TITLE XV: LAND USAGE

15.1 BUILDING REGULATIONS

BUILDING CODE

15.1.01 MINNESOTA STATE BUILDING CODE ADOPTED.

A. Adoption. The 1997 Minnesota State Building Code, established pursuant to Minnesota Statutes section 16B.59 through 16B.75, as they may be amended from time to time, and published in Minnesota Rules Chapters 1300 through 1370, as they may be amended from time to time, and incorporating the Minnesota Plumbing Code and the Minnesota Energy Code, Chapters 4715 and 7670 respectively of the Minnesota Rules, is hereby adopted as the building code for the city, and is incorporated into this chapter as if set out in full subject to the following specifications:

B. Mandatory enforcement provisions. The following chapters of Minnesota Rules, as they may be amended from time to time, shall be enforced and administered without change by the city as mandatory provisions of the Minnesota State Building Code:

Chapter 1300 Minnesota State Building Code
Chapter 1301 Building Official Certification
Chapter 1302 Construction Approvals
Chapter 1305 Amendments to the Uniform Building Code (UBC)
(Adoption of the 1997 Uniform Building Code). The Adoption of this chapter specifically includes UBD Appendix Chapters 3, Division I “Detention and Correctional Facilities”, 12, Division II “Sound Transmission Control”, 15, “Reroofing”; 16, Division 1, “Snowload Design”; 29 "Minimum Plumbing Fixtures"; and 31, Division II, "Membrane Structures." The adoption of optional UBC Appendix chapters under section 1305.0020 shall be as indicated in division (C) of this section.
Chapter 1307 Elevators and Related Devices
Chapter 1315 Electrical Code (Adoption of 1993 National Electrical Code (NBC)
Chapter 1325 Solar Energy Systems
Chapter 1330 Fallout Shelters
Chapter 1335 Floodproofing; Excepts Sections 1335.0600 through 1335.1200 which are optional and shall be enforced as adopted in division (C) of this section.
Chapter 1340 Facilities for the Handicapped
Chapter 1346 Uniform Mechanical Code
Chapter 1350 Manufactured Homes
Chapter 1360 Prefabricated Buildings
Chapter 1361 Industrialized/Modular Buildings

Chapter 1370	Storm Shelters
Chapter 4715	Minnesota Plumbing Code
Chapter 7670	Minnesota Energy Code

C Optional enforcement provisions adopted.

1. The following chapters of Minnesota Rules, as they may be amended from time to time, representing optional provisions of the Minnesota State Building Code as provided in Chapter 1300.2900, are hereby adopted by the city without change and shall be enforced and administered by the city as a part of the Minnesota State Building Code for the city:
   a. Chapter 1306 - Special Fire Protection Systems. The city shall enforce

Note: The city must select Subpart 3(8a):

Subpart 3(8a) "Group M mercantile, S storage, or F factory occupancies with 5,000 or more gross square feet of floor area or three or more stories in height."
   b. Chapter 1310 - Building Security
   c. Chapter 1335 - Floodproofing; Sections 1335.0600 through 1335.1200

2. The following Appendix Chapters of the 1997 Uniform Building Code, representing optional provisions of the Minnesota State Building Code as provided in Minnesota Rules Chapter 1305.0020, as it may be amended from time to time, are hereby adopted by the city and shall be enforced and administered by the city without change, except to the extent that the city may adopt revised fee schedules and bonding requirements under UBC Appendix Chapter 33, as a part of the Minnesota State Building Code for the city:

   a. UBC Appendix Chapter 3, Division ill - Requirements for Group R, Division 3 Occupancies.
   b. UBC Appendix Chapter 19 - Protection of Residential Concrete Exposed to Freezing and Thawing.
   c. UBC Appendix Chapter 33 - Excavation and Grading.

B. Application, administration, and enforcement. The application, administration, and enforcement of the Minnesota State Building Code in the city shall be in accordance with M.S. Ch. 16B and Minnesota Rules Chapters 1300 and 1305, as they may be amended from time to time. The City Council, pursuant to M.S. ' 16B.65, as it may be amended from time to time, shall appoint a Building Official who shall attend to all aspects of Building Code administration. Additional members of a city's Building Department shall be authorized by the City Council as needed. Organization of the city's Building Department shall be as established by Chapter 1 of the 1997 Uniform

Building Code, as amended by Minnesota Rules. The Minnesota State Building Code shall be enforced within the incorporated limits of the city, and within the extraterritorial limits permitted by Minnesota Statutes 16B.62, as it may be amended from time to time.

C. Permits, inspections, and fees. Permits shall be issued, inspections conducted, and fees collected as provided for in Minnesota Statutes 16B.62, as it may be amended from time to time, Chapter 1 of the 1997 Uniform Building Code, and Minnesota Rules 1305.0106 and 1305.017, as they may be amended from time to time. The city shall adopt its own fee schedule.

D. Surcharge. In addition to the permit fee required under division (E) of this section, the applicant for a building permit shall pay a surcharge to be remitted to the Minnesota Department of Administration as prescribed by Minnesota Statutes 16B.70, as it may be amended from time to time.

NUMBERING OF HOMES AND BUSINESS PLACES

15.1.02 DISPLAY OF ADDRESS FOR EMERGENCY PURPOSES.

The current address of all homes and other buildings occupied for living purposes and business buildings shall be displayed on the exterior of the home or business facing the street adjacent to the home or business building in compliance with this sub-chapter. To promote the health safety and welfare of its citizens and residents, the City requires that each household be assigned a specific four digit number which will be coordinated with the 911 emergency phone system to enhance law enforcement and emergency safety personnel response times. The number assigned to each home or building will be assigned by the City of Cromwell consistent with the Uniform Addressing Plan adopted by Carlton County.

15.1.03 SIZE OF NUMBERS.

Each number of the address attached to the home or business shall be no less than three inches in height. The number shall be of a color that contrasts to the color of the building to which it is attached. The number of the address shall be in Arabic numbers. Roman numerals, numbers in writing, or in other forms, are insufficient and, if used, Arabic numerals shall also be displayed in accordance with this sub-chapter and as prescribed by the Fire Chief of the Cromwell Volunteer Fire Department. All numbers and address signs will be at the cost of the owner or resident.

15.1.04 LOCATION.

All numbers which are attached to a home or business place shall display the address of the home or business place and shall be located in a position near the front door of the building so that it may be clearly seen from the street or road at night with a spotlight or a porch light attached to the building. In addition, if because of the distance of the setback of the building, or because of other visibility concerns the address is not clearly visible, the owner or resident shall be required to put the address on a sign or pole in close proximity to the road for easy reference by emergency personnel.

The Fire Chief for the Volunteer Fire Department of the City Cromwell will determine the need for such additional signing and failure to comply with all reasonable requirements of this provision will be a petty misdemeanor. Each continuing violation in excess of thirty (30) days will be considered a separate offense.

GENERAL PROVISIONS

15.2.01 CONFLICT WITH STATE LAWS AND RULES.

The provisions of Minnesota Statutes 327 and Minnesota Rules parts 4630.0200 to 4630.2210, as the statue and rules may be amended from time to time, are hereby adopted by reference as part of this code. The provisions of this chapter are intended to supplement this law and rules. The state law and rules shall govern when there is a conflict between the law and rules and the provisions of this chapter.

15.2.02 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

DRIVEWAY. A driveway means a minor private way used by vehicles on a manufactured home lot.

INSPECTOR. The city building inspector.

MANUFACTURED HOME COURT. Any site, lot, field, or tract of land on which two or more occupied manufactured homes are harbored, either free of charge or for revenue purposes, and shall include any building, structure, tent, vehicle, or enclosure used or intended for use as an accessory building or part of the equipment of such manufactured home court. The term manufactured home court shall include the terms trailer park, trailer court, and Manufactured Home Park.

MANUFACTURED HOME LOT. A plot of ground within a manufactured home park designed and designated for the accommodation of one manufactured home.

MANUFACTURED HOME PAD. A manufactured home pad means that part of an individual lot which has been reserved for the placement of one manufactured home unit.

PARK MANAGER. A park manager means the person who owns or has charge, care, or control of the manufactured home park.

PARK STREET. A park street means a private way which affords principal means of access to individual manufactured home lots, or auxiliary buildings.

PERMIT. A permit means a written permit or certification issued by the building inspector permitting the construction, alteration, and extension of any permanent

structure within the manufactured home park under provisions of this chapter and regulations issued hereunder.

PERSON. A person means any individual, firm, trust, partnership, public or private association, corporation, or any other legal entity.

SERVICE BUILDING. A service building means a structure housing toilet, lavatory, laundry, and such other facilities as may be required by this part.

15.2.03 MANUFACTURED HOMES REGULATED; PROHIBITED.

A. Manufactured homes shall be prohibited from being located in a manufactured home park that:

1. Do not conform to the requirements of the vehicle code of the state of Minnesota;
2. Are in any unsanitary condition or having an exterior in bad repair; and
3. Are structurally unsound and do not protect the inhabitants against the elements.

15.2.04 OUTDOOR CAMPING PROHIBITED.

There shall be no outdoor camping anywhere in a manufactured home park.

15.2.05 SALES LOT PROHIBITED.

No sales lot for new or used manufactured homes shall be permitted within a manufactured home park.

15.2.06 PURCHASE AS A CONDITION OF RENT.

No person shall be required to purchase a manufactured home from any particular person or place as a condition of rental of a lot.

15.2.07 ADVERTISING.

Advertising shall be limited to one sign not to exceed 25 square feet with lighting, height, and location as approved by the governing body. Signs shall be set back at least 15 feet from the front lot line.

15.2.08 REGISTRY REQUIRED; BUILDING PERMIT REQUIRED.

A. Registry. The operator of every manufactured home park shall maintain a registry of the manufactured home park showing:

1. The name and address of each guest or permanent resident;
2. The make, type, and license number of each manufactured home; and
3. The date each unit entered and departed the park.

B. Building permits. All buildings shall require a building permit.

15.2.09 SKIRTING.

The area beneath a manufactured home in a manufactured home park shall be skirted or enclosed, provided that the enclosure must be designed to provide an opening for maintenance and inspection purposes.

15.2.10 CLOTHES LINES.

Laundry and clothes shall be hung out to dry only on lines located in approved areas established and maintained exclusively for that purpose in manufactured home parks.

15.2.11 SEWER AND WATER.

A manufactured home park shall be provided with an approved centralized sewage disposal system and water supply system, both of which must meet the minimum requirements of applicable local and state regulations. If a municipal system exists, the manufactured home park shall be required to use the public system. The capacity of the water supply shall be sufficient to provide for fire protection in addition to an adequate household supply system for the park.

15.2.12 SCREENING.

All manufactured home parks shall be screened in an aesthetic manner to protect the privacy of adjacent lot owners.

15.2.13 APPEARANCE.

All manufactured home parks and campgrounds shall be constructed and maintained in a manner compatible with the appearance and use of the surrounding area.

15.2.14 PERMIT REQUIRED.

It shall be unlawful for any person to construct, alter, or expand any manufactured home park or to construct, alter, or expand any permanent structure as part of a manufactured home park within the limits of the city without first obtaining a conditional use permit issued by the City Council. The conditional use permit shall contain the name of the person whose ownership or control the construction, alteration, or expansion is proposed.

15.2.15 APPLICATION FOR PERMITS; FEE.

A. Application. Each application for a manufactured home conditional use permit shall contain the following information:

1. The name and address of the applicant;
2. The legal description and size in acres of the property proposed for a manufactured home park;
3. A sketch of the existing topography of the property;
4. The number, location, and size of all manufactured home lots;
5. The location and width of roadways and walkways;
6. The location of all water and sewer lines, including the location of riser pipes;
7. Plans and specifications of the water supply sewage disposal and refuse disposal facilities;
8. Plans and specifications of all existing and proposed buildings constructed or to be constructed within the manufactured home park;
9. The location and details of lighting and electrical systems, including street lighting facilities;
10. A landscaping plan approved by City Council;
11. A plan of the park ground area and recreation facilities;
12. A survey by registered surveyor of the boundaries of the proposed park; and
13. A plan showing existing and proposed streets designed to accommodate the traffic generated by the proposed park.

B. Fee. The applicant shall pay to the city a fee in the amount of $500 at the time the application is filed. When a conditional use permit is granted hereunder, the applicant shall pay an additional amount equal to $5 per manufactured home lot. This fee is imposed for the purpose of defraying expenses incurred by the city in the administration of this chapter, and the fee shall not be construed to be a license.

15.2.16 REVIEW OF APPLICATIONS.

The planning commission shall review all applications for conditional use permits issued hereunder and shall hold a hearing as it may deem proper with respect thereto. The findings and recommendation of the planning commission shall be forwarded to the City Council for appropriate action.

15.2.17 DENIAL.

Any person whose application for permit under this chapter has been denied may request and shall be granted a hearing on this matter before the City Council.

15.2.18 PERMIT RENDERED VOID.

Any conditional use permit for a manufactured home park issued hereunder shall be conditioned upon compliance with the terms hereof and any conditions attached to the conditional use permit. Any substantial and continued violation of these terms after issuance of the conditional use permit shall void the conditional use permit.

15.2.19 OCCUPANCY.

After issuance of a conditional use permit, the park may be constructed but may not be occupied until it has been inspected by the inspector and an occupancy permit issued. An occupancy permit may be issued by the inspector when it is found that construction is complete and that all terms of the permit have been complied with. A temporary occupancy permit may be issued for and upon completion of a portion of the park, allowing occupancy of the completed portion, if the developer or applicant furnished the city with a public contractor's performance bond, with corporate surety in an amount equal to the total cost of the uncompleted portion of the project. The bond shall be subject to approval by the City Council and filed with the Clerk-Treasurer.

15.2.20 TRANSFER OF PERMIT.

Every person holding a conditional use permit shall give notice in writing to the inspector within 72 hours after having sold, transferred, given away, or otherwise disposed of interest in or control of any manufactured home park. The notice shall be made to the inspector to include the name and address of the person succeeding to the ownership or control of the manufactured home park. Upon application in writing for transfer of the conditional use permit, the conditional use permit shall be transferred.

15.2.21 APPLICATION AND RENEWAL OF PERMIT.

The application for original conditional use permit shall be in writing, signed by the applicant, accompanied by an affidavit of the applicant as to the truth of the application, together with a fee to be determined by the City Council from time to time to cover the inspections required herein, and shall contain the applicant's name and address, the location and legal description of the manufactured home park, and a site plan of the manufactured home park, showing all manufactured home lots, structures, roads, walkways, and other service facilities.

15.2.22 SUSPENSION AND REVOCATION.

Whenever, upon inspection of any manufactured home park, the inspector finds that conditions or practices exist which are in violation of this chapter, the inspector shall give notice in writing to the person to whom the conditional use permit was issued, stating the nature of the conditions or practices which constitute a violation hereunder and stating that the conditions or practices shall be corrected within a period of 30 days following the delivery of such notice by the inspector. The date of mailing the notice by certified mail shall constitute delivery. Upon expiration of the 30-day period, the inspector shall reinspect the manufactured home park in violation, and, if such conditions or practices have not been corrected, shall notify the City Council, and the City Council will give notice in writing of the suspension of the permit to the person to whom the conditional use permit was issued.

15.2.23 TIME WITHIN WHICH TO COMPLY.

If the work necessary to correct the conditions or practices which are the subject of a notice cannot be completed in the 30-day period, written extensions may be granted by the City Council if reasons for hardship prevail and can be verified.

15.2.24 HEARING.

Any person affected by any notice which has been issued in connection with the enforcement of any provisions of these regulations may request and shall be granted a hearing of the same before the City Council.

15.2.25 FINAL SUSPENSION.

If, after the 30-day period of notice has expired, the conditions and practices which constitute a violation of these regulations have not been corrected and the permittee has not within the prescribed 30-day period requested a hearing, the City Council may suspend or revoke the conditional use permit previously issued for the manufactured home park by sending by certified mail or by delivering personally a notice of the suspension or revocation to the permittee. Upon receipt of the notice of suspension or revocation, the permittee shall cease operation of the manufactured home park.

15.2.26 EMERGENCY.

Whenever the inspector finds that an emergency exists which requires immediate action to protect the public health, the inspector may, without notice or hearing, issue an order reciting the existence of the emergency and requiring that such action be taken as the inspector may deem necessary to meet the emergency, including the suspension of the conditional use permit. Notwithstanding any other provision of these regulations, the order shall be effective immediately. Any person to whom the order is directed shall comply therewith immediately, but upon petition to the inspector shall be afforded a hearing before the planning commission as soon as possible. Pending the hearing, emergency orders shall be in full force and effect until and unless later removed, modified, or changed by the inspector, planning commission, or the City Council.

INSPECTIONS

15.2.27 COMPLIANCE WITH CHAPTER.

The inspector is hereby authorized and directed to make such inspections as are necessary to determine satisfactory compliance with these regulations, including the power to enter at reasonable times upon any private or public property for this purpose.

15.2.28 REGISTRATION RECORD.

The inspector, chief of police, or duly authorized representatives, shall have the power to inspect the register containing a record of all residents of the manufactured home park.

15.2.29 ACCESS.

It shall be the duty of the park management to give the inspector free access to all lots at reasonable times for the purpose of inspection.

15.2.30 REPAIRS.

It shall be the duty of every occupant of a manufactured home park to give the owner thereof or the owner's agent or employee access to any part of such manufactured home park at reasonable times for the purpose of making such repairs or alterations as are necessary to effect compliance with this chapter.

ENVIRONMENTAL, OPEN SPACED, AND ACCESS REQUIREMENTS

15.2.31 GENERAL REQUIREMENTS.

The conditions of all soil, groundwater level, drainage, and topography shall not create hazards to the property or the health and safety of the occupants. The site should not be exposed to objectionable smoke, noise, odors, or other adverse influences, and no portion subject to unpredictable or sudden flooding.

15.2.32 SOIL AND GROUND COVER REQUIREMENTS.

Exposed ground surfaces in all parts of every manufactured home park shall be paved or covered with stone, screenings, or other solid materials, or protected with a vegetative growth that is capable of preventing soil erosion and of eliminating objectionable dust.

15.2.33 SITE DRAINAGE REQUIREMENTS.

The ground surface in all parts of every manufactured home park shall be graded and equipped to drain all surface water in a safe, efficient manner.

15.2.34 USE REQUIREMENTS.

No part of any park shall be used for non-residential purposes, except such uses that are required for the direct servicing and well-being of park residents and for the management and maintenance of the park or such other uses as are permitted in single-family dwellings and approved by the park management.

15.2.35 REQUIRED SEPARATION BETWEEN MANUFACTURED HOMES.

Unless separated by fireproof structures approved by the Fire Marshal and the City Council, manufactured homes shall be separated from each other and from other buildings and structures by at least 20 feet or the sum of the heights of both trailer units, whichever is greater. Unless separated by fireproof structures approved by the Fire Marshal and the City Council, manufactured homes placed end to end must have minimum clearance of 15 feet; an accessory structure such as an awning, cabana, storage cabinet, carport, windbreak, or porch which has a floor area exceeding 25 feet and has an opaque top or roof shall for purposes of all separation requirements, be considered to be a part of the manufactured home. Minimum lot sizes shall be not less than 5,000 square feet.

15.2.36 OPEN SPACE.

A minimum of 500 square feet per manufactured home shall be provided for definable play areas and open space within the manufactured home park. Such areas of open space and play area shall not be areas included within any setback nor shall they include any areas of less than 20 feet in length or width.

15.2.37 REQUIRED SETBACKS, BUFFER STRIPS, AND SCREENING.

All manufactured homes shall be located at least 30 feet from any property line abutting upon a public a public street or highway and at least 20 feet from other property boundary lines; there shall be a minimum distance of 15 feet between the manufactured home stand and abutting park street. All manufactured home parks located adjacent to residential, recreational, commercial, or industrial land uses shall provide screening such as fences, shrubs, and trees along the property boundary line separating the park and such uses and shall be maintained in a neat and orderly fashion.

15.2.38 AVERAGE DENSITY.

Notwithstanding the type of development concept used, the maximum density shall be seven manufactured homes per acre.

15.2.39 ACCESSORY BUILDINGS.

One accessory building for storage of equipment and refuse is required, and the accessory building shall be a minimum of 48 square feet and designed of water-resistant material that will enhance the general appearance of the lot.

15.2.40 PARK STREET SYSTEM AND CAR PARKING.

A. General requirements. All manufactured home parks shall be provided with safe and convenient vehicular access from abutting public streets or roads to each manufactured home lot. Such access shall be provided by streets, driveways, or other means.

B. Park entrance. Entrances to manufactured home parks shall be designed to minimize congestion and hazards and allow free movement of traffic on adjacent streets. No parking shall be permitted on the park entrance street for a distance of 30 feet from its point of beginning.

C. Internal streets. Surfaced roadways shall be of adequate width to accommodate anticipated traffic and, in any case, shall meet the following minimum requirements:

1. All streets except minor streets shall be a minimum of 30 feet in width from face of curb to face of curb. Streets without curb shall be considered minor streets.
2. Dead-end streets shall be limited in length to 500 feet and shall be provided at the closed end with a cul-de-sac having an outside roadway diameter of at least 100 feet. All dead-end streets shall be marked with approved signs at the entrance to the dead-end street.

D. Street construction and design standards.

1. Pavements. All streets shall be provided with a paved concrete or bituminous surface. Pavement edges shall be protected to prevent raveling of the wearing surface and shifting of the pavement base. Street surfaces shall be maintained reasonably free of cracks, holes, and other hazards.
2. Grades. Longitudinal grades of all streets shall range between 0.4% and 8.0% percent. Transverse grades (crown) of all streets shall be sufficient to insure adequate transverse drainage.
3. Storm sewers. If conditions warrant, an adequate storm sewer system shall be provided to dispose of all runoff water. The storm sewer system shall be connected to existing city storm sewer systems upon city approval.
4. Intersections. Within 50 feet of an intersection, streets shall be at right angles. Intersections of more than two streets at one point shall be avoided.
5. Car parking. For all new manufactured home parks or additions to present parks, off-street parking areas for the use of park occupants and guests are required. Such areas shall be furnished at a rate of at least two car spaces for each manufactured home lot, of which at least one-half of the spaces may be in compounds. All off-street parking areas shall be paved concrete or bituminous surface.

15.2.41 WALKS.

A. General requirements. All parks shall be provided with safe, convenient, all-season pedestrian access of adequate width for intended use, durable and convenient to maintain, between individual manufactured homes, park streets, and all

community facilities provided for park residents. Sudden changes in alignment and gradient shall be avoided.

B. Common walk system. A common walk system shall be provided and maintained between locations where pedestrian traffic is concentrated. Common walks shall have a minimum width of 42 feet.

C. Individual walks. All manufactured homes shall be connected to common walks, to paved streets, or to paved driveways or parking spaces connecting to a paved street. Individual walks shall have a minimum width of two feet.

15.2.42 PATIO.

Each manufactured home lot shall have a patio of 4-inch concrete, with minimum dimensions of nine feet by 20 feet.

15.2.43 TREES.

A minimum of one tree per lot is required. In open areas and park areas, a minimum of 20 trees per acre is required.

SERVICE BUILDING AND OTHER COMMUNITY SERVICE FACILITIES

15.2.44 GENERAL PROVISIONS.

The requirements of this subchapter shall apply to service buildings, recreation buildings, and other community service facilities, such as management offices, repair shops, storage areas, sanitary facilities, laundry facilities, indoor recreation areas, and commercial uses supplying essential goods or services for the exclusive use of park occupants.

15.2.45 STRUCTURAL REQUIREMENTS FOR BUILDINGS.

All portions of the structure shall be properly protected from damage by ordinary uses and by decay, corrosion, termites, and other destructive elements. Exterior portions shall be of such materials and be so constructed and protected as to prevent entrance or penetration of moisture and weather.

15.2.46 BARBECUE PITS, FIREPLACES, STOVES, AND INCINERATORS.

Cooking shelters, barbecue pits, fireplaces, woodburning stoves, and incinerators shall be so located, constructed, and maintained and used as to minimize fire hazards and smoke nuisances both on the property on which used and on neighboring property and shall comply with all appropriate ordinances, laws, or other regulations.

SOLID WASTE

15.2.47 REFUSE HANDLING.

The storage, collection, and disposal of refuse in the manufactured home parks shall be so constructed as to create no health hazards, rodent harborage, insect breeding, accident or fire hazards, or air pollution.

INSECT AND RODENT CONTROL

15.2.48 GROUNDS, BUILDINGS, AND STRUCTURES.

Grounds, buildings, and structures shall be maintained free of insects and rodent harborage and infestation. Extermination methods and other measures to control insects and rodents shall conform to the requirements of the state and county health code.

15.2.49 PARKS.

Parks shall be maintained free of accumulation and of debris which may provide rodent harborage or breeding places for flies, mosquitoes, and other pests.

15.2.50 STORAGE AREAS.

Storage areas shall be so maintained as to prevent rodent harborage.

15.2.51 SCREENS.

Where the potential for insect and rodent infestation exists, all exterior opening in or beneath any structure shall be appropriately screened with wire mesh or other suitable materials.

15.2.52 BRUSH, WEEDS, AND GRASS.

The growth of brush, weeds, and grass shall be controlled to prevent harborage of ticks, chiggers, and other noxious insects. Parks shall be maintained as to prevent the growth of ragweed, poison ivy, poison oak, poison sumac, and other noxious weeds considered detrimental to health. Open areas shall be maintained free of heavy undergrowth of any description.

FIRE PROTECTION

15.2.53 LITTER, RUBBISH, AND THE LIKE.

Manufactured home parks shall be kept free of litter, rubbish, and other flammable material.

15.2.54 FIRE EXTINGUISHERS

Portable fire extinguishers rated for classes A, B, and C fires shall be kept visible and in service buildings and other locations conveniently located and maintained in good operating condition. Their capacity shall be not less than 10 pounds.

15.2.55 FIRES.

Fires shall be made only in stoves, indoor incinerators, and other equipment intended for such purposes.

15.2.56 FIRE HYDRANTS.

Fire hydrants shall be installed if the park water supply system is capable to serve them in accordance with the following requirements: the water supply system shall permit the operation of standard city fire hydrants; and fire hydrants, if provided, shall be located within 300 feet of any manufactured home, service building, or other structure in the park.

PARK MANAGEMENT RESPONSIBILITIES

15.2.57 GENERAL REQUIREMENTS.

The person to whom a license for a manufactured park is issued shall operate the park in compliance with this chapter and shall provide adequate supervision to maintain the park, its facilities, and equipment in good repair and in a clean and sanitary condition.

15.2.58 INSPECTION OF REGISTER.

The park manager shall keep the required register available for inspection at all times by law enforcement officers, public health officers, and other officials whose duty necessitates acquisition of the information contained in the register. The register record for such occupant registration shall not be destroyed for a period of three years following the date of departure of the registrant from the park.

CHAPTER 15.3 COMPREHENSIVE LAND USE PLAN

GENERAL PROVISIONS

15.3 ADOPTION OF THE CITY COMPREHENSIVE LAND USE PLAN

By specific reference the City Comprehensive Land Use Plan is hereby adopted and codified as the zoning ordinance of the City of Cromwell. For purposes of the economy of space a copy of the plan is attached to this code and can be reviewed in the office of the City Clerk/Treasurer during business hours. The plan can be amended by the City Council from time to time.

CHAPTER 15.4 FLOOD PLAIN MANAGEMENT

15.4.01: STATUTORY AUTHORIZATION AND PURPOSE

A. 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 462.

B. Purpose.

1 This ordinance regulates development in the flood hazard areas of the City of Cromwell. 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.

2 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.

3 This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.

4 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.

C. 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.

D. 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 Cromwell or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

E. 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.

15.4.02: DEFINITIONS

A. 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.

1. 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. 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.
3. 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.
4. 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.
5. Building. See *Structure*.
6. Channel. A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.
7. 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.
8. 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.
9. 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.
10. 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.

11. FEMA. Federal Emergency Management Agency.
12. 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).
13. 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.
14. Flood Fringe. The portion of the one-percent annual chance floodplain located outside of the floodway.
15. 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).
16. 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.
17. 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.
18. 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.
19. 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.
20. General Floodplain. Those floodplains designated on the Flood Insurance Rate Maps referenced in Section 3.2, but that do not have a delineated floodway.
21. 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.
22. 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.

23. 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.”
24. 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.
25. Principal Structure. The main building or other structure on a lot that is utilized for the property’s principal use.
26. 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.
27. 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.”
28. 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.
29. 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.
30. Stage Increase. Any increase in the water surface elevation during the one-percent annual chance flood caused by encroachments on the floodplain.
31. 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.

32. 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.

33. Subdivision. Land that has been divided for the purpose of sale, rent, or lease, including planned unit developments.

34. 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.

35. 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.

36 Variance. “Variance” means the same as that defined in 44 CFR § 59.1 and Minnesota Statutes, Section 462.357, Subd. 6(2).

37 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.

15.4.03: JURISDICTION AND DISTRICTS

A. Lands to Which Ordinance Applies**.** This ordinance applies to all lands within the jurisdiction of the City of Cromwell within the boundaries of the Floodway, Flood Fringe and General Floodplain Districts.

1. 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.
2. Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions, the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the one-percent annual chance floodplain.
3. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the ***Cromwell City Council*** and to submit technical evidence.

B. 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 Carlton County, Minnesota, and Incorporated Areas and the Flood Insurance Rate map panels enumerated below, all dated March 13, 2024, and prepared by the Federal Emergency Management Agency. These materials are on file in the Cromwell City Hall.

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C. Districts

1. Floodway District. Those areas within Zone A as shown on the Flood Insurance Rate Maps referenced in Section 3.2, and determined to be located in the Floodway based on the delineation methods in Section 7.4.
2. Flood Fringe District. Those areas within Zone A as shown on the Flood Insurance Rate Maps referenced in Section 3.2, and determined to be located in the Flood Fringe based on the delineation methods in Section 7.4.
3. General Floodplain District. Those areas within Zone A that do not have a floodway delineated as shown on the Flood Insurance Rate Maps referenced in Section 3.2.

D. 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 Cromwell at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Cromwell 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 14.0.

15.4.04: REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS

A. 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:

1. 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.
2. 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.
3. The change or expansion of a nonconforming use.
4. The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
5. Systems, or other service facilities.
6. The storage of materials or equipment, in conformance with Section 4.32.
7. 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.
8. Any other type of “development,” as defined in Section 2.0 of this ordinance.

B. 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.

C. Minimum Development Standards

1. 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 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.

2. 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), flood proofed, 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.
3. 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.

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 Permit	6.23.D(1)

	allowed – with CUP		
Accessory Structures – Dry (watertight) Floodproofing	Only specific uses and types allowed – with CUP	Allowed with Permit	6.23.D(4)
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 – 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*

15.4.05: FLOODWAY DISTRICT

A. 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:

1. Agricultural uses, recreational uses, parking lots, loading areas, airport landing strips, water control structures, navigational facilities, as well as public open space uses.
2. Roads, driveways, railroads, trails, bridges, and culverts.
3. Public utility facilities and water-oriented industries which must be in or adjacent to watercourses.
4. Grading, filling, land alterations, and shoreline stabilization projects.
5. 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.
6. Levees or dikes intended to protect agricultural crops, provided the top of the dike does not exceed the 10-percent annual chance flood event.

B. Standards for Permitted Uses in Floodway. In addition to the applicable standards detailed in Section 4.0:

1. 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.”
2. 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.
3. 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.
4. 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. 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.
6. 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.

C. Conditional Uses in Floodway. The following uses and activities may be permitted as conditional uses, subject to the standards detailed in Sections 5.4:

1. Commercial extractive uses, and storage and stockpiling yards.
2. Structures accessory to uses detailed in Sections 5.11 and 5.31.

D. Standards for Conditional Uses in Floodway. In addition to the applicable standards detailed in Sections 4.0, 5.2 and 11.2:

1. Extractive uses and storage of materials require the completion of a site development and restoration plan, to be approved by the City of Cromwell.
2. 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.

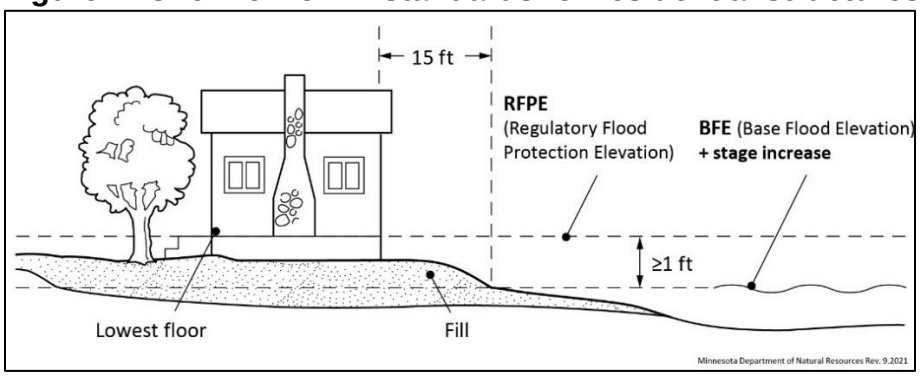
15.4.06: FLOOD FRINGE DISTRICT

A. 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.

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

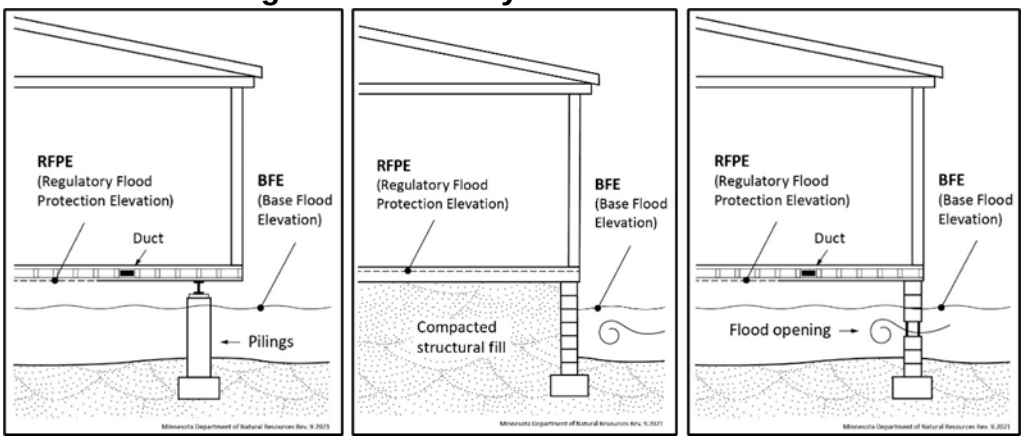
1. Residential Structures.
    a. Elevation on Fill. Structures erected, constructed, reconstructed, altered, or moved on fill within the Flood Fringe District shall be placed so that the lowest floor, as defined in Section 2.0 of this ordinance, is elevated at or above the Regulatory Flood Protection 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 1). 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.

Figure 1: Overview of fill standards for residential structures.



2. 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 2), filled stem walls (Figure 3), or internally-flooded enclosed areas (Figure 4) such as crawl spaces, attached garages, or tuck under garages.

Figure 2: Blocks or pilings. **Figure 3: 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 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.

3. 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 flood proofed 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.

(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-flood proofed, or watertight, meeting the standards in Section 6.22.C of this ordinance.

4. 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 City of Cromwell.
5. Any facilities used by employees or the general public must be designed with a flood warning system acceptable to the City of Cromwell 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. Manufactured homes and recreational vehicles must meet the standards of Section 10 of this ordinance.

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

1. 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.

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

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

15.4.07: GENERAL FLOODPLAIN DISTRICT

A. Permitted Uses in General Floodplain District

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

2. 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.

B. Determining Flood Elevations
1. 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).
2. The Regulatory Flood Protection Elevation (RFPE) can be determined by assuming a one-half (0.5) foot stage increase to accommodate for future cumulative impacts. A stage increase does not need to be assumed along lakes, wetlands, and other basins that are not affected by velocities.

C. Encroachment Analysis
1. 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.
2. Alterations or changes that result in stage decreases are allowed and encouraged.

D. Standards for the Analysis of Floodway Boundaries
1. 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.

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

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.

15.4.08: SUBDIVISION STANDARDS

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

1. All lots within floodplain districts must be suitable for a building site outside of the Floodway District.
2. 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 City of Cromwell.
3. 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 City of Cromwell.
4. 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.

15.4.09: PUBLIC AND PRIVATE UTILITIES, SERVICE FACILITES, ROADS, BRIDGES, AND RAILROADS

A. 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.

B. Public Utilities**.** All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or flood proofed 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.

C. 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.

15.4.10: MANUFACTURED HOMES AND RECREATIONAL VEHICLES

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

1. 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.
2. 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.

B. 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:

1. Meet the requirements for manufactured homes in Section 10.1, or
2. 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.

15.4.11: ADMINISTRATION

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

1. 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.
2. Recordkeeping. The Zoning Administrator must maintain applicable records in perpetuity documenting:
   a. All certifications for dry flood proofing 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 flood proofed. Elevations shall 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.
3. 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.

4. 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.
5. 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 Cromwell 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.

B. Conditional Uses and Variances
   1. 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 462.357, Subd. 6(2) and this ordinance.
   2. 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.
      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.

3. Considerations for Approval. The City of Cromwell 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.

4. Conditions of Approval. The City of Cromwell 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 *Cromwell City Council*.

C. Notifications to the Department of Natural Resources

1. 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.

2. 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.

15.4.12: NONCONFORMITIES

A. Continuance of Nonconformities. A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

1. 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.
2. 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).
3. 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.
4. If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance.
5. 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.

B. 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:

1. 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.
2. 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.

3. 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.
   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.
4. 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.

15.4.13: VIOLATIONS AND PENALTIES

A. 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.

B. 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 Cromwell or the Department of Natural Resources.

C. 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 Cromwell 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.

15.4.14: AMENDMENTS

A. 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.

B. 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 Flood Plain ordinance shall be effective and in full force as of February 21, 2024.