

SECTION 6 - JF-JESSENLAND FLOOD PLAIN DISTRICT

Subdivision 1. Findings of Fact.

1. The flood hazard areas of Jessenland Township are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. Methods used to analyze flood hazards. This ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.
3. Statement of purpose. It is the purpose of this ordinance to promote the public health, safety and general welfare and to minimize those losses described in paragraph #1 by provisions contained herein.

Subdivision 2. General Provisions.

1. Lands to which this section applies. This section shall apply to all lands within the jurisdiction of Jessenland Township shown on the official zoning map as being located within the boundaries of the floodway, flood fringe, or general flood plain districts.
2. Establishment of Official Zoning Map. The Official Zoning Map, together with all materials attached thereto, is hereby adopted by reference and declared to be a part of this ordinance. The attached material shall include: 1) the Flood Insurance Study for Sibley County prepared by the Federal Emergency Management Agency; 2) Flood Insurance Rate Map Panels that apply to Jessenland Township and are the most current. The Official Zoning Map shall be on file in the Office of the Zoning Administrator.
3. Regulatory flood protection elevation. The regulatory flood protection elevation shall be an elevation no lower than one (1) foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
4. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
5. The boundaries of the zoning districts shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the Zoning Administrator, the Board of Adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the Board and to submit technical evidence.

6. This paragraph intentionally left blank.
7. 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.
8. Warning and disclaimer of liability. This ordinance does not imply that areas outside the flood plain 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 Jessenland Township or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.
9. 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.

Subdivision 3. Subdistricts.

There shall be three sub districts within the Flood Plain District, namely: Floodway District (FW), Flood Fringe District (FF), and General Flood Plain District. (GFP).

1. Floodway District. The Floodway District shall include those areas designated as floodway on the Flood Insurance Rate Map.
2. Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe. The Flood Fringe shall constitute those areas shown on the Flood Insurance Rate Map as being within Zone AE but being located outside of the floodway.
3. General Flood Plain District. The General Flood Plain District shall include those areas designated as Zone A on the Flood Insurance Rate Map.
4. Compliance. No new structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance. Within the Floodway, Flood Fringe and General Flood Plain Districts, all uses not listed as permitted uses or conditional uses as provided in Subdivisions 4, 5, and 6 that follow, shall be prohibited. In addition:
 - a. New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this Ordinance and specifically SECTION 6, Subdivision 9:
 - b. Modification, additions, structural alterations 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 SECTION 16.
 - 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 SECTIONS 15, 17 and 19 of this Ordinance.

- d. Other additional regulations are found in SECTIONS 15, 17 and 19 of this Ordinance.

Subdivision 4. Floodway District (FW).

1. Permitted Uses: The following are permitted uses in the floodway district.
 - a. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - b. Industrial-commercial loading areas, parking areas, and airport landing strips.
 - c. 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.
 - d. Residential lawns, gardens, parking areas, and play areas.
2. Standards for Floodway Permitted Uses:
 - a. The use shall have a low flood damage potential.
 - b. The use shall be permissible in the underlying zoning district if one exists.
 - c. 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.
3. Conditional Uses: The following are conditional uses in the floodway district:
 - a. Structures accessory to the uses listed in Paragraph 1 above and the uses listed in subparts b to h below.
 - b. Extraction and storage of sand, gravel and other materials
 - c. Marinas, boat rentals, docks, piers, wharves, and water control structures.
 - d. Railroads, streets, bridges, utility transmission lines, and pipelines.
 - e. Storage yards for equipment, machinery, or materials.
 - f. Placement of fill.
 - g. Travel trailers and travel vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type, campgrounds, subject to the exemptions and provisions of this ordinance.
 - h. 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 less than the 10-year frequency flood event.

4. Standards for Floodway Conditional Uses:

- a. 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 reaches affected.
- b. All floodway Conditional Use requests shall be subject to the procedures and standards contained in SECTION 15 of this Ordinance.
- c. The Conditional Use shall be permissible in the underlying zoning district if one exists.
- d. Fill:
 - 1) Fill, dredge spoil and all other similar materials deposited or stored in the flood plain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
 - 2) 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.
 - 3) As an alternative, and consistent with Subsection (2) 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 Governing Body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The Conditional Use Permit must be recorded or title registered with the property in the Office of the County Recorder or Registrar.
- e. Accessory Structures:
 - 1) Accessory structures shall not be designed for human habitation.
 - 2) 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 water. (a) Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and (b) so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
 - 3) Accessory structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed five hundred (500) square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards, as appropriate:
 - (a) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls; and
 - (b) Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed.

f. Storage of Materials and Equipment:

- 1) 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.
 - 2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.
- g. 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 105. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.
- h. 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 side of a stream.

Subdivision 5 Flood Fringe District (FF).

1. Permitted Uses: Permitted Uses shall be those uses of land or structures listed as Permitted Uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or non-residential structure or use of a structure or use of a structure or land shall be a Permitted Use in the Flood Fringe provided such use does not constitute a public nuisance. All Permitted Uses shall comply with the standards for flood fringe permitted uses listed in paragraph 2 below and the standards for all flood fringe uses listed in paragraph 5 below.
2. Standards for Flood Fringe Permitted Uses:
 - a. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at above the Regulatory Flood Protection Elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the Regulatory Flood Protection Elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.
 - b. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed five hundred (500) square feet for the outside dimension at ground level may be internally flood proofed in accordance with the provisions of SECTION 6, Subdivision 4, paragraph 4, subpart e(3).
 - c. 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 subpart a, above of this ordinance.
 - d. The storage of any materials or equipment shall be elevated on fill to the Regulatory Flood Protection Elevation.
 - e. The provisions of paragraph 5 below of this Ordinance shall apply.
3. Conditional Uses: Any structure that is not elevated on fill or flood proofed in accordance with paragraph 2, subparts a and b, above or any use of land that does not comply with the standards in paragraph 2, subparts c and d, above shall only be allowable as a Conditional Use. An

application for a Conditional Use shall be subject to the standards and criteria and evaluation procedures specified in paragraph 4 below and SECTION 15 of this Ordinance.

4. Standards for Flood Fringe Conditional Uses:

- a. 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 vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:
 - 1) Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the Regulatory Flood Protection Elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding.
 - 2) Specific Standards for Above-grade, Enclosed Areas - Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:
 - a) The minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one (1) foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
 - b) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.
- b. Basements, as defined by SECTION 6, Subdivision 2, Paragraph 10 of this Ordinance, shall be subject to the following:
 - 1) Residential basement construction shall not be allowed below the Regulatory Flood Protection Elevation.
 - 2) Non-residential basements may be allowed below the Regulatory Flood Protection Elevation provided the basement is structurally dry flood proofed in accordance with Paragraph 4, subpart c, below of this Ordinance.
- c. 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 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.

- d. When at any time more than one thousand (1,000) cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the Town 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 Governing Body. The plan may incorporate alternative procedures for removal of the material from the flood plain if adequate flood warning time exists.
- e. Storage of Materials and Equipment:
 - 1) 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.
 - 2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.
- f. The provisions of Paragraph 5 below of this Ordinance shall also apply.

5. Standards for All Flood Fringe Uses:

- a. All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the Regulatory Flood Protection Elevation.

If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

- b. Commercial Uses - accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the Regulatory Flood Protection Elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two (2) feet or be subject to flood velocities greater than four (4) feet per second upon occurrence of the regional flood.
- c. Manufacturing and Industrial Uses - measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in subpart b above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.
- d. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to

the initiation of site preparation if a change of special flood hazard area designation will be requested.

- e. Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.
- f. Standards for travel trailers and travel vehicles are contained in subdivision 9, #3 of this SECTION.
- g. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

Subdivision 6. General Flood Plain District (GFP).

- 1. Permissible Uses: The following are permitted uses in the general flood plain district:
 - a. The uses listed in SECTION 6, Subdivision 4, Paragraph 1 of this Ordinance shall be permitted uses.
 - b. All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to Paragraph 2 below. SECTION 6, Subdivision 4 shall apply if the proposed use is in the Floodway District and SECTION 6, Subdivision 5 shall apply if the proposed use is in the Flood Fringe District.
- 2. Procedures for Floodway and Flood Fringe Determinations Within the General Flood Plain District.
 - a. Upon receipt of an application for a Conditional Use Permit for a use within the General Flood Plain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Administrator for the determination of the Regulatory Flood Protection Elevation and whether the proposed use is within the Floodway or Flood Fringe District.
 - 1) A typical valley cross-section showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development and high water information.
 - 2) Plan (surface view) showing elevations or contours of the ground; pertinent structure, fill or storage elevations; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.
 - 3) Profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred (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 engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the

Regulatory Flood Protection Elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 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 one-half (0.5) foot. A lesser stage increase than one-half (0.5) foot shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.
- c. The Zoning Administrator shall present the technical evaluation and findings of the designated engineer or expert to the Governing Body. The Governing Body must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The Governing Body, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and Flood Fringe Boundaries have been determined, the Governing Body shall refer the matter back to the Zoning Administrator who shall process the permit application consistent with the applicable provisions of SECTION 6, Subdivisions 4 and 5 of this Ordinance.

Subdivision 7. Subdivisions.

1. Review Criteria: No land shall be subdivided for development which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall contain a building site at or above the Regulatory Flood Protection Elevation. All development shall have water and sewage treatment facilities that comply with the provisions of this Ordinance and have road access both to the subdivision and to the individual building sites no lower than two (2) feet below the Regulatory Flood Protection Elevation. For all development in the flood plain, the Floodway and Flood Fringe boundaries, the Regulatory Flood Protection Elevation and the required elevation of all access roads shall be clearly labeled on all required drawings and platting documents.
2. Floodway/Flood Fringe Determinations in the General Flood Plain District: In the General Flood Plain District, applicants shall provide the information required in SECTION 6, Subdivision 6, of this Ordinance to determine the 100-year flood elevation, the Floodway and Flood Fringe District boundaries and the Regulatory Flood Protection Elevation for the development site.
3. 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-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.

Subdivision 8. Public Utilities, Railroads, Roads and Bridges.

1. Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be flood-proofed in accordance with the State Building Code or elevated to above the Regulatory Flood Protection Elevation.
2. Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the flood plain shall comply with SECTION 6, Subdivisions 4 and 5 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.
3. On-site Sewage Treatment and Water Supply Systems: Where public utilities are not provided:
 - a. On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and
 - b. New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this SECTION.

Subdivision 9. Manufactured Homes and Manufactured Home Parks and Placement of Travel Vehicles.

1. New manufactured home parks and expansions to existing manufactured home parks shall be subject to the provisions placed on subdivisions by SECTION 6, Subdivision 7 of this Ordinance.
2. The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in flood plain districts will be treated as a new structure and may be placed only if elevated in compliance with SECTION 6, Subdivision 5 or this Ordinance. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with SECTION 6, Subdivision 5, Paragraph 5, subpart a, then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the Governing Body.
 - a. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
3. Travel trailers and travel vehicles that do not meet the exemption criteria specified in subpart a below shall be subject to the provisions of this Ordinance and as specifically spelled out in subparts c to d below.
 - a. Exemption - Travel trailers and travel vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section b below and further they 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 trailer parks and the travel trailer/travel vehicle has no permanent structural type additions attached to it.
 - 3) The travel trailer or travel vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.
- b. Areas Exempted for Placement of Travel/Recreational Vehicles:
- 1) Individual lots or parcels of record.
 - 2) Existing commercial recreational vehicle parks or campgrounds.
 - 3) Existing condominium type associations.
- c. Travel trailers and travel vehicles exempted in subpart a above lose this exemption when development occurs on the parcel exceeding five hundred dollars (\$500.00) for a structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer/travel vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/flood proofing requirements and the use of land restricts specified in SECTION 6, subdivision 5, paragraph 5, subpart a of this Ordinance.
- d. New commercial travel trailer or travel vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:
- 1) Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe Districts provided said trailer or vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation and proper elevated road access to the site exists in accordance with SECTION 6, subdivision 5, paragraph 5, subpart a 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 travel trailers or travel vehicles not meeting the criteria of (1) above may, as an alternative, be allowed as a Conditional Use if in accordance with the following provisions and the provisions of SECTION 15 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 and shall demonstrate that adequate time and personnel exist to carry out the evacuation. All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with SECTION 6, Subdivision 8, Paragraph 3 of this Ordinance.