurance - Small Town Girl	Schoenecker Agency Farmers Insurance - Small Town Girl	Schoenecker Agency Farmers Insurance - Small Town Girl	Schoenecker Agency Farmers Insurance - Small Town Girl	Schoenecker Agency Farmers Insurance - Small Town Girl

**New Prague Business Inventory
2024**

Section 5, Item a.

Address	Occpant Status 1/16/20	Occpant Status 1/13/21	Occpant Status 1/6/22	Occupant Status 1/2/2023	Occupant Status 1/9/2024
111 Main St. W.	O'Neill Brothers - Hear Hear - Ultimate Hearing - Permit to Carry - Assured Polygraph	O'Neill Brothers - Hear Hear - Ultimate Hearing - Vacant - Insurarates Insurance Agency Jamie Prip	O'Neill Brothers - Hear Hear - Ultimate Hearing - Sandra Fleming Piano Studio - Insurarates Insurance Agency Jamie Prip - The Thoughtful Realtor	O'Neil Brothers-Hear Here Hearing Center-Sandra Fleming Piano Studio-Insurarates Insurance Agency Jaime Prip - The Thoughtful Realtor (Natalie Watson)-Assured Polygraph	O'Neil Brothers-Hear Here Hearing Center-Vacant-Insurarates Insurance Agency Jaime Prip - The Thoughtful Realtor (Natalie Watson)-Assured Polygraph
115 Main St. W.	BevComm	Bevcomm - Internal Alterations	Bevcomm	Bevcomm	Bevcomm
119 Main St. W. Suite B	Marquardt Jewelers	Marquardt Jewelers	Marquardt Jewelers (new upper level apartments)	Marquardt Jewelers	Marquardt Jewelers
119 Main St. W. Suite B	Barr Taxidermy	Barr Taxidermy	Barr Taxidermy	Barr Taxidermy	Barr Taxidermy
119 Main St W Suite C				Driftwood Builders	Close At Title
119 Main St. W. Suite D	350Five	350Five	K-Bid	Mikhail Bondarenko handyman service	Arty's Auto
121 Main St. W.	Lau's Bakery	Lau's Bakery	Lau's Bakery	Lau's Bakery	Lau's Bakery
123 Main St. W.	Hanson Sew Much More	Main Street Massage	Main Street Massage	Main Street Massage	Main Street Massage
125 Main St. W.	International Quality Home Care/Omega Medical Supply, LLC	International Quality Home Care/Omega Medical Supply, LLC	International Quality Home Care/Omega Medical Supply, LLC	Vacant	Minnesota Grain and Feed Association
133 Main St. W.	Kubes Furniture & Flooring - ReSee	Kubes Furniture & Flooring - ReSee	Kubes Furniture & Flooring - ReSee	Kubes Furniture & Flooring - Resee	Kubes Furniture & Flooring - Resee
131 Main Street W.	Vacant - Apartments Upstairs	Kubes Furniture & Flooring - Apartments Upstairs	Kubes Furniture & Flooring - Apartments Upstairs	Kubes Furniture & Flooring - Apartments Upstairs	Kubes Furniture & Flooring - Apartments Upstairs
201 Main St. W.	State Farm Insurance (McGillen) - NP Music Institute	State Farm Insurance (McGillen) - NP Music Institute	State Farm Insurance (McGillen) - NP Music Institute	State Farm Insurance (McGillen) - NP Music Institute	State Farm Insurance (McGillen) - NP Music Institute
203/205 Main St. W.	Dorzinski Barber - Hairbenders - US Car & Truck Auto Buyers - Advanced Concepts Skincare - Gliszinski Law Office	Dorzinski Barber - Vacant - Advanced Concepts Skincare - Gliszinski Law Office	Dorzinski Barber - Vacant - Advanced Concepts Skincare - Gliszinski Law Office	Vacant - Vacant - Advanced Concepts Skincare - Gliszinski Law Office	Hair Force Barbershop- Calvary Church - Advanced Concepts Skincare - Gliszinski Law Office
207 Main St. W.	City Club Bar - Apartments upstairs	City Club Bar - Apartments upstairs	City Club Bar - Apartments upstairs	City Club Bar - Apartments upstairs	City Club Bar - Apartments upstairs
215 1/2 Main St. W.	Humble Pie / Storage Area (Alterations)	Humble Pie / Storage Area	Humble Pie / Storage Area	Lark Studio Arts (under construction) / Storage Area	Lark Studio Arts / Storage Area
217 Main St. W.	Wells Fargo	Wells Fargo	Wells Fargo	Wells Fargo	Wells Fargo
309 Main St. W.	Strike Force Bowl	Strike Force Bowl	Strike Force Bowl	Strike Force Bowl	Strike Force Bowl
325 Main St. W.	Joe's Shoe Repair	Joe's Shoe Repair	Joe's Shoe Repair	Joe's Shoe Repair	Joe's Shoe Repair
329 Man St. W.	Flipside	Flipside	The Rusty Spoke (remodeling underway)	The Rusty Spoke (remodeling underway)	The Rusty Spoke (remodeling underway)
401 Main St. W.	The Car Lot New Prague	The Car Lot New Prague	The Car Lot New Prague	The Car Lot New Prague	The Car Lot New Prague
201 4th Av. NW	Caseys	Caseys	Caseys	Casey's	Casey's

**New Prague Business Inventory
2024**

Section 5, Item a.

Address	Occupant Status 1/16/20	Occupant Status 1/13/21	Occupant Status 1/6/22	Occupant Status 1/2/2023	Occupant Status 1/9/2024
201 4th Av. NW	New Prague Touchless Car Wash	New Prague Touchless Car Wash	New Prague Touchless Car Wash	New Prague Touchless Car Wash	New Prague Touchless Car Wash
27252 Helena Blvd	Lakers Sanitary	Lakers Sanitary	Lakers Sanitary	Lakers Sanitary	Lakers Sanitary
409 2nd St. NW	Lakers Sanitary	Lakers Sanitary	Lakers Sanitary	Lakers Sanitary	Lakers Sanitary
415 4th Ave NW	New Prague Animal Care	New Prague Animal Care	New Prague Animal Care	New Prague Animal Care	New Prague Animal Care
413 4th Av. NW	Central Fire Protection - The Detail Shop - Property Expressions Too - Vacant	Central Fire Protection - Vacant - Property Expressions Too	Central Fire Protection - Vacant - Property Expressions Too	Central Fire Protection - Vacant - Property Expressions Too	Central Fire Protection - Vacant - Property Expressions Too
417 4th Ave. NW	Vacant	Vacant	Vacant	Vacant	Vacant
509 4th Ave NW	Al's Car Wash	Al's Car Wash	Al's Car Wash	Al's Car Wash	Al's Car Wash
605 4th Av. NW	Scott Equipment	Scott Equipment	Scott Equipment	Scott Equipment	Scott Equipment
407 7th St. NW	Chart	Chart	Chart (Hydrogen Test Site Added)	Chart	Chart
201 7th Street NW	Chart A.I.	MVE Biological Solutions	MVE Biological Solutions (interior remodel)	MVE Biological Solutions (expansion underway)	MVE Biological Solutions (expansion underway)
435 Main St. W.	Speedway	Speedway	Speedway	Speedway	Speedway
104 4th Av. NW	Kwik Trip (Alterations)	Kwik Trip	Kwik Trip	Kwik Trip	Kwik Trip
609 Main St. W.	Wencel Kubes Custom Cabinets	Wencel Kubes Custom Cabinets	Wencel Kubes Custom Cabinets	Wencel Kubes Custom Cabinets	Wencel Kubes Custom Cabinets
(West of Town)	Used mostly for personal storage by Palmer Welcome	Used mostly for personal storage by Palmer Welcome	Used mostly for personal storage by Palmer Welcome	Used mostly for personal storage by Palmer Welcome	Used mostly for personal storage by Palmer Welcome
442 Main St. W.	New Prague Park and Sell	New Prague Park and Sell (For Sale)	New Prague Park and Sell (For Sale)	New Prague Park and Sell (For Sale)	New Prague Park and Sell (For Sale)
438 Main St. W.	Hanzel Refinishing & Upholstering	Hanzel Refinishing & Upholstering	Hanzel Refinishing & Upholstering	Hanzel Refinishing & Upholstering	Vacant
436 Main Street W	Vacant	Vacant	Vacant	Vacant	Vacant
208 4th Av. SW	Ettlins Café	Ettlins Café	Ettlins Café	Ettlins Café	Ettlins Café
400 4th Av. SW	CVF Racing - Storage	Nick Slavik Painting and Restoration	Nick Slavik Painting and Restoration (interior alterations)	Nick Slavik Painting and Restoration	Nick Slavik Painting and Restoration
470 5th Ave. SW	Four Seasons Tires, LLC	Four Seasons Tires, LLC	Four Seasons Tires, LLC	Four Seasons Tires, LLC	Four Seasons Tires, LLC
500 4th Av. SW	Tracker Management - D&K Auto Repair	Tracker Management - D&K Auto Repair	Tracker Management - D&K Auto Repair	Tracker Management - DNK Auto Repair	Tracker Management - U-Haul Neighborhood Dealer
603 4th Av. SW	Palmer Welcome Auto	Palmer Welcome Auto	Palmer Welcome Auto	Palmer Welcome Auto	Palmer Welcome Auto
830 4th Ave. SW.	Pillar of Grace Church	Calvary Church (Temporary Location)	Word of Life Church	Word of Life Church	Word of Life Church
2191 4th Ave. SW	Nieman Roofing	Nieman Roofing	Nieman Roofing	Nieman Roofing	Nieman Roofing

**New Prague Business Inventory
2024**

Section 5, Item a.

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698 15th St. SW	A&W Automotive	A&W Automotive	A&W Automotive	A & W Automotive	A & W Automotive
1574 3rd Av. SW Suite 1	Cities Edge Collision and Glass	Cities Edge Collision and Glass	Cities Edge Collision and Glass	Cities Edge Collision and Glass	Cities Edge Collision and Glass
1574 3rd Av. SW Suite 2	Vacant	Vacant	Vacant	Vacant	Vacant
1658 3rd Av. SW	Pete's Repair	Pete's Repair	Pete's Repair	Legacy Autoworx (formerly Pete's Repair), Euroworx	Legacy Autoworx , Euroworx
1776 3rd Ave SW	New Prague Mini Storage	New Prague Mini Storage	New Prague Mini Storage	New Prague Mini Storage	New Prague Mini Storage
294 15th Street SW	Otero Trucking	Otero Trucking	Otero Trucking	Vacant	Vacant
1111 4th Av. NW	Radon - Vacant Lot now occupied by a billboard	Radon (For Sale)	Radon, Ivy Brook Parking (exterior storage)	Radon, Ivy Brook Parking (new electronic variable message sign)	Radon, Ivy Brook Parking
100 12th St. NW	New Prague Area Community Center	New Prague Area Community Center	New Prague Area Community Center	New Prague Community Center (rennovations)	New Prague Community Center
4975 Le Sueur Av.	KA Witt Facility	KA Witt Facility	KA Witt Facility	KA Witt Facility	KA Witt Facility
27252 Helena Blvd.	Laker's New Prague Sanitary	Laker's New Prague Sanitary	Laker's New Prague Sanitary	Laker's New Prague Sanitary	Laker's New Prague Sanitary
200 12th St. NE	New Prague Gymnastics Club	New Prague Gymnastics Club	New Prague Gymnastics Club	New Prague Gymnastics Club	New Prague Gymnastics Club
510 6th St. NW	Neil Dornbush & Assoc. - Dornbusch Asset Management	Neil Dornbush & Assoc. - Dornbusch Asset Management	Neil Dornbush & Assoc. - Dornbusch Asset Management	Anderson Process	Anderson Process
520 6th St. NW	Rahn Industries	D&D Mechanical	D&D Mechanical	D & D Mechanical	D & D Mechanical
600 6th St. NW	Busch Brothers - Midwest Food Processing - Lutgen Technologies - Filetech - Central McGowan, Inc.	Busch Brothers - Midwest Food Processing - Lutgen Technologies - Filetech - Central McGowan, Inc.	Busch Brothers - Midwest Food Processing - Lutgen Technologies - Filetech - Central McGowan, Inc.	Busch Brothers (Orion Machining) - Midwest Food Processing -Lutgen Technologies	Busch Brothers (Orion Machining) - Midwest Food Processing -Lutgen Technologies
624, 626, 628 6th Street NW	BevComm - D&D Mechanical - CVF Racing	BevComm (Storage) - CVF Racing (Expanded)	BevComm (Storage) - CVF Racing (Expanded)	Bevcomm (Storage) - CVF Racing	Bevcomm (Storage) - CVF Racing
700 6th St. NW	I.P.S. Industrial Pneumatic Systems	I.P.S. Industrial Pneumatic Systems	I.P.S. Industrial Pneumatic Systems	I.P.S. Industrial Pneumatic Systems	I.P.S. Industrial Pneumatic Systems
800 6th St. NW	Quality Flow - Quality Control & Integration - Sprint Cell Tower	Quality Flow - Quality Control & Integration - Sprint Cell Tower	Quality Flow - Quality Control & Integration - Sprint Cell Tower	Quality Flow - Quality Control & Integration -Sprint Cell Tower	Quality Flow - Quality Control & Integration -Sprint Cell Tower (new storage building under construction)
906 6th St NW	Great River Energy	Great River Energy	Great River Energy	Great River Energy	Great River Energy
504 6th Av. NW Suite 1	Mayo Clinic Rehabilitation Services	Mayo Clinic Rehabilitation Services	Mayo Clinic Rehabilitation Services	Mayo Clinic Rehabilitation Services	Mayo Clinic Rehabilitation Services
502 6th Ave. NW	Electromed (Addition in 2019)	Electromed	Electromed	Electromed	Electromed

**New Prague Business Inventory
2024**

Section 5, Item a.

Address	Occpant Status 1/16/20	Occpant Status 1/13/21	Occpant Status 1/6/22	Occupant Status 1/2/2023	Occupant Status 1/9/2024
505 6th Av. NW	Vacant	Vacant	Vacant	Vacant	Vacant
503 6th Av. NW	Picha Electric	Picha Electric	Picha Electric	Picha Electric	Picha Electric
412 5th Av. NW	Steele 7 Associates LLC	Steele 7 Associates LLC (Technipac)	Steele 7 Associates LLC (Technipac)	Vacant (for sale)	City of New Prague Park Maintenance Building
411 5th Ave. NW	Semi Truck Storage	Semi Truck Storage	Semi Truck Storage	Semi Truck Storage	Semi Truck Storage
505 5th Ave. NW	New Prague Fire & Ambulance Facility	New Prague Fire & Ambulance Facility	New Prague Fire & Ambulance Facility	New Prague Fire & Ambulance Facility	New Prague Fire & Ambulance Facility
1001 Columbus Av. N.	Mala Strana Nursing Home	Mala Strana Nursing Home	Mala Strana Nursing Home	Mala Strana Nursing Home	Mala Strana Nursing Home
201 2nd St. NE	Mayo Clinic Health Systems New Prague (2019 Alterations)	Mayo Clinic Health Systems New Prague (2020 Alterations)	Mayo Clinic Health Systems New Prague	Mayo Clinic Health Systems New Prague	Mayo Clinic Health Systems New Prague
311 Columbus Av. N.	Queens Court (senior housing 1st floor - hospital offices 2nd floor)	Queens Court (senior housing 1st floor - hospital offices 2nd floor)	Queens Court (senior housing 1st floor - hospital offices 2nd floor)	Queens Court (senior housing 1st floor - hospital offices 2nd floor)	Queens Court (senior housing 1st floor - hospital offices 2nd floor)
313 Columbus Ave. N.	Peace Center	Peace Center	Peace Center	Peace Center	Peace Center
1101 1st Ave. NW	Chart Inc. Large Tank Facility	Chart Inc. Large Tank Facility (exterior storage expansion)	Chart Inc. Large Tank Facility	Chart Inc. Larhe Tank Facility	Chart Inc. Larhe Tank Facility
206 3rd Ave. NW	Storage - Superior Remodeling - Storage - Storage	Storage - Superior Remodeling - Storage - Storage	Storage - Storage - Storage - Storage	Storage - Storage - Storage - Storage	Storage - Storage - Storage - Storage
507 1st Street SW	Terra Somniorum Publishing - 2nd Level Apartment	Terra Somniorum Publishing - 2nd Level Apartment	Terra Somniorum Publishing - 2nd Level Apartment	Terra Somniorum Publishing - 2nd Level Apartment	Terra Somniorum Publishing - 2nd Level Apartment
1826 Rolling Meadows Ct	Seurer Custom Welding and Prop Repair	Seurer Custom Welding and Prop Repair	Seurer Custom Welding and Prop Repair	Seurer Custom Welding and Prop Repair	Seurer Custom Welding and Prop Repair
501 6th Street NW	Braith Auto	Braith Auto	Braith Auto	Braith Auto (expansion)	Braith Auto
601 6th Street NW	Vacant Lot	Vacant Lot	Vacant Lot	Vacant Lot	Scott Equipment (submitted a building permit for new office building)
603 6th Street NW	Paul Hanzel Homes / Dynamic Woodworks	Paul Hanzel Homes / Dynamic Woodworks	Paul Hanzel Homes / Dynamic Woodworks	Paul Hanzel Homes/Dynamic Woodworks	Paul Hanzel Homes/Dynamic Woodworks
605 6th Street NW	Vacant Lot	Vacant Lot	Vacant Lot	Vacant Lot	Vacant Lot
701 6th Street NW	Vacant Lot	Vacant Lot	Vacant Lot	Vacant Lot	Vacant Lot
703 6th Street NW	Vacant Lot	Vacant Lot	Vacant Lot	Vacant Lot	Vacant Lot
801 6th Street NW	Vacant Lot	Vacant Lot	Vacant Lot	Vacant Lot	Brick's Boatworks



118 Central Avenue North, New Prague, MN 56071
phone: 952-758-4401 fax: 952-758-1149

MEMORANDUM

TO: HONORABLE MAYOR AND CITY COUNCIL
CC: EDA & PLANNING COMMISSION
FROM: KEN ONDICH, PLANNING / COMMUNITY DEVELOPMENT DIRECTOR
SUBJECT: SUMMARY OF 2023 GROWTH STATISTICS
DATE: JANUARY 25, 2024

Attached to this memo is the “Summary of 2023 Growth Statistics” report as compiled by the Community Development Department. This report is provided as information to the Council, Planning Commission and EDA on an annual basis.

A few key points to note are the following:

- Number of new single-family construction permits decreased from 14 in 2022 to 11 in 2023.
- Value of the constructed new single-family home permits only decreased by approximately \$236,132 from 2022 to 2023.
- Average new construction single family home values increased from \$176,456 in 2022 to \$203,113 in 2023.
- There were 0 multifamily units constructed in 2023.
- The number of commercial/industrial permits decreased from 46 in 2022 to 42 in 2022.
- Value of commercial/industrial permits increased slightly from \$5,064,005 in 2022 to \$6,155.308 in 2023. Some commercial/industrial projects completed in 2023 include addition to MVE Biological Solutions, Brick’s Boatworks, relocation/expansion of tobacco shop at New Prague Commons, Sugar Rose renovations downtown, T-Mobile store renovations at East Town Plaza, and Quality Flow storage building just to name a few.
- The number of public permits increased from 6 in 2022 to 13 in 2023.
- The value of public permits increased from \$87,019 in 2022 to \$659,367 in 2023. Some of the public permits included dugouts at Foundry Hill Park, office alterations at new City Park Department office area, and a garage addition at St. Wenceslaus Church.

2023 remained a very busy year for construction activity once again, however roofing and siding permits are starting to come down as we get further removed from the large hail events in 2021/2022.

Staff Recommendation:

No action is needed. This memo was provided for informational purposes only.

City of New Prague

Summary of 2023 Growth Statistics



NEW PRAGUE

A Tradition of Progress

Published by the New Prague Community Development Department
January 12, 2023

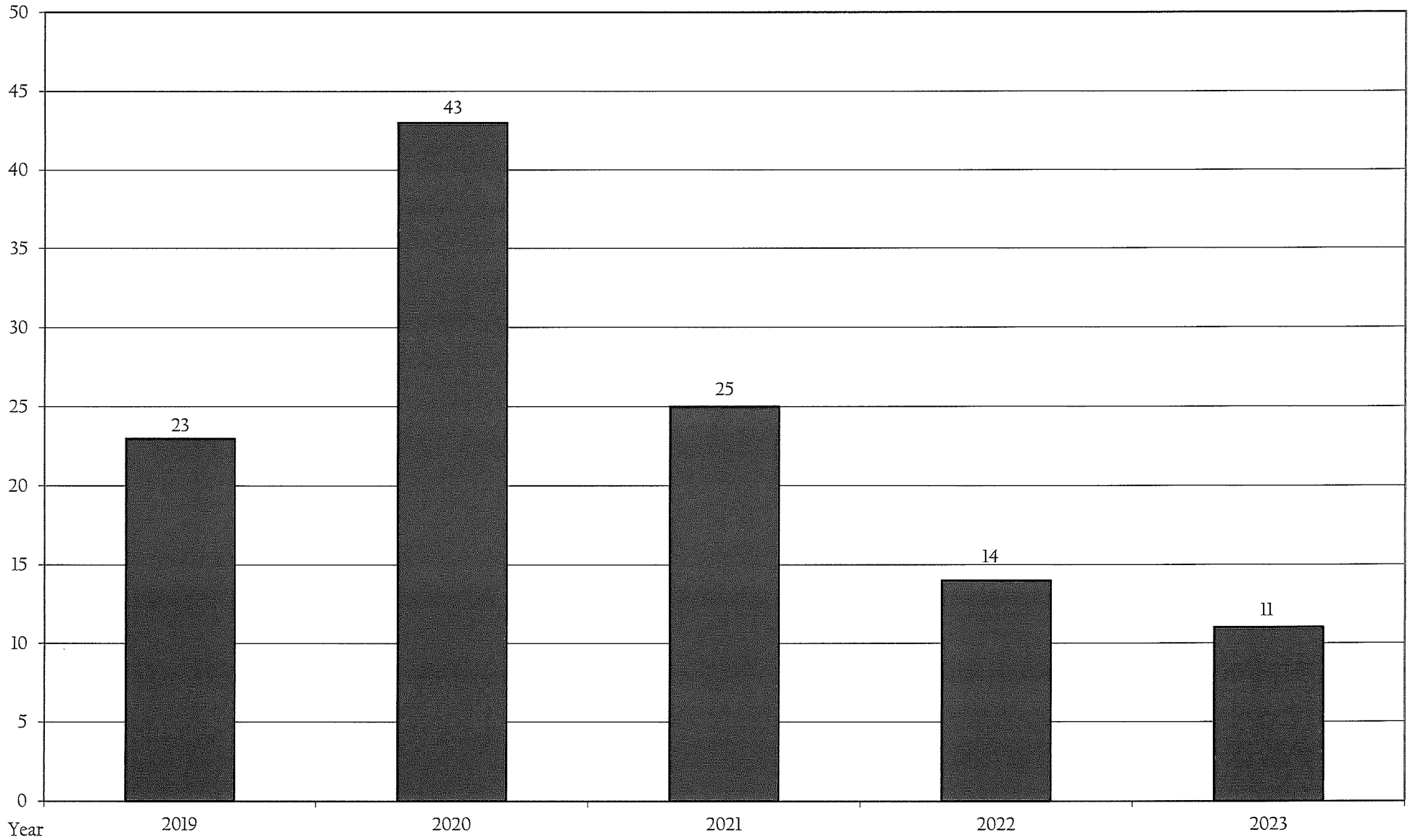
2023 PERMIT SUMMARY
January - December

	LeSueur County		Scott County		Totals	
	Number	Value	Number	Value	Number	Value
Single Family Homes	4	\$751,770.40	7	\$1,482,481.60	11	\$2,234,252.00
Townhomes (owner occupied)	0	\$0.00	0	\$0.00	0	\$0.00
Multi - Family (renter occupied)	0	\$0.00	0	\$0.00	0	\$0.00
*Misc.	203	\$3,987,303.72	224	\$3,697,143.75	427	\$7,684,447.47
Commercial/Industrial	14	\$496,212.00	28	\$5,659,096.00	42	\$6,155,308.00
Public - Schools, Churches, City, Hospital	2	\$39,867.00	11	\$619,500.00	13	\$659,367.00
	223	\$5,275,153.12	270	\$11,458,221.35	493	\$16,733,374.47

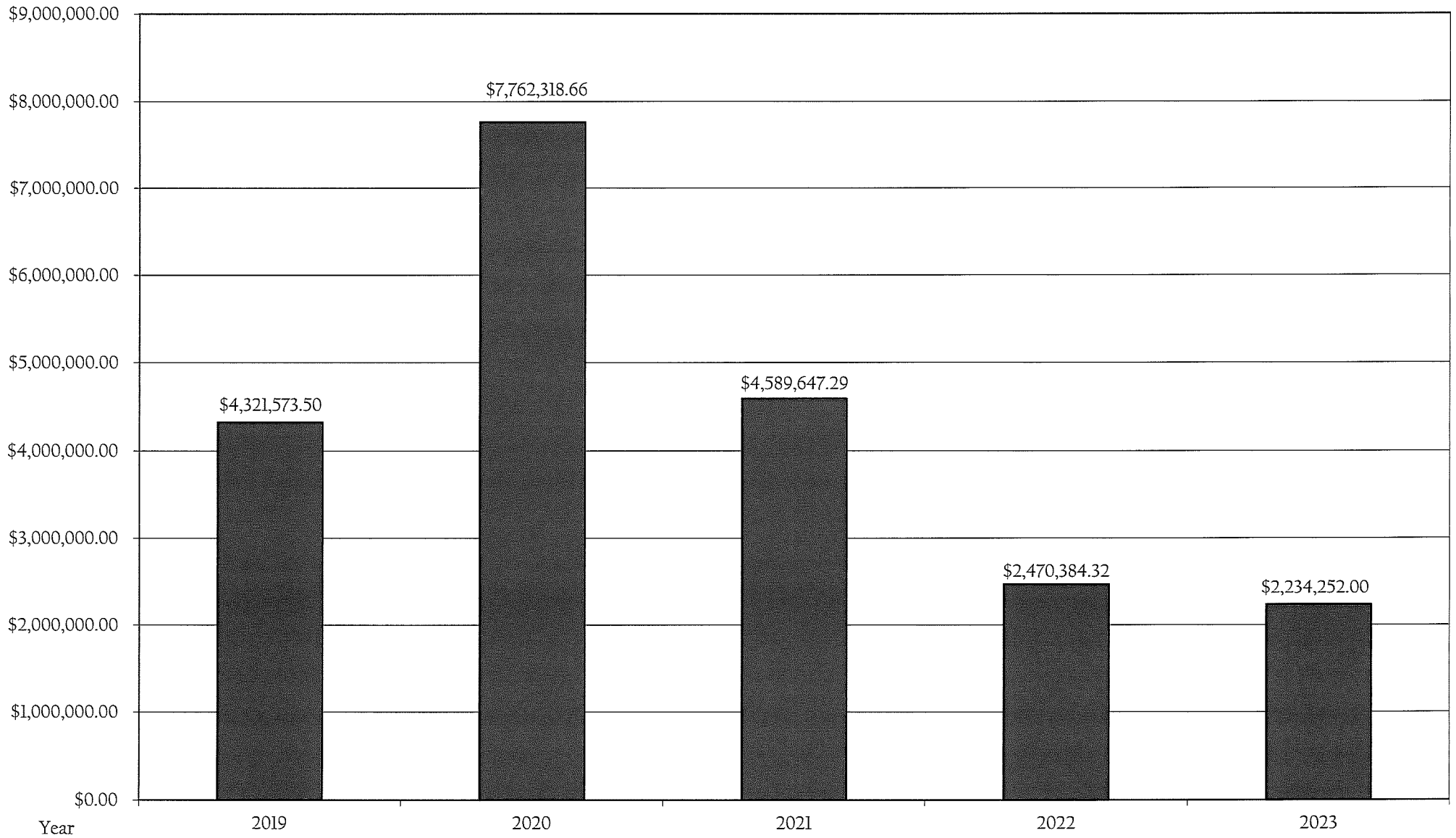
*Includes permits for: Alterations Bathroom, Kitchen, Deck, Finish Basement, Foundation Repair, Patio Door, Porch, Reside, Reroof, Windows, Rafter Repairs, Additions; Above Ground Pool;

Large Commerical/Industrial/Public projects include: Chalk it Up - Alteration; MVE Biological - Addition; NP Station - Tenant Buildout, Tobacco Shop - Fire Suppression, Philipp Square - Fire Alarm Panel/Sensor Replacement, Traxler Financial - Reroof, Randy Kubes- Reroof, SMR Management - Reroof, KA Witt - Reroofs, Philipps Square - Window/Door, Willow Tree - Doors, Holy Trinity - Pergola, St. Wenc - Garage Addition, Brick's Boatworks - New, Community Center - Reroof, D&R Hartman - Reroof, St. Wenc - Reroof; NP Utility - Reroof & Reside; MVE Bio - Fire Alarm & Fire Suppression; NPCL - Reroof; Velvet Touch - Reroof; Sugar Rose - Alteration New Location; Rusty Spoke Alterations; NP Vet Memorial - 2 Pillars; KA Witt - Reside; Chuck Tupy Insurance - Reroof - MVE Bio - Phase III; House of Grace - Reroof; Reroof; City Foundary Hill - 2 Dugouts; T-Mobile - Alteration; 514 E Main LLC - Reroof; Quality Flow Systems - Addition; MVE Bio - Reroof/Reside Existing Building; Randy Kubes Building (Starlight Production) - repairs exit signs, stage etc.; Seurer Properties - Reroof; City Parks Dept - Aleration Removed Wall; MVE Bio - Fire Suppression; Casey's - Repair Front of building; Holiday - Fuel Dispensing; Church of Grace - Reside; NP Schools - Reroof; Commuity Baptist - Reside; Parkview Office - Reroof; Rusty Spoke - Fire Suppression, NP Mill - Overhead Garage Doors, MVE Bio - Fire Suppression - Old Building; Kubes Furniture - Reroof; Dominos - Reroof; Tony Kubes Building - Reside; St. Wenc. - Adding a non-bearing wall.

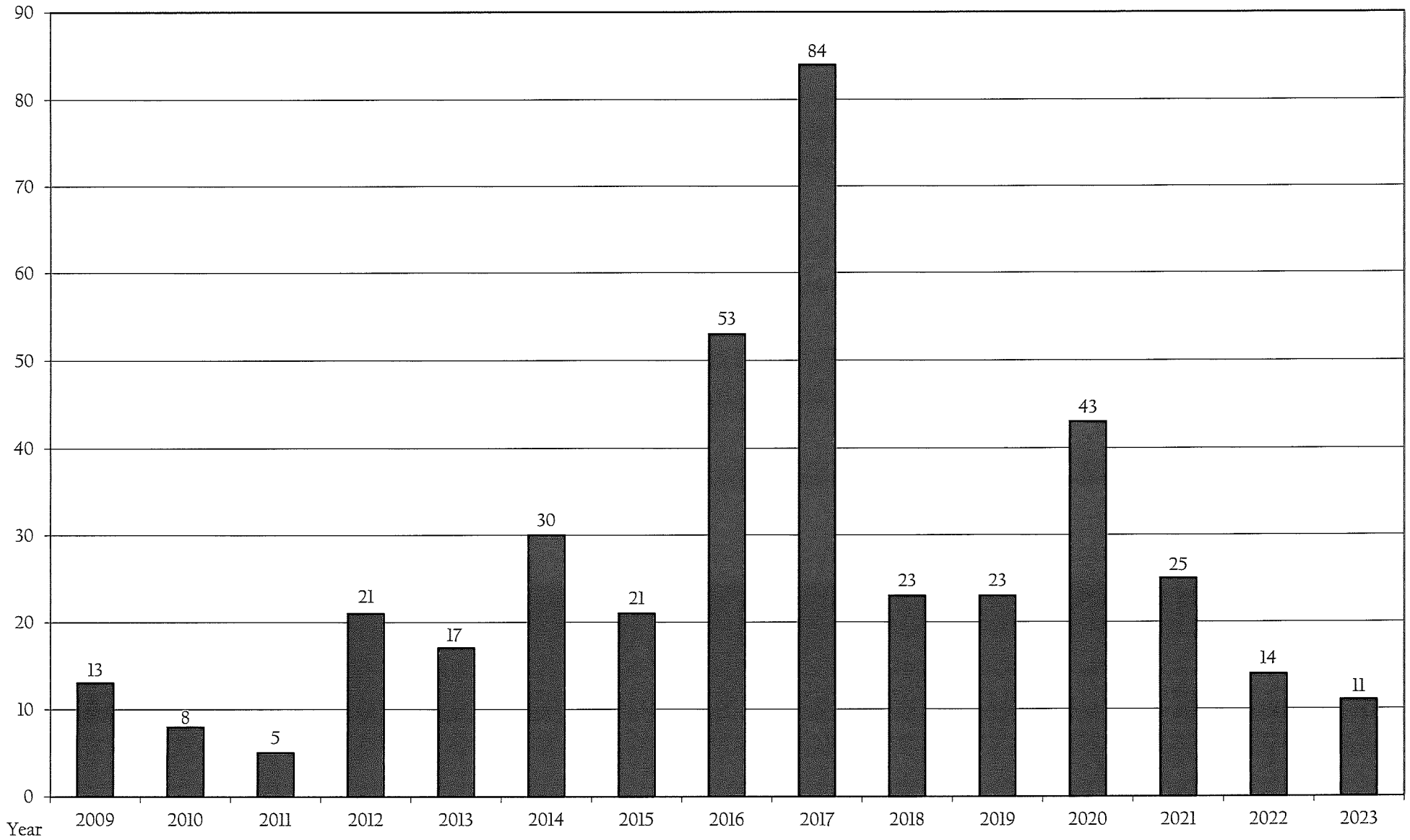
Housing Units - Single Family Homes & Townhomes 5 Year (2019 - 2023)



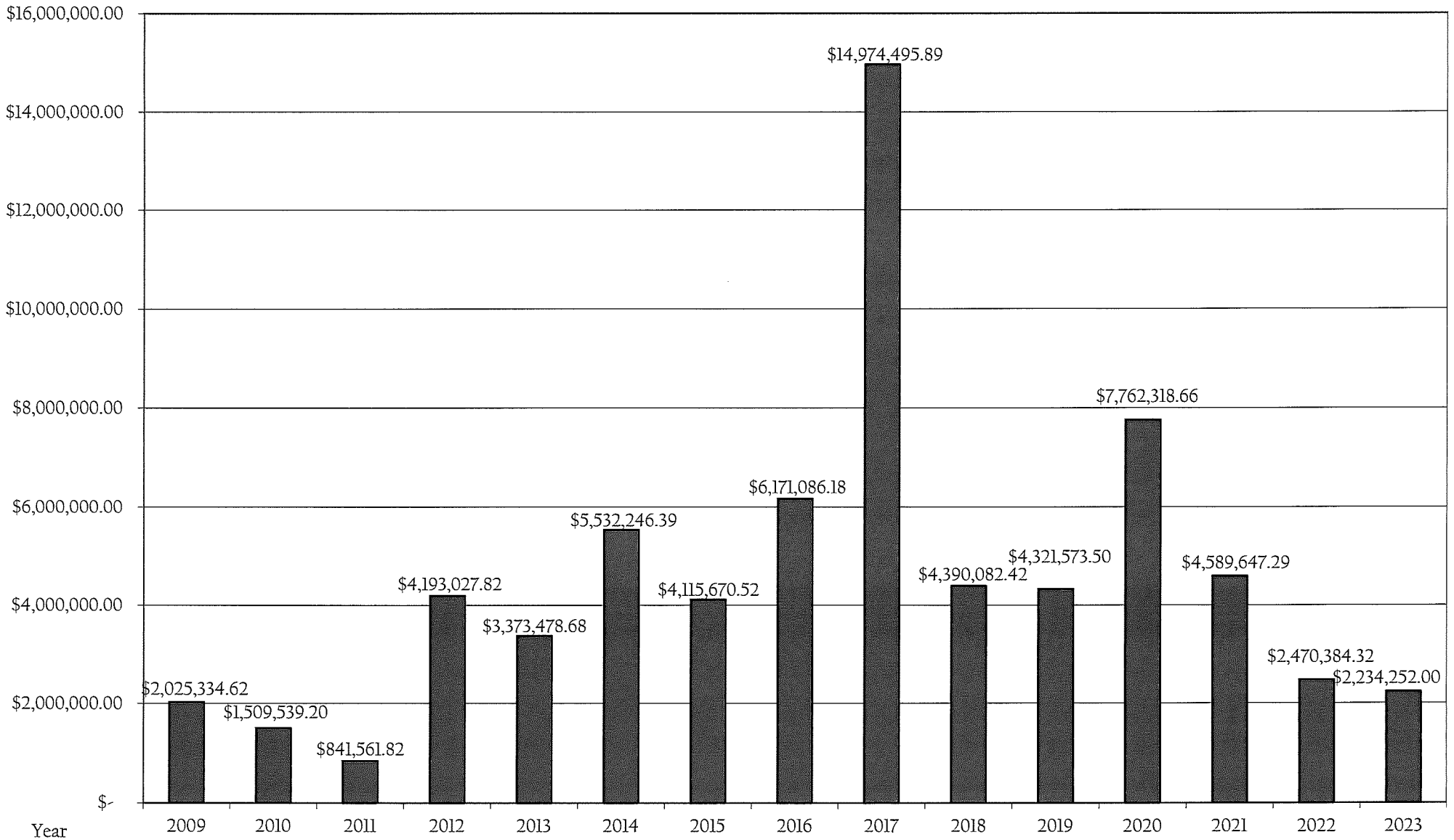
Values of Housing Units - Single Family Homes & Townhomes 5 Year (2019 - 2023)



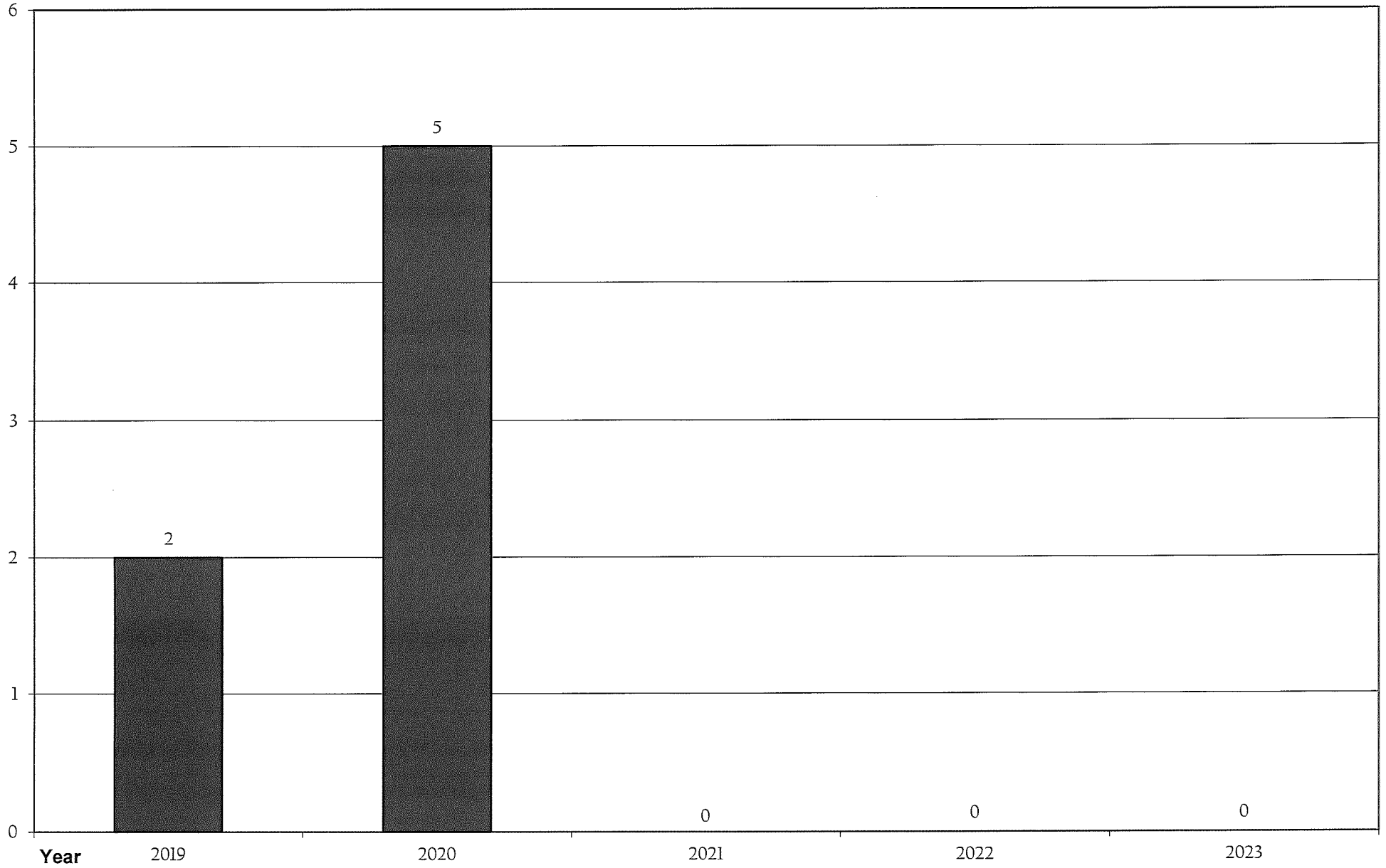
Housing Units - Single Family Homes & Townhomes 15 Year (2009 - 2023)



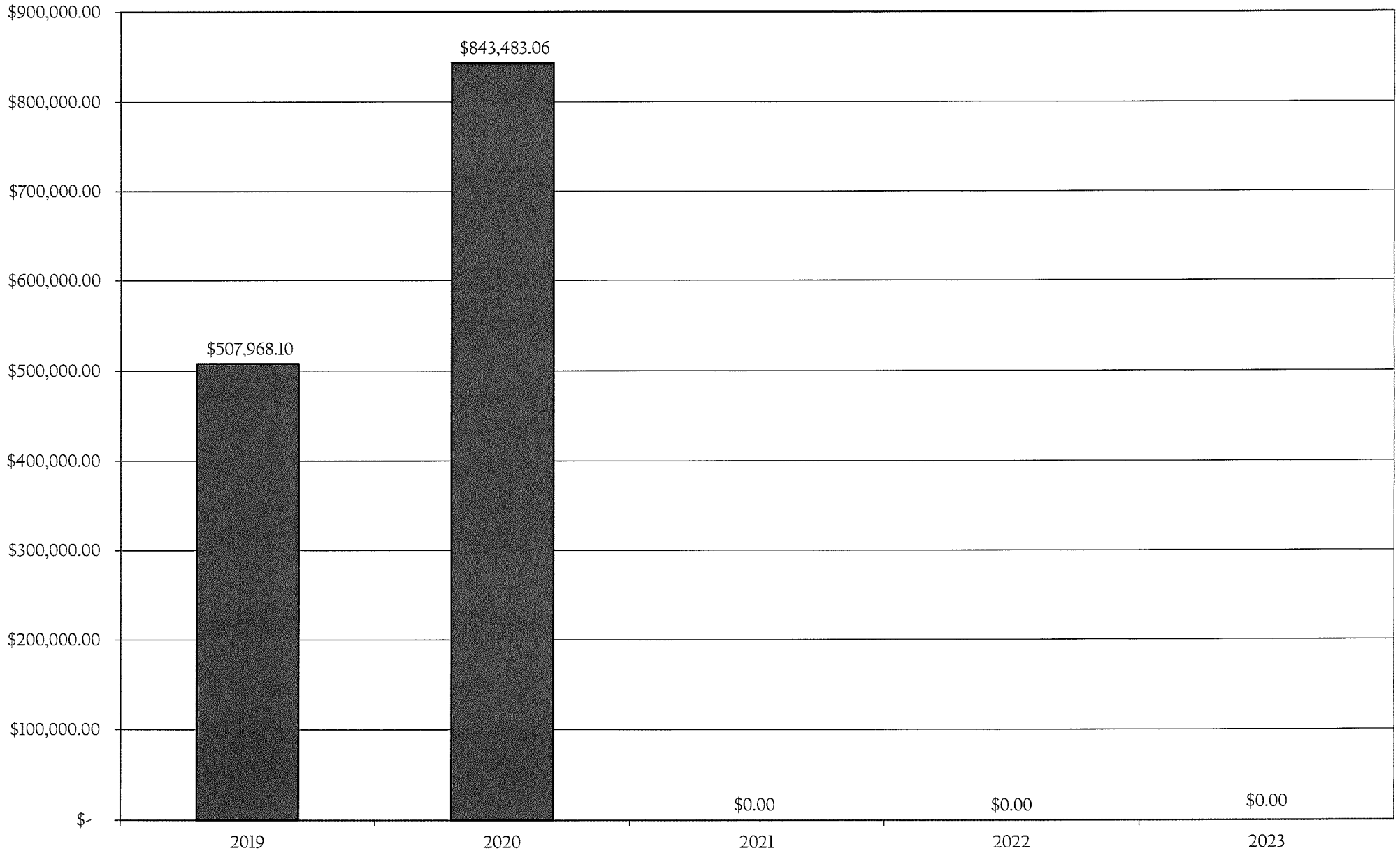
Values of Housing Units - Single Family Homes & Townhomes 15 Year (2009 - 2023)



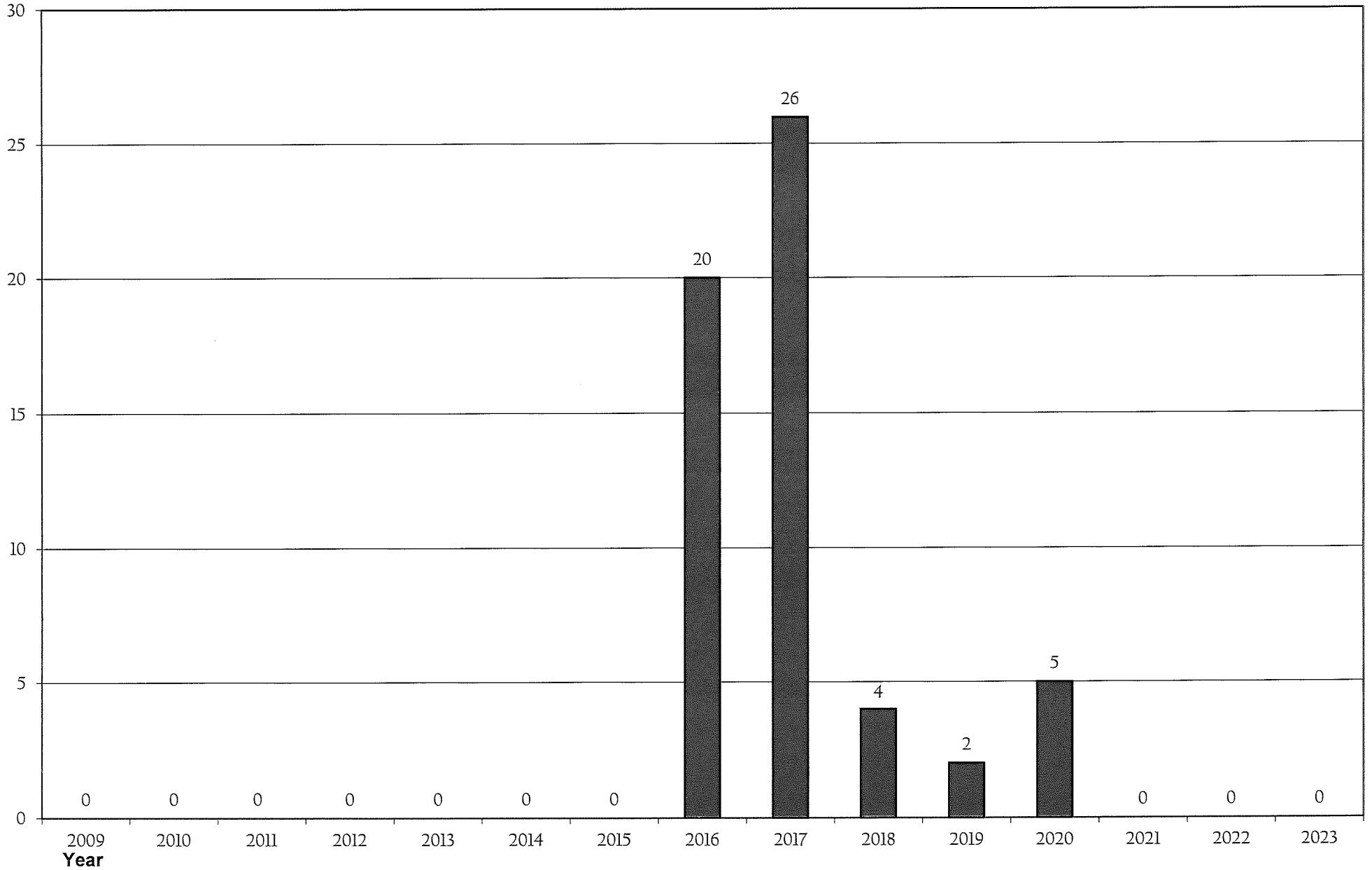
Townhouse Permits
5 Year (2019 - 2023)



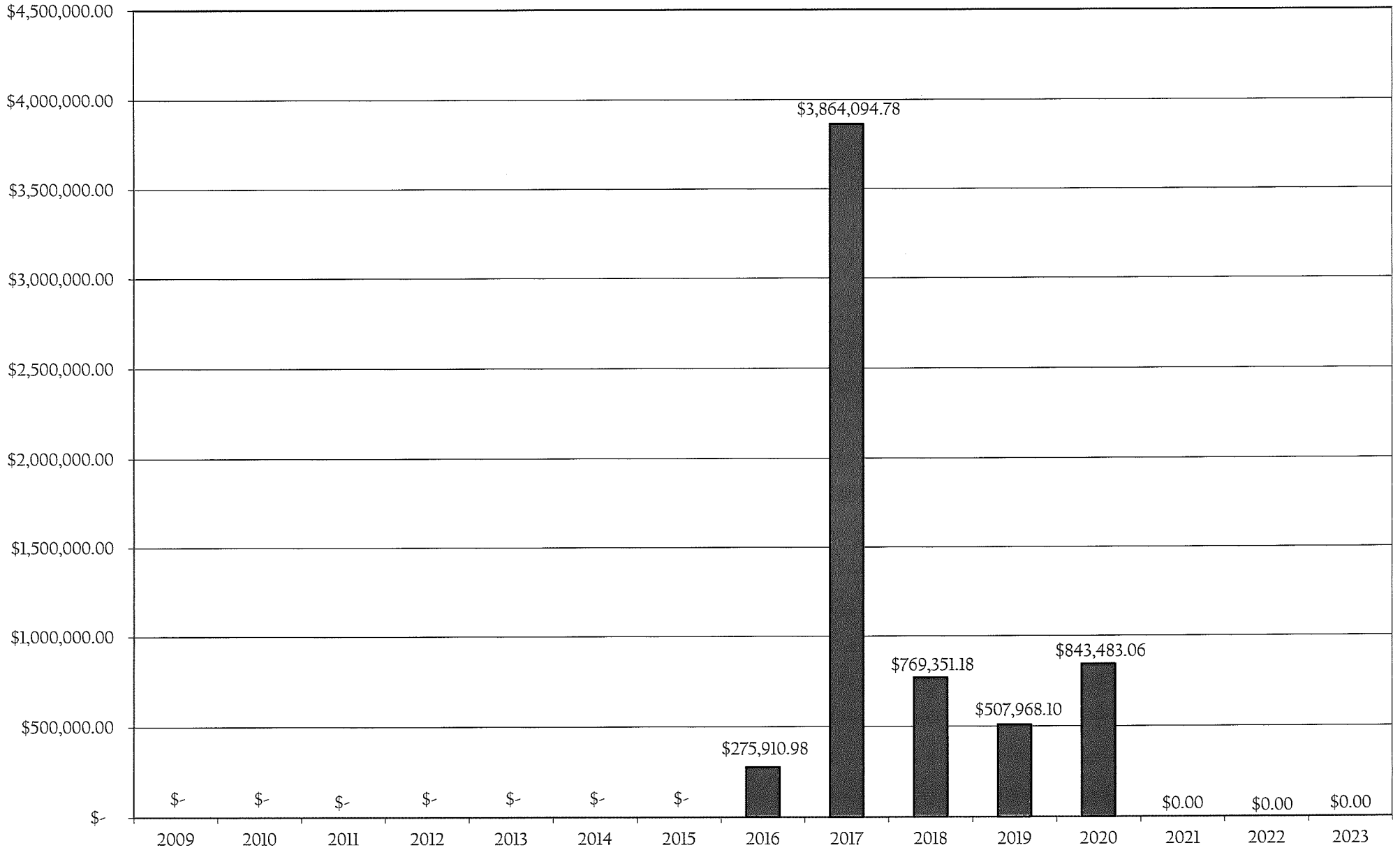
Values of Townhouses 5 Year (2019 - 2023)



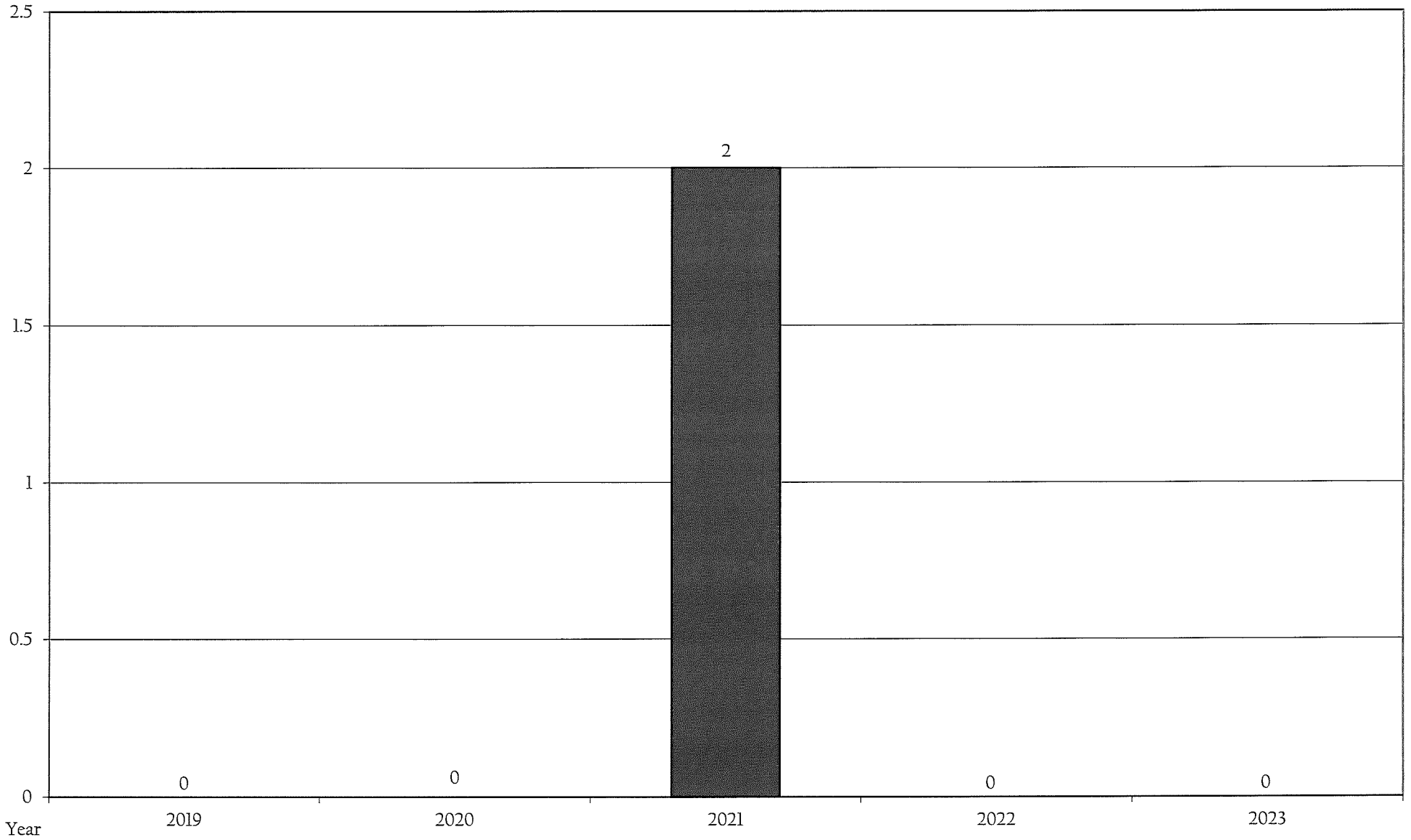
Townhouse Permits 15 Year (2009 - 2023)



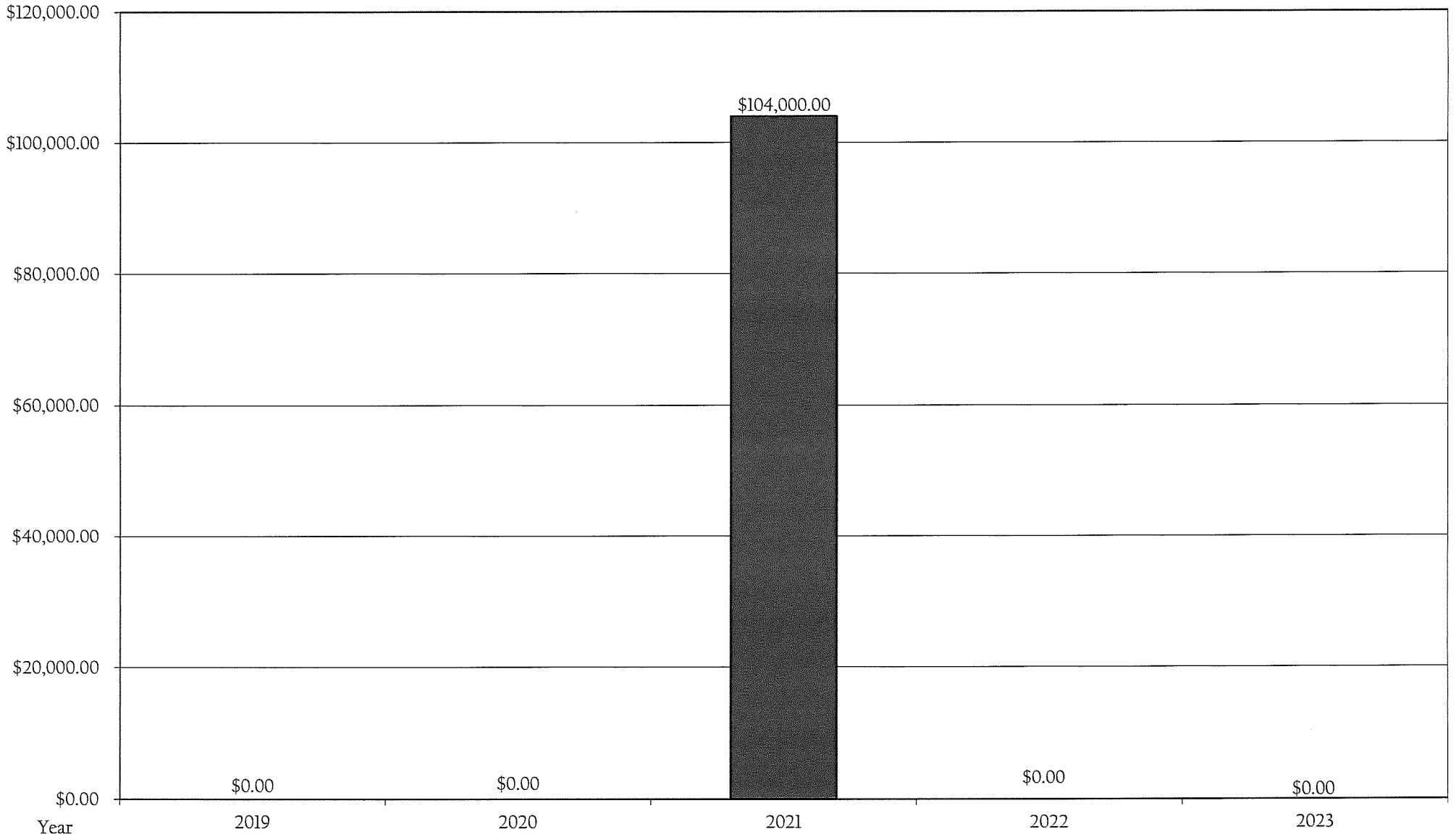
Values of Townhouses 15 Year (2009 - 2023)



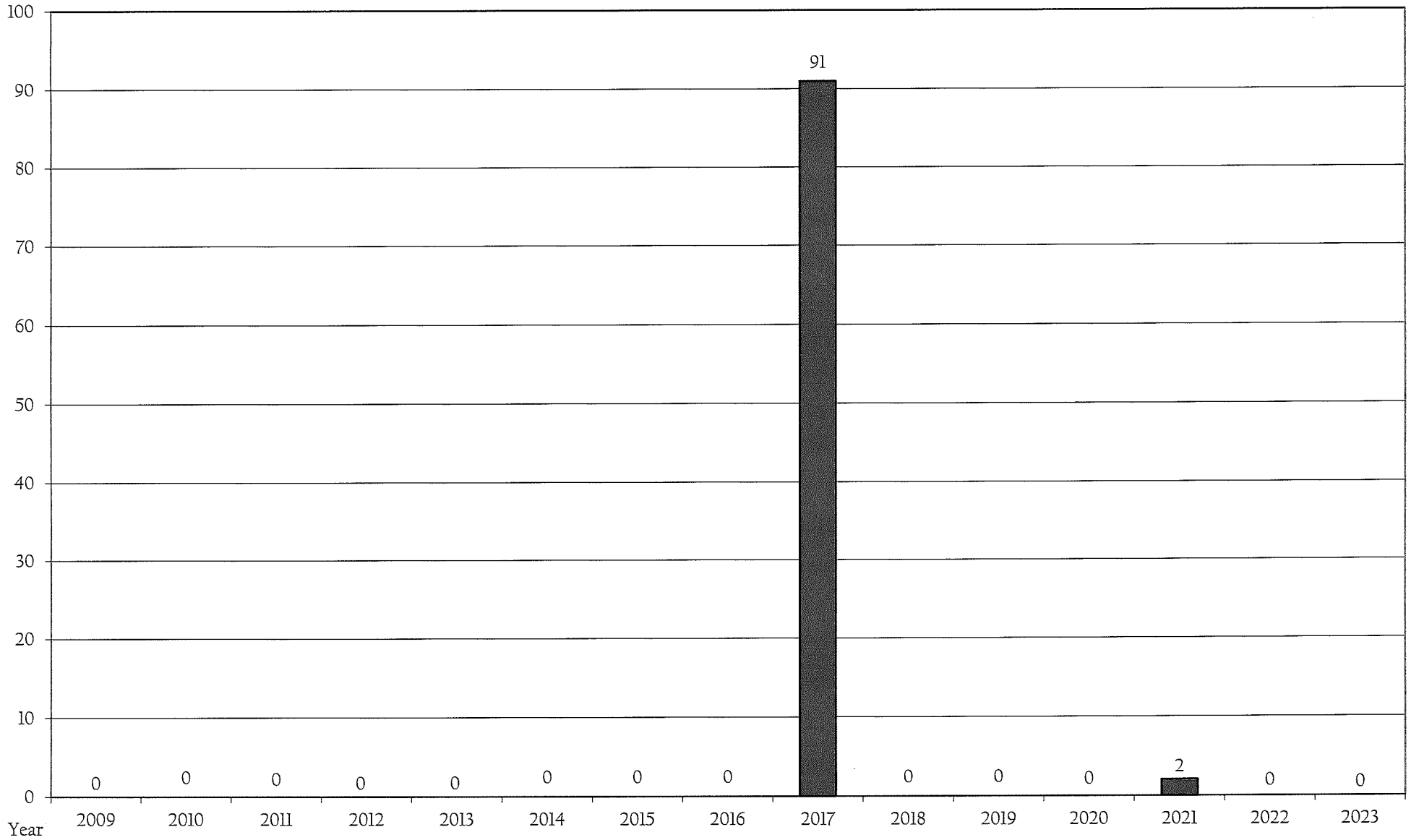
Multi Family Permits 5 Year (2019 - 2023)



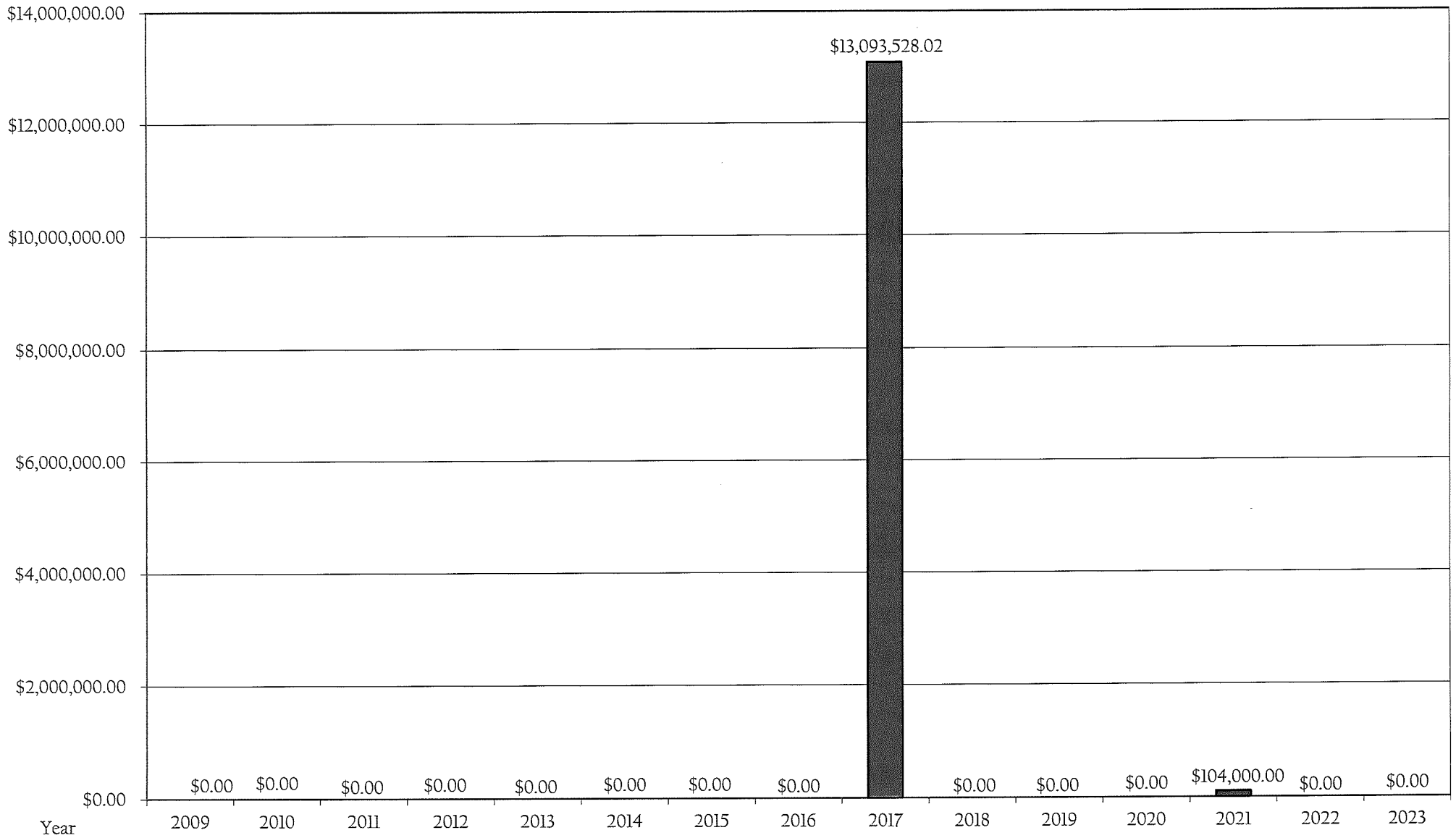
Values of Multi Family Permits 5 Year (2019 - 2023)



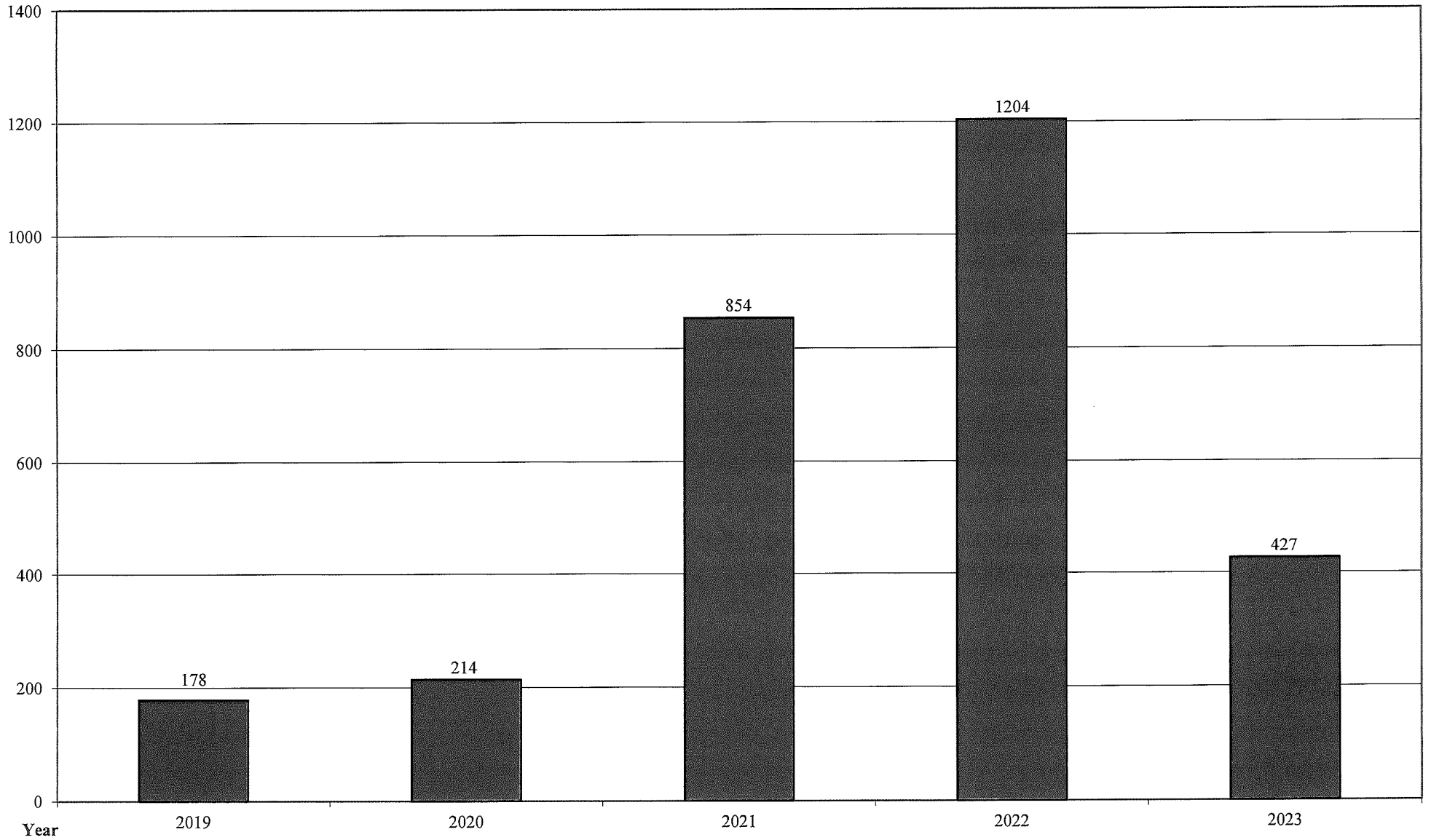
Multi Family Permits 15 Year (2009 - 2023)



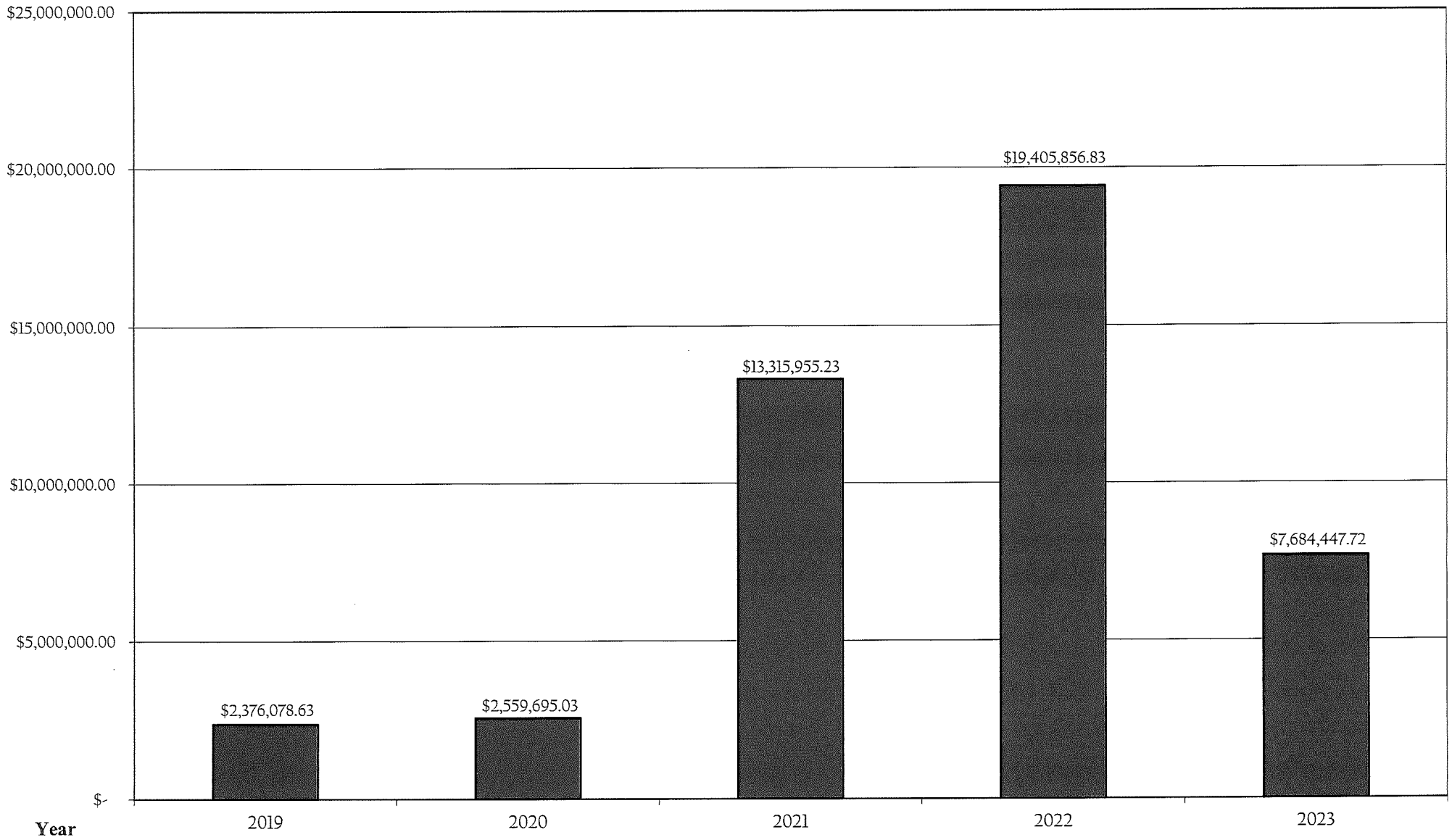
Values of Multi Family Permits 15 Year (2009 - 2023)



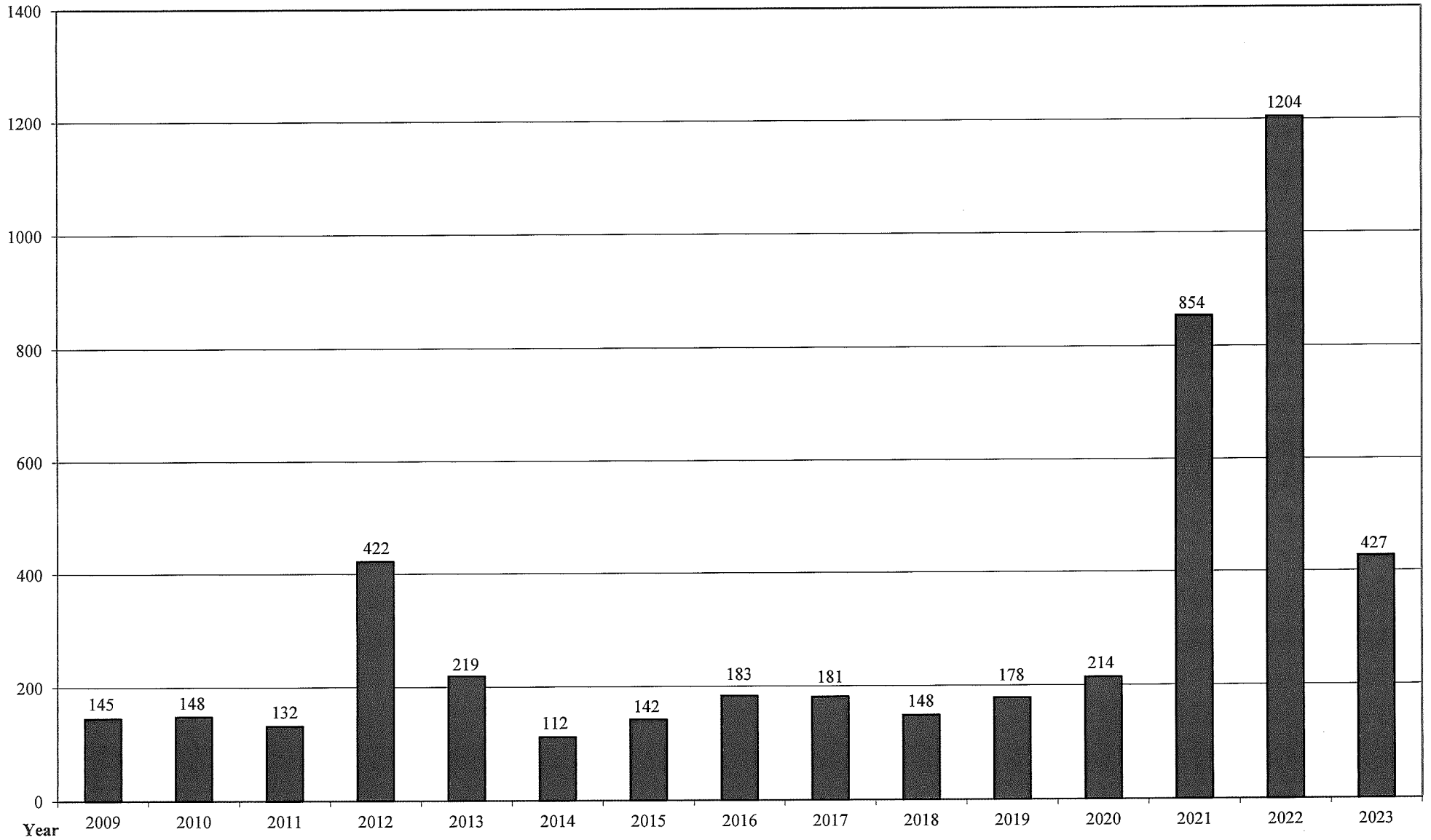
Misc. Permits 5 Years (2019 - 2023)



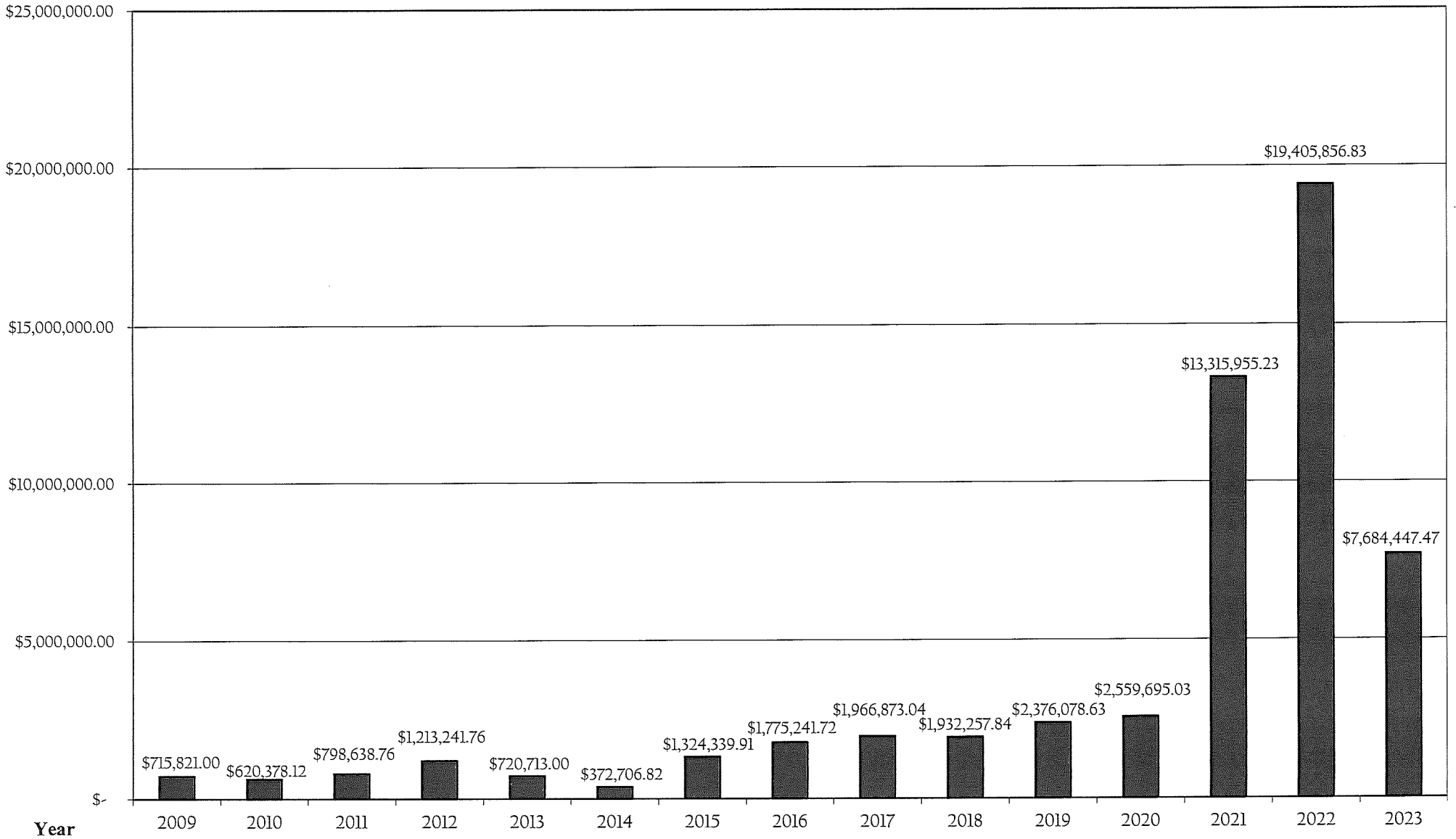
Values of Misc. Permits 5 Year (2019 - 2023)



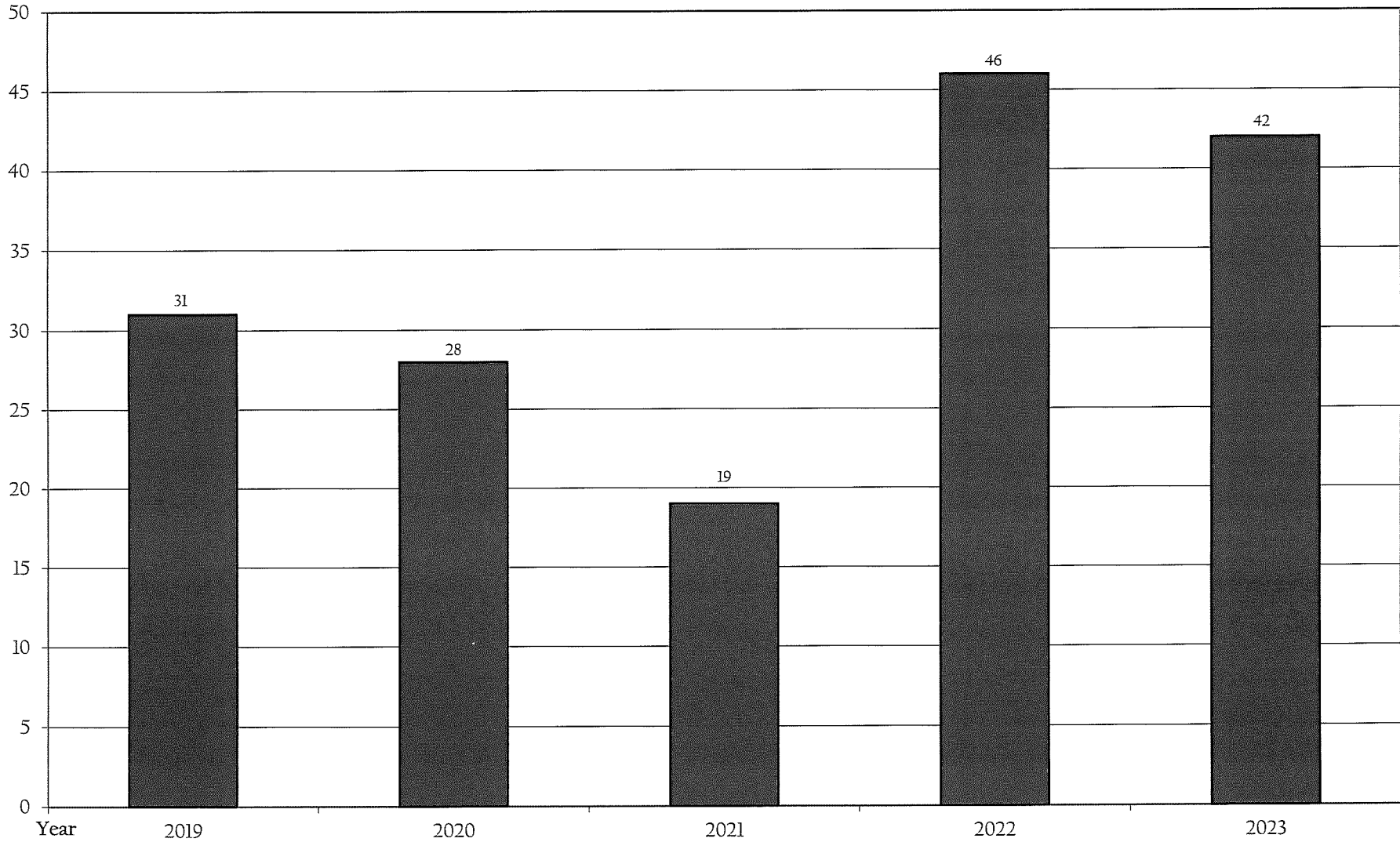
Misc. Permits 15 Years (2009 - 2023)



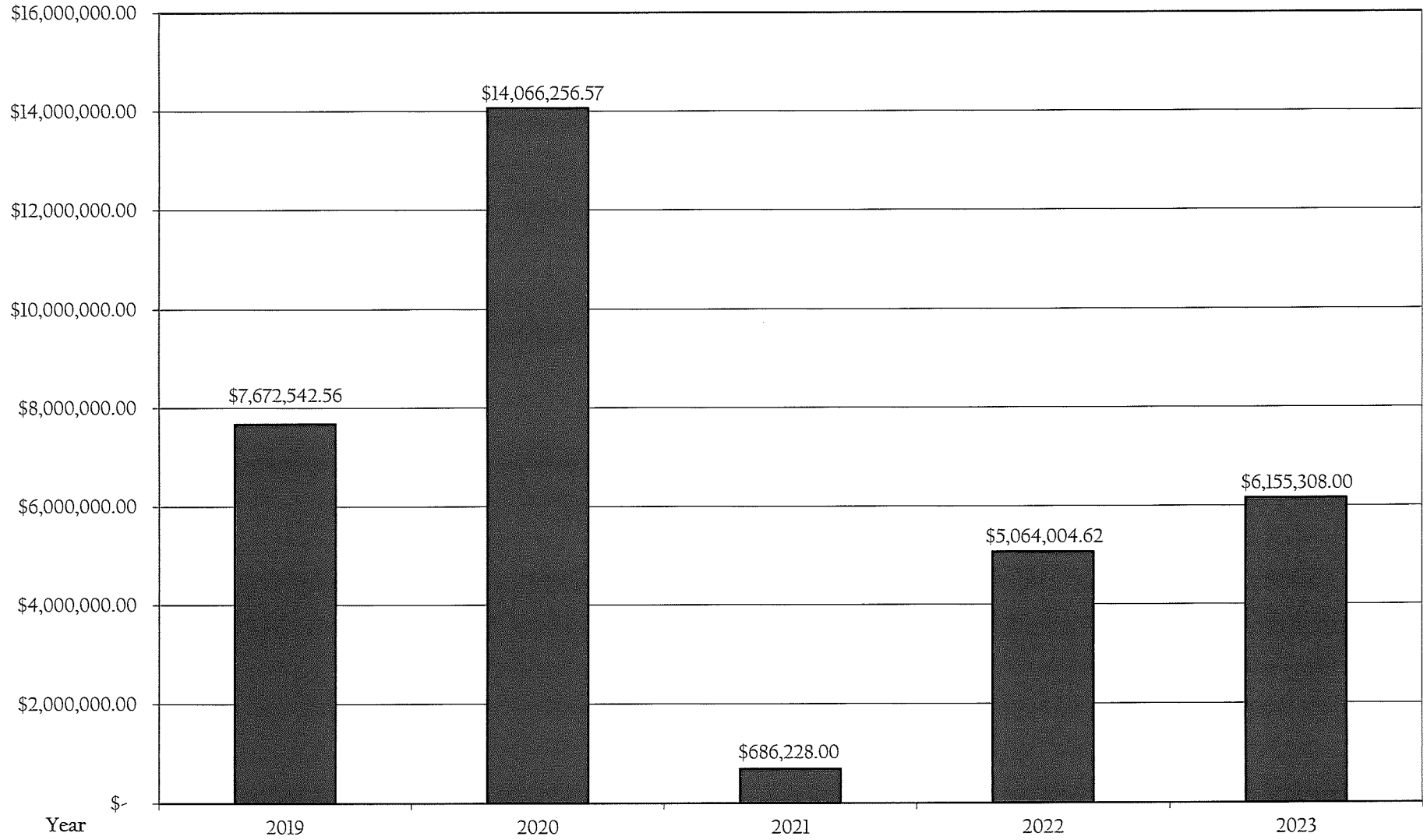
Values of Misc. Permits 15 Year (2009 - 2023)



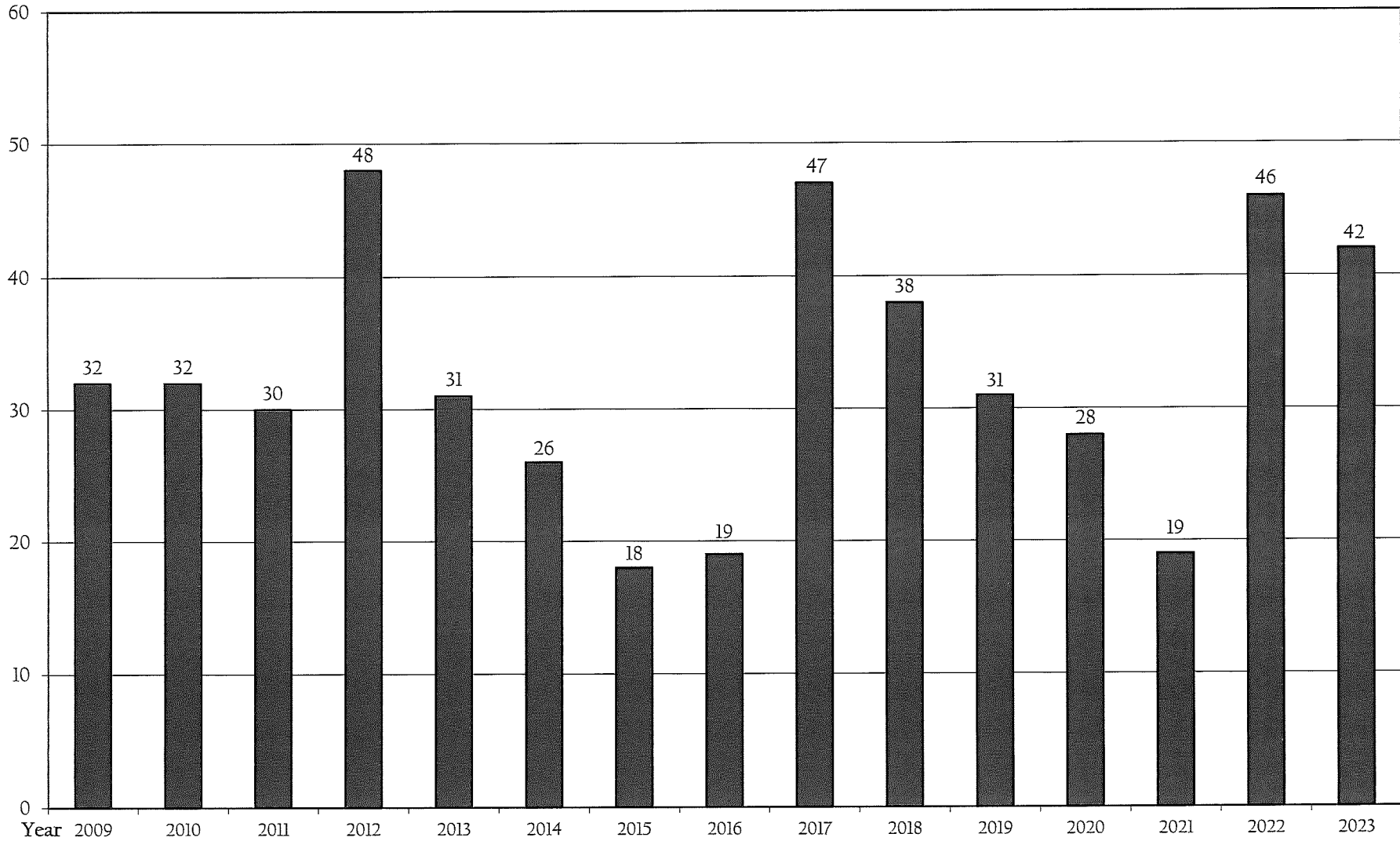
Commercial / Industrial Permits 5 Year (2019 - 2023)



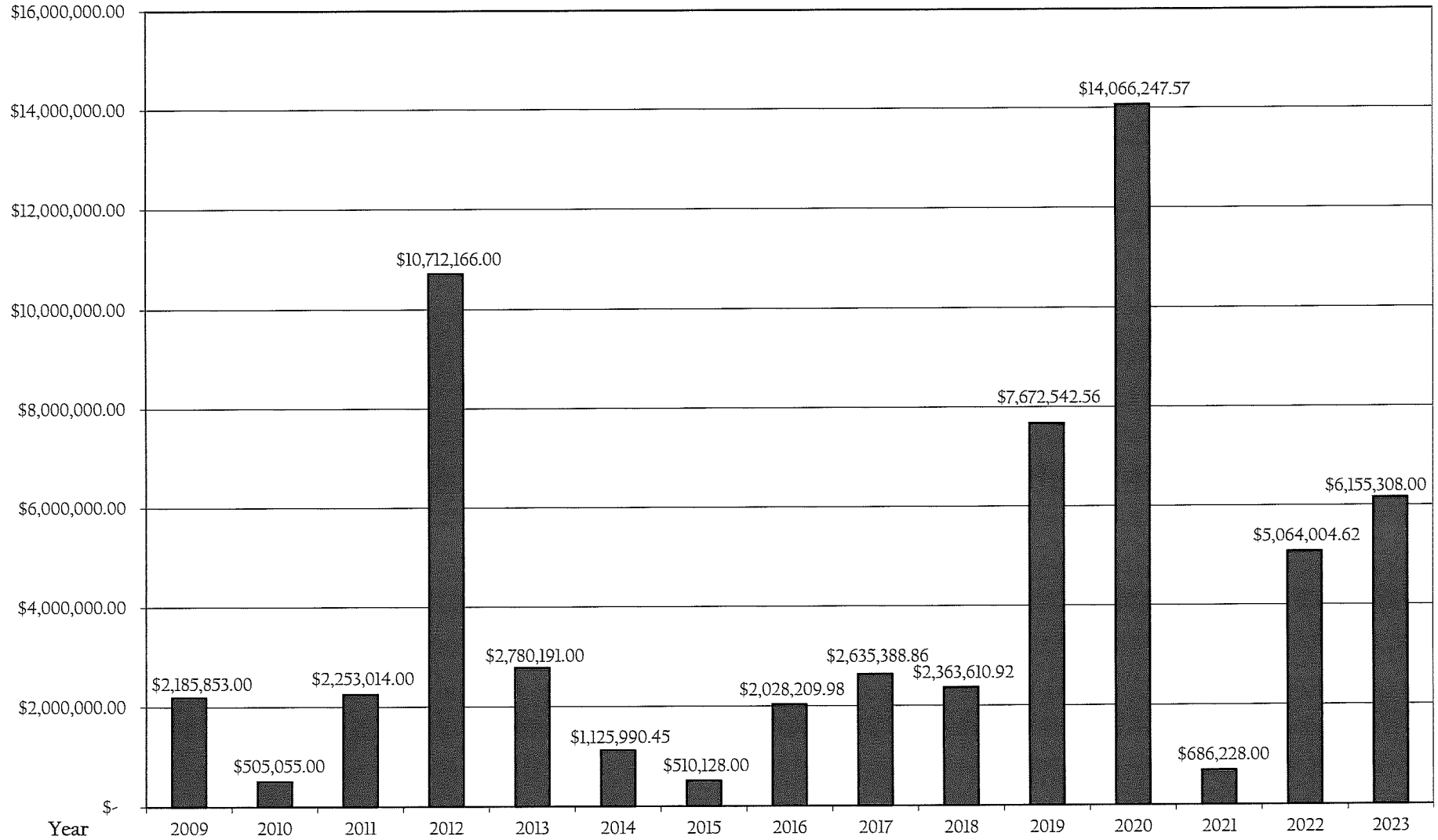
Values of Commercial / Industrial Permits 5 Year (2019 - 2023)



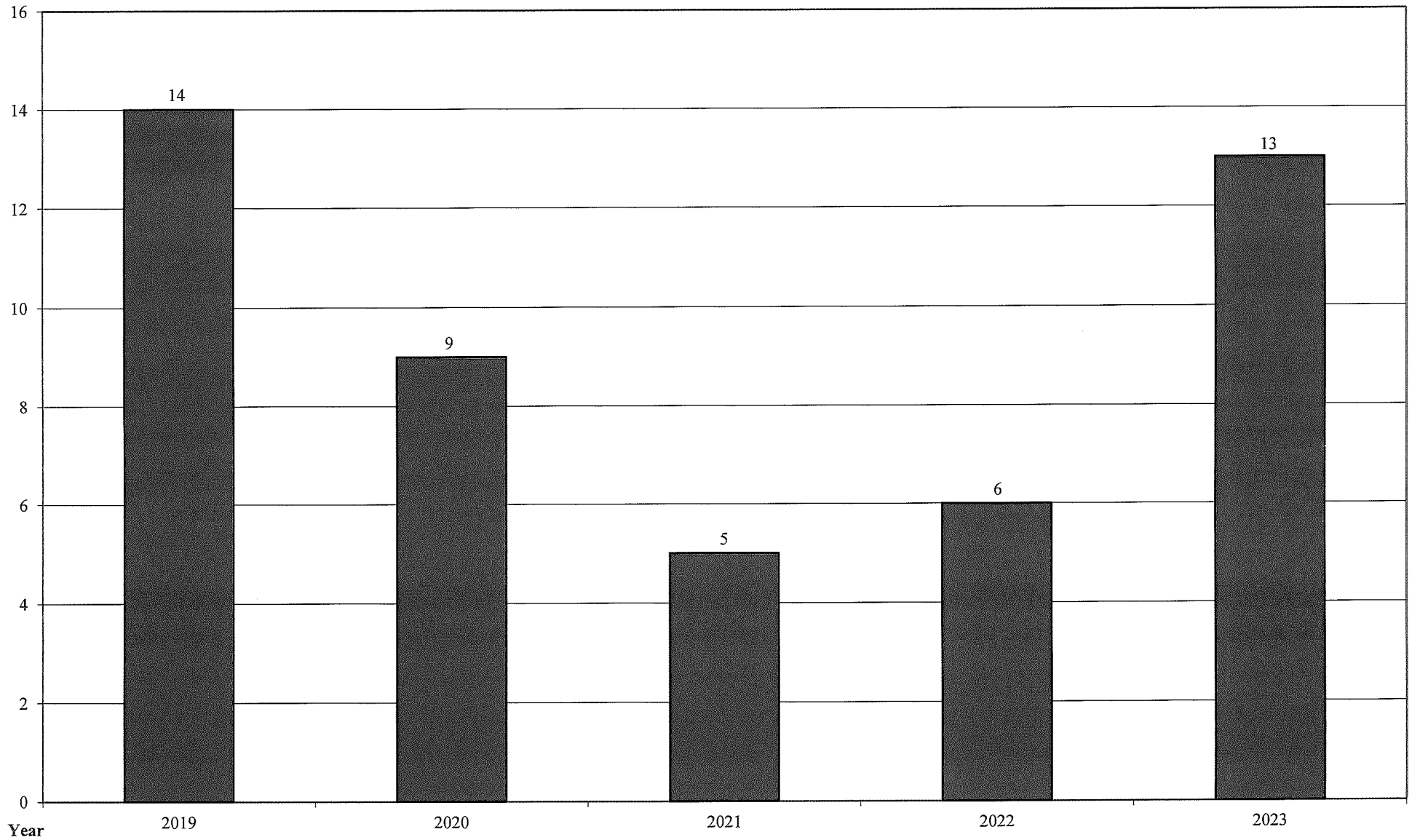
Commercial / Industrial Permits 15 Year (2009 - 2023)



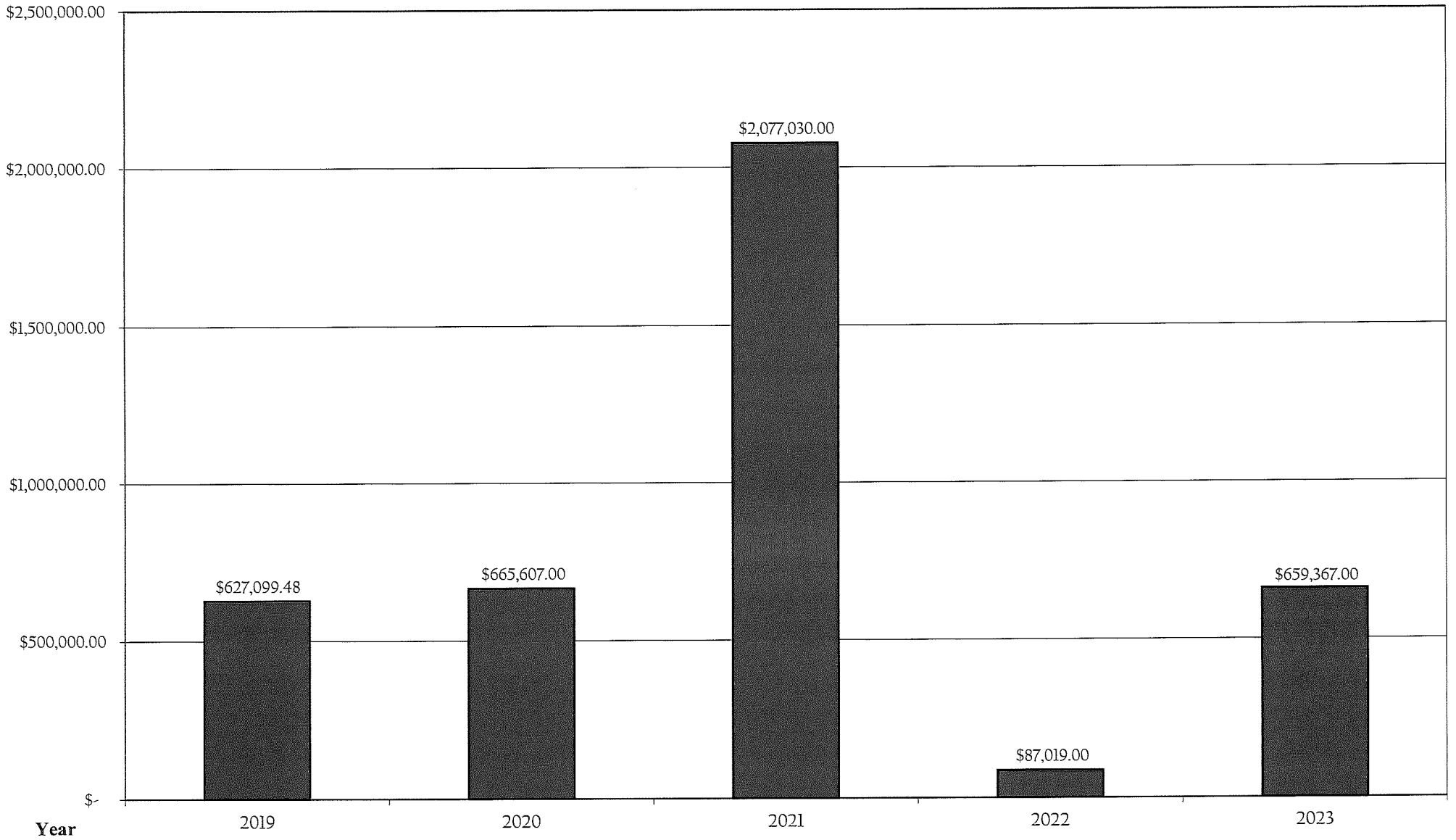
Values of Commercial / Industrial Permits 15 Year (2009 - 2023)



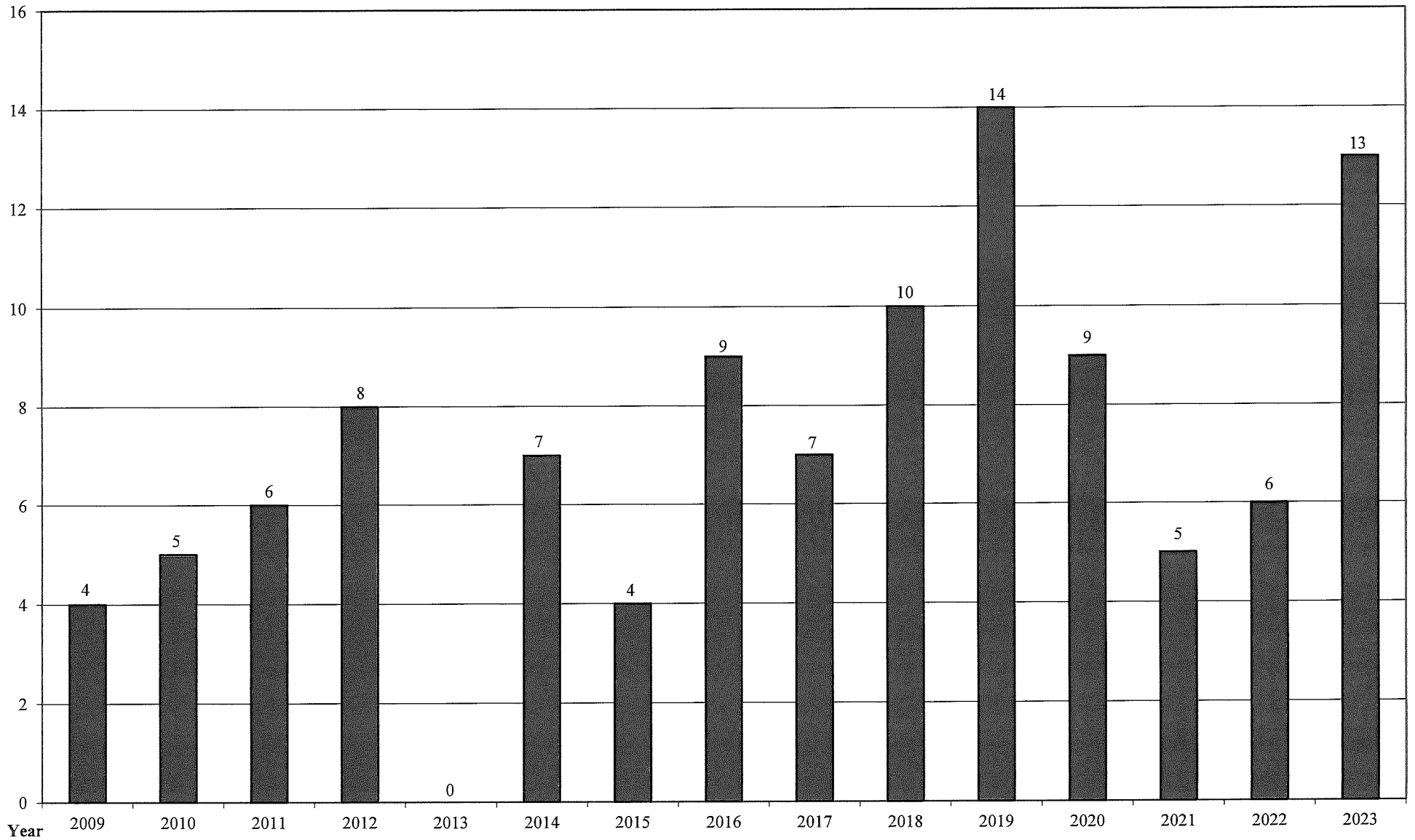
Public Permits 5 Years (2019 - 2023)



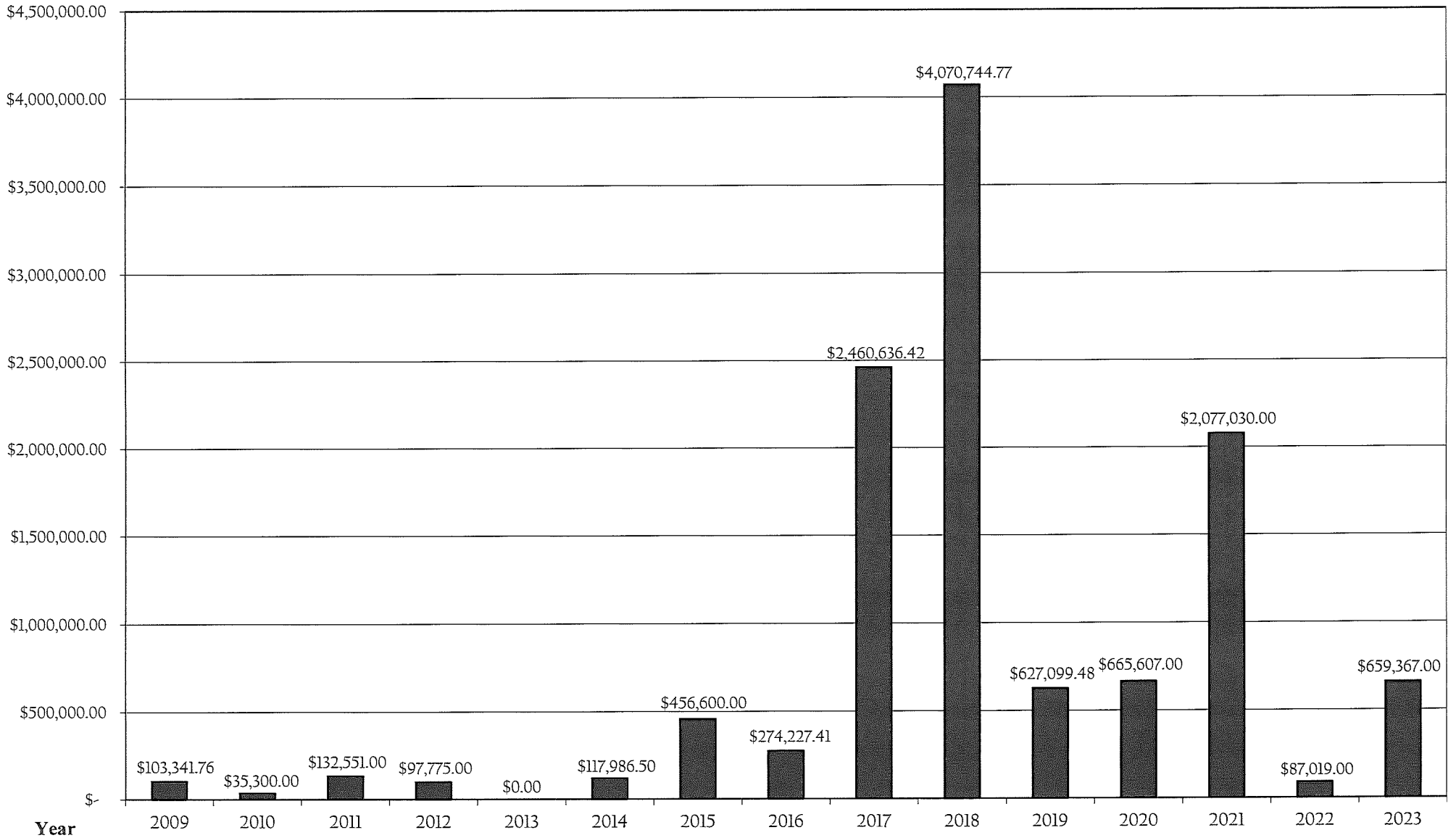
Values of Public Permits 5 Year (2019 - 2023)



Public Permits 15 Years (2009 - 2023)



Values of Public Permits 15 Year (2009- 2023)



February 2024 EDA Business Updates:

- **0 new home permits** were issued in January (0 single family homes and 0 townhome units). 0 residential home permits have been issued so far in 2024 (0 single family, 0 townhomes, 0 apartment units).
- **Bargain Lodge**, located at 102 Main Street E., is in the process of moving to the former Chalk It Up location at 114 Main St. W.
- A building permit was issued for an internal alteration at the **old Mill** at 100 2nd Ave. SW to separate an area of the south warehouse from the rest of the building which will be used by CVF Racing for storage.
- A building permit was issued to Dan Bishop for a **new office building** at 1305 1st Street NE.
- While not directly related to a business, the City Council approved a Small Area Plan be completed at the “City Center” site (old Creamery Property by the railroad downtown) by MSA (the City’s Comprehensive Plan consultant). This plan will include accommodating the POPS facility at the site as well as stormwater facilities and will also attempt to maximize land that can be utilized for future construction of yet to be determined buildings. The small area plan process is intended to be wrapped up by July 1st and become an addendum to the new (yet to be adopted) Comprehensive Plan.