CHAPTER 7F
FLOODPLAIN MANAGEMENT REGULATIONS

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CHAPTER 7F
FLOODPLAIN MANAGEMENT REGULATIONS

ARTICLE I
TITLE, PURPOSE, FINDINGS, AUTHORITY, JURISDICTION, APPLICATION AND INTERPRETATION

SECTION 7F-100. TITLE. This Chapter shall be known and may be cited as the "City of Columbus Floodplain Management Ordinance," and as referred to herein as this Ordinance.

SECTION 7F-110. PURPOSE. It is the purpose of this Ordinance to protect the public health, safety, and general welfare and to minimize those losses described in Section 7F-120. The jurisdiction, application, terms, and conditions of this Ordinance shall be liberally interpreted to protect the public health, safety, and general welfare.

SECTION 7F-120. FINDINGS.

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

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

C. National Flood Insurance Program Compliance. This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59-78, as amended, to maintain the City's eligibility in the National Flood Insurance Program.

SECTION 7F-130. STATUTORY AUTHORITY. This ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F and Chapter 462.

SECTION 7F-140. JURISDICTION. The provisions of this Ordinance extend throughout the City of Columbus, Minnesota.

SECTION 7F-150. APPLICATION. The provisions of this Ordinance are applied in addition to all other chapters of the Columbus City Code. The underlying zoning districts, dimensional standards, use provisions and all other regulations in Chapter 7A (Columbus Zoning Ordinance) shall remain in effect, except as modified in this Ordinance. When provisions in this Ordinance are in conflict with any other chapters of the Columbus City Code, the stricter provisions shall apply.

SECTION 7F-160. INTERPRETATION. The provisions of Section 7A-200 of the City Code regarding the interpretation of words, terms, and phrases shall apply to this Ordinance.

ARTICLE II
DEFINITIONS

SECTION 7F-200. DEFINITIONS. The following words and phrases shall have the following meanings:

1. **Accessory Use or Structure –** a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.
2. **Basement** – means any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
3. **Conditional Use** – means a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:
   (a) Certain conditions as detailed in the zoning ordinance exist.
   (b) The structure and/or land use conform to the comprehensive land use plan and are compatible with the existing neighborhood.
4. **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.
5. **Flood** – a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.
6. **Flood Frequency** – the frequency for which it is expected that a specific flood state or discharge may be equaled or exceeded.
7. **Floor Fringe** – that portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Anoka County.
8. **Floodplain** – the beds proper and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood.
9. **Flood Proofing** – a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
10. **Floodway** – the bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.
11. **Lowest Floor** – the lowest floor of the lowest enclosed area, including but not limited to unfinished floors, basement, crawl space, storage space, and garage floor, but excepting allowable flood-proofed spaces identified in Section 7F-450D. of this Ordinance.
12. **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."
13. **Obstruction** – any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill,

structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

14. **Principal Use of Structure** – means all uses or structures that are not accessory uses or structures.

15. **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.

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

17. **Regional Flood** – a flood which is representative of large floods knows to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in a fixed insurance study.

18. **Regulatory Flood Protection Elevation** – the regulatory flood protection elevation shall be an elevation no lower than two feet above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

19. **Structure** – anything constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, manufactured homes, recreational vehicles not meeting the exemption criteria specified in Article VII of this Ordinance and other similar items.

20. **Substantial Damage** – means 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.

21. **Substantial Improvement** – within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which 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 an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure." For the purpose of this Ordinance, "historic structure" shall be as defined in 44 Code of Federal Regulations, Part 59.1.

22. **Variance** – means a modification of a specific permitted development standard required in an official control including this Ordinance to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the

purpose of alleviating a practical difficulty as defined and elaborated upon in the City's planning and zoning enabling legislation.
[§ 7F-200, #22 is amended by Ord. No. 11-04, effective June 30, 2011.]

ARTICLE III
GENERAL PROVISIONS

SECTION 7F-300. REGULATORY FLOOD PROTECTION ELEVATION. The regulatory flood protection elevation shall be an elevation no lower than two feet above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

SECTION 7F-310. COMPLIANCE. No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the General Floodplain, Floodway, and Flood Fringe Districts, all uses not listed as permitted uses, conditional uses, or interim uses in Article IV shall be prohibited. In addition:

A. New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles, if permitted, are subject to the general provisions of this Ordinance and specifically Article VII.

B. Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this Ordinance and specifically Article IX.

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 Ordinance and specifically as stated in Article VIII of this Ordinance.

SECTION 7F-320. ABROGATION AND GREATER RESTRICTIONS. It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

SECTION 7F-330 WARNING AND DISCLAIMER OF LIABILITY. This Ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Columbus or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

SECTION 7F-340. SEVERABILITY. If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

SECTION 7F-350. ANNEXATIONS. If any land areas are annexed into the City after the adoption of this Ordinance, the newly annexed floodplain lands shall be subject to the provisions of this Ordinance immediately upon the date of annexation.

ARTICLE IV
ESTABLISHMENT OF OVERLAY ZONING DISTRICTS

SECTION 7F-400. FLOODPLAIN DISTRICTS ESTABLISHED. The following zoning districts are established as overlay districts in conjunction with the zoning districts established in Chapter 7A (Columbus Zoning Ordinance) of the Columbus City Code:

FP **General Floodplain District**
FW **Floodway District**
FF **Flood Fringe District**

A. The FP District includes those areas designated as unnumbered "A Zones" (approximately 100-year flood frequency areas) on the Flood Insurance Rate Map in the City of Columbus. The FP District contains both the FW District and the FF District, that have yet to be determined, as required in Section 7F-420 and Section 7F-430, below.

B. The FW District includes the bed of wetlands and lakes, the channel of a watercourse, and those portions of the adjoining floodplain which are reasonably required to carry or store the regional flood discharge.

C. The FF District is the area outside of the FW District but within the FP District that has been or may be subject to flooding.

SECTION 7F-410. ZONING MAP.

A. The following maps together with the accompanying materials are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The accompanying materials include the Flood Insurance Study for Anoka County, Minnesota, and Incorporated Areas and the Flood Insurance Rate Map panels enumerated below, all dated December 16, 2015 and prepared by the Federal Emergency Management Agency. These materials are on file in the Office of the City Clerk and Zoning Administrator.

27003C0210E
27003C0220E
27003C0230E
27003C0235E
27003C0240E
27003C0245E
27003C0335E
27003C0355E
27003C0360EB.

Where interpretation is needed as to the exact location of the boundaries of the floodplain districts as shown on the Official Zoning Map, all decisions will be based on available elevations on the regional (100-year) flood profile, the ground elevations that existed on the site on January 16, 1980, determinations by watershed authorities, and other available technical data. Persons

contesting the location of the district boundaries shall be given a reasonable opportunity to submit technical evidence and to present their case to the Board of Adjustments and Appeals.

[§ 7F-410 is amended by Ord. NO. 15-05, effective December 10, 2015.]

SECTION 7F-420. FLOODWAY AND FLOOD FRINGE AREA DETERMINATIONS.

A. Upon receipt of an application for a permit or other approval for a use on property which appears to be located within the General Floodplain District, other than those uses allowed in Section 7F-440A. and meeting the standards in Section 7F-440B., the applicant shall be required to furnish as much 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 uses is within the Floodway or Flood Fringe District.

1. A typical valley cross-section(s) 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.
2. Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevations of streets.
3. Photographs showing existing land uses, vegetation upstream and downstream, and soil types.
4. 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.

B. The applicant shall be responsible to submit one copy of the above information to a designated agency, engineer, or other expert person for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe district to determine the regulatory flood protection elevation. If a 100-year flood elevation is provided in the Flood Insurance Study adopted in Section 7F-410 of this Ordinance, then this elevation must be used in calculating the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 – 6120.6200 and 44 Code of Federal Regulations Part 65 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:

1. Estimate the peak discharge of the regional flood.
2. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
3. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than .5' shall be required if, as a result of the additional state 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.

C. The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the City Council. The City Council must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The City Council, 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 District Boundaries have been determined, the City Council

shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of this Ordinance.

SECTION 7F-430. FP GENERAL FLOODPLAIN DISTRICT.

A. Permitted Uses. Permitted uses and standards for permitted uses in the FP District shall be those allowed in either the FW District or FF District, depending on the determination of the district classification required in Section 7F-420.

B. Conditional Uses. Conditional uses and standards for conditional uses in the FP District shall be those allowed in either the FW District or FF District, depending on the determination of the district classification required in Section 7F-420.

C. Interim Uses. Interim uses and standards for interim uses in the FP District shall be those allowed in either the FW District or FF District, depending on the determination of the district classification required in Section 7F-420.

D. Dimensional Standards. Dimensional standards in the FP District shall be consistent with those applicable in the underlying zoning district established in Chapter 7A (Zoning Ordinance) of the City Code, except as modified by this Ordinance.

E. Other Applicable Provisions. All other provisions of this Ordinance and Chapter 7A (Zoning Ordinance) of the City Code shall apply to the FP District, including but not limited to performance standards, general provisions, administrative provisions, and enforcement.

SECTION 7F-440. FW FLOODWAY DISTRICT.

A. Permitted Uses. The following uses are permitted in the FW District, provided said uses are permitted in the underlying zoning district established in Chapter 7A (Zoning Ordinance) of the City Code:

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.
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.
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.
4. Temporary construction uses and structures, including but not limited to fuel tanks, transportable construction offices, and portable toilets shall not be located in the FW District.

C. Conditional Uses. The following uses are conditional uses in the FW District, provided said uses are permitted uses or conditional uses in the underlying zoning district established in Chapter 7A (Zoning Ordinance) of the City Code:

1. Structures accessory to the permitted uses listed above and the uses listed in this subsection.
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 and construction of fences.
7. Recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of this Ordinance.
8. Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

D. Standards for Floodway Conditional Uses:

1. All Uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit obstruction, storage of materials or equipment, or other uses may be allowed as a 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 this Ordinance and Chapter 7A (Zoning Ordinance) of the City Code.
3. The conditional uses shall only be permissible if allowed in the underlying zoning district.
4. Fill:
   (a) Fill, dredge spoil, and all other similar materials deposited or stored in the floodplain shall be protected from erosion by vegetative cover, mulching, 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) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the City Council has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the Office of the County Recorder.
5. Accessory Structures:
   (a) Accessory structures shall not be designed for human habitation.
   (b) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:
      (1) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
      (2) So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
   (c) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with 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 at its largest projections, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards:

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

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

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

6. Storage of Materials and Equipment:

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

(b) Storage of other materials or equipment, subject to the provisions of the underlying zoning district established in Chapter 7A (Zoning Ordinance) of the City Code, may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the City Council.

7. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103G. Community-wide structural works for flood control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway.

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

E. Interim Uses. (This section reserved for future use).

F. Standards for Interim Uses. The Standards for Floodway Conditional Uses Section 7F-440D. apply to interim uses allowed in this section.

G. Dimensional Standards. Dimensional standards in the FW District shall be consistent with those applicable in the underlying zoning district established in Chapter 7A (Zoning Ordinance) of the City Code, except as modified by this Ordinance.

H. Other Applicable Provisions. All other provisions of this Ordinance and Chapter 7A (Zoning Ordinance) shall apply to the FW District, including but not limited to performance standards, general provision, administrative provisions, and enforcement.

SECTION 7F-450. FF FLOOD FRINGE DISTRICT

A. Permitted Uses. Permitted uses shall be those permissible uses of land allowed in the underlying zoning district (permitted uses, conditional uses, and interim uses) established in Chapter 7A (Zoning Ordinance) of the City Code that comply with the underlying zoning district requirements and the "Standards for Flood Fringe District Permitted Uses" listed in Section 7F-450E.

B. Standards for Flood Fringe Permitted Uses.

1. All structures, accessory structures, and temporary construction uses and structures, including but not limited to fuel tanks, transportable construction offices, and portable toilets, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be not lower than one (1) foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.

2. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest projection may be internally flood proofed in accordance with Section 7F-440D.5(c) of this Ordinance.

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

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

5. The provisions of Section 7F-450E. of this ordinance shall apply.

C. Conditional Uses. Conditional uses shall be those uses of land allowed in the underlying zoning district established in Chapter 7A (Zoning Ordinance) of the City Code that do not comply with the "Standards for Flood Fringe District Permitted Uses" listed in Section 7F-450B. All conditional uses shall comply with the "Standards for Flood Fringe District Conditional Uses" listed in Section 7F-450D. and the "Standards for all Flood Fringe Uses" listed in Section 7F-450E. Any structure that is not elevated on fill or flood proofed in accordance with Section 7F-450B. of This Ordinance shall only be allowable as a conditional use. All Flood Fringe conditional uses shall be subject to the procedures and standards contained in this Ordinance and Chapter 7A (Zoning Ordinance) of the City Code.

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, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) it is designed to internally flood and is constructed with flood resistant materials; and 3) it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

(a) Design and Certification – The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in

compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.

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

(1) A minimum area of "Automatic" openings in the walls where internal flooding is to be used as a flood proofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one-foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exist of flood waters without any form of human intervention; and

(2) 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 this Ordinance, shall be subject to the following:

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

(b) Non-residential basements may be allowed below the regulatory flood protection elevation provided in the basement is structurally dry flood proofed in accordance with this Ordinance.

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

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

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

5. Storage of Materials and Equipment:

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

(b) Storage of other materials or equipment, subject to the provisions of the underlying zoning district established in Chapter 7A (Zoning Ordinance) of the City Code, may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the City Council.

6. The provisions of subsection 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 (2) feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of Adjustments and Appeals must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

2. Commercial Uses – accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower that the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times the velocity (in feet per second) the product number exceeds four (4) upon occurrence of the regional flood.

3. Manufacturing and Industrial Uses – measures shall be taken to minimize interference with normal plan operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots maybe at lower elevations subject to requirements set out in this Section. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in floodplain areas.

4. Fill shall be property 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 elevations – FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

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

6. Standards for recreational vehicles are contained in Article VII.

7. Temporary construction uses and structures, including but not limited to fuel tanks, transportable construction offices, and portable toilets, shall not be located in the FF District unless the standards in Section 7F-450B.1. re met.

F. Interim Uses. Interim uses shall be those interim uses of land allowed in the underlying zoning district established in Chapter 7A (Zoning Ordinance) of the City Code, and as allowed in this Section.

G. Standards for Interim Uses. The "Standards for Flood Fringe Conditional Uses," Section 7F-450D, and the "Standards for All Flood Fringe Uses," Section 7F-450E, apply to interim uses allowed in this Section.

H. Dimensional Standards. Dimensional standards in the FF District shall be consistent with those applicable in the underlying zoning district established in Chapter 7A (Zoning Ordinance) of the City Code, except as modified by this Ordinance.

I. Other Applicable Provisions. All other provisions of this Ordinance and Chapter 7A (Zoning Ordinance) shall apply to the FF District, including but not limited to performance standards, general provisions, administrative provisions, and enforcement.

ARTICLE V
SUBDIVISION OF LAND WITHIN FLOODPLAIN DISTRICTS

SECTION 7F-500. SUBDIVISION REGULATIONS. All subdivisions of land shall conform to the requirements of Chapter 7B (Subdivision Ordinance) of the Columbus City Code and this Article. The Floodway and Flood Fringe District 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 for subdivisions of land within the General Floodplain District. No land shall be subdivided which his unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the floodplain districts shall be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.

SECTION 7F-510. FLOODWAY/FLOOD FRINGE DETERMINATIONS. In all subdivisions of land within the General Floodplain District, applicants shall provide the information required in Section 7F-420. to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation within the subdivision.

SECTION 7F-520. REMOVAL OF SPECIAL FLOOD HAZARD AREA DESIGNATION. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-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.

ARTICLE VI
UTILITIES, RAILROADS, ROADS, AND BRIDGES

SECTION 7F-600. PUBLIC UTILITIES. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain shall be flood proofed in accordance with the State Building Code or elevated above the regulatory flood protection elevation.

SECTION 7F-610. PRIVATE UTILITIES. Private utilities must be consistent with the requirements of Chapter 14 of the Columbus City Code and must be designed to minimize or eliminate infiltration of flood waters into the systems, minimize or eliminate any discharges from the systems into flood waters, and shall not be subject to impairment or contamination during times of flooding.

SECTION 7F-620. RAILROADS, ROADS, AND BRIDGES. Railroad tracks, roads, and bridges to be located within the floodplain shall comply with all provisions of this Ordinance. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

ARTICLE VII
PLACEMENT OF RECREATIONAL VEHICLES

SECTION 7F-700. PLACEMENT OF RECREATIONAL VEHICLES.

A. Recreational vehicles that do not meet the exemption criteria specified in subsection B. below shall be subject to the specific provisions of this Article.

B. Recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in subsection C. below and meet the following criteria:

1. Have current licenses required for highway use.
2. Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.
3. The recreational vehicle and associated use must be permissible in any pre—existing, underlying zoning use district.

C. Areas Exempted for Placement of Recreational Vehicles:

1. Individual lots or parcels of records.
2. Existing commercial recreational vehicle parks or campgrounds.
3. Existing condominium type associations.

D. Recreational vehicles exempted in this Article lose this exemption when development occurs on the parcel exceeding $500 for a structural addition to the recreational vehicle or exceeding $500 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restrictions specified in Article IV of this Ordinance. There shall be no development or improvement on the parcel or

attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.

E. New commercial recreational vehicle parks or campgrounds, new residential type subdivisions and a condominium associations, and the expansion of any existing similar use, if permitted, shall be subject to the following:

1. Any new or replacement recreational vehicle will be allowed in the Floodway or Flood Fringe Districts provided said recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with Article V of this Ordinance. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood.

2. All new or replacement recreational 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 this Ordinance. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate all provisions of this Article will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Article V of this Ordinance.

ARTICLE VIII
ADMINISTRATION

SECTION 7F-800. ZONING ADMINISTRATOR. The Zoning Administrator or other official designated by the City Council shall administer and enforce this Ordinance. If the Zoning Administrator finds a violation of the provisions of this Ordinance, the Zoning Administrator shall notify the person responsible for such violation in accordance with the procedures stated in Article X of this Ordinance.

SECTION 7F-810. PERMIT REQUIREMENTS.

A. Permit Required. A Permit issued by the Zoning Administrator in conformity with the provisions of this Ordinance shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.

B. Application for Permit. 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 elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.

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

D. Certificate of Compliance for a New, Altered, or Nonconforming Use. It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of compliance shall have been issued by the Zoning Administrator stating that the use of the building or land conforms to the requirements of this Ordinance.

E. Construction and Use to be as Provided on Applications, Plans, Permits, Variances an Certificates of Compliance. Building permits, variances, conditional use permits, interim use permits, or certificates of compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction that is not authorized shall be deemed a violation of this Ordinance, and punishable as provided by Article X of this Ordinance.

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

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

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

I. FEMA Notification When Physical Changes Increase or Decrease the 100-year Flood Elevation. As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Zoning Administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

SECTION 7F-820. BOARD OF ADJUSTMENTS AND APPEALS.

A. The Board of Adjustments and Appeals established in Section 7A-520 through Section 7A-560 of the Columbus City Code shall have jurisdiction to hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this Ordinance, and to consider variances from the terms of this Ordinance, according to the procedures and requirements of Section 7A-520 through Section 7A-560 of the Columbus City Code.

B. In addition to the provisions and procedures in Section 7A-520 through Section 7A-560 of the Columbus City Code, no variance in the General Floodplain District shall permit a lower

degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

1. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result
2. Variances shall only be issued upon:
   (a) a showing of good and sufficient cause,
   (b) a determination that failure to grant the variance would result a practical difficulty 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.
3. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

C. Public hearings for appeals or variances shall be conducted according to the procedures and requirements of Section 7A-520 through Section 7A-560 of the Columbus City Code. The Zoning Administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application and public notice for proposed appeals or variances at least ten days prior to the date of the hearing.

D. The Board of Adjustments and Appeals shall arrive at a decision on appeals or variances according to the procedures and requirements of Section 7A-520 through Section 7A-560 of the Columbus City Code. A copy of all decisions granting variances shall be forwarded by mail to the Commission of Natural Resources within ten (10) days of such action. Violations of the conditions and safeguards made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance.

E. Appeals from any decision of the Board of Adjustments and Appeals may be made, and as specified in the Columbus City Code and by Minnesota Statutes.

F. Flood Insurance Notice and Record Keeping. The City shall maintain a record of all variance actions, including justification for their issuance, and report such variances as required to the Administrator of the National Flood Insurance Program. The Zoning Administrator shall notify the applicant for a variance that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance, and
2. Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.

[§ 7F-820, #B2 is amended by Ord. No. 11-04, effective June 30, 2011.]

SECTION 7F-830. CONDITIONAL USES AND INTERIM USES.

A. Applications for conditional uses and interim uses permissible under this Ordinance shall be heard and acted upon according to the provisions in Chapter 7A (Zoning Ordinance) of the City Code.

B. Upon the filing of an application for a conditional use permit or interim use permit, the Zoning Administrator shall submit by mail to the Commissioner of Natural Resources a copy of the application and public notice of at least ten days in advance of the required public hearing.

C. In considering conditional use or interim use permits the City Council shall prescribe appropriate conditions and safeguards in conformity with the purposes of this Ordinance and the Columbus City Code, including the "factors" identified in subsection E. below and the "conditions" identified in subsection F. below. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this Ordinance punishable under Article X. A copy of all decisions granting conditional use permits and interim use permits shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.

D. In addition to the procedures and requirements for conditional use and interim use permits prescribed in Chapter 7A (Zoning Ordinance) of the City Code, the following information and procedures shall be required:

1. Plans 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
2. Specifications for building construction and materials, flood proofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
3. Transmit one copy of the required information to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.
4. Based upon the technical evaluation of the designated engineer or expert, the City Council shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.

E. Factors Upon Which Permit Decisions Shall Be Based. In acting on conditional use and interim use applications, the City Council shall consider all relevant factors specified in other sections of this Ordinance, applicable provisions of the City Code, and the following additional considerations.

1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
2. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
5. The importance of the services provided by the proposed facility to the community.
6. The requirements of the facility for a waterfront location.
7. The availability of alternative locations not subject to flooding for the proposed use.
8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

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

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

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

12. Such other factors which are relevant to the purposes of this Ordinance.

F. Conditions Attached to Conditional Use Permits and Interim Use Permits. Upon consideration of the factors listed above and the purpose of this Ordinance, the City Council shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Ordinance, including, but not limited to, the following:

1. Modification of waste treatment and water supply facilities.

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

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

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

5. Flood proofing measures, in accordance with the State Building Code and this Ordinance. 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.

SECTION 7F-840. AMENDMENTS.

A. Amendments to this Ordinance shall follow the procedures and requirements for amendments to the Zoning Ordinance, Section 7A-550 of the Columbus City Code, and the provisions of this Section.

B. The floodplain designation on the Official Zoning Map shall not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of Natural Resources if it is determined that, through other measures, lands are adequately protected for the intended use.

C. All amendments to this Ordinance, including amendments to the Official Zoning Map, must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Zoning Map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The Commissioner of Natural Resources must be given 10-days written notice of all hearings to consider an amendment to this Ordinance and said notice shall include a draft of the Ordinance amendment or technical study under consideration.

ARTICLE IX
NONCONFORMING USES

SECTION 7F-900. NONCONFORMING USES. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance but which is not in conformity with the provisions of this Ordinance may be continued subject to the following conditions. Historic

structures, as defined in Section 7F-200.21 of this Ordinance, shall be subject to the provisions of subsections A.-E. of this Article.

A. No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.

B. Any structural 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 (i.e., FP-1 through FP-4 flood-proofing classifications) allowable in the State Building Code, except as further restricted in C. and F. below.

C. The cost of all 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 must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds 50% of the market value of the structure, then the structure must meet the standards of Article IV of this Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

D. If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this Ordinance. The Assessor shall notify the Zoning Administrator in writing of instances of nonconforming uses that have been discontinued for a period of 12 months.

E. If any nonconforming use or structure is substantially damaged, as defined in Section 7F-200.20 of this Ordinance, it shall not be reconstructed except in conformity with the provisions of this Ordinance. The applicable provisions for establishing new uses or new structures in Article IV will apply depending upon whether the use or structure is in the Floodway, Flood Fringe or General Floodplain District.

F. If a substantial improvement occurs, as defined in Section 7F-200.21 of this Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of Article IV of this Ordinance for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

ARTICLE X
VIOLATIONS AND ENFORCEMENT

SECTION 7F-1000. VIOLATIONS. Violation of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor and shall be punishable as allowed by law.

SECTION 7F-1010. ENFORCEMENT. Nothing contained herein shall prevent the City of Columbus from taking such other lawful action as is necessary to enforce this Ordinance and prevent or remedy any violation. Such actions may include but are not limited to:

A. In responding to a suspected Ordinance violation, the Zoning Administrator and City Council may utilize the full array of enforcement actions available to it including but not limited

to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City 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.

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

C. The Zoning Administrator shall notify the suspected party of the requirements of this Ordinance and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Zoning Administrator may order the construction or development immediately halted until a proper permit or approval is granted by the Community. If the construction or development is already completed, then the Zoning Administrator may either: (1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or (2) notify the responsible party to apply for an after-the-fact permit/development approval within a specified period of time.

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

ARTICLE XI
EFFECTIVE DATE

SECTION 7F-1100. EFFECTIVE DATE: This Ordinance shall be effective on March 1, 2007 upon its passage and publication according to law.

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History of ordinances affecting the text of Chapter 7F

Chapter 7F – FloodPlain Management Regulations added to City Code by Ord. No. 07-02, effective March 1, 2007.

Ord. No. 11-04, effective June 30, 2011.
Ord. No. 15.05, effective December 10, 2015.

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