

City of Delano
County of Wright
State of Minnesota

Ordinance O-24-05

dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

2.141 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 11.22, shall also be considered a structure for the purposes of this ordinance.

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

2.145 Substantial Damage. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

2.146 Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either: A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions, or B. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this ordinance, "historic structure" is defined in 44 CFR § 59.1.

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

2.148 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.

SECTION 3.0 JURISDICTION AND DISTRICTS

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

City of Delano
County of Wright
State of Minnesota

Ordinance O-24-05

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

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

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



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

3.2 Incorporation of Maps by Reference. The following maps together with all attached material are hereby adopted by reference and declared to be a part of the official zoning map and this ordinance. The attached material includes the Flood Insurance Study for Wright County, Minnesota, and Incorporated Areas, dated 06/20/2024 and the Flood Insurance Rate map panels 27171C0505D, 27171C0510D, 27171C0515D, 27171C0516D, 27171C0517D, 27171C0518D, and 27171C0519D, dated 06/20/2024, all prepared by the Federal Emergency Management Agency. These materials are on file at Delano, Minnesota City Hall.

3.3 Districts

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

3.32 FF-1 Flood Fringe District One. Those areas within Zones AE located outside of the delineated floodway, as shown on the Flood Insurance Rate Maps referenced in Section 3.2.

City of Delano
County of Wright
State of Minnesota

Ordinance O-24-05

3.33 FF-2 Flood Fringe District Two. The Flood Fringe District Two shall include those areas designated as floodway fringe and located within the City of Delano's Long Range Land Use Plan and annexed into the City after January 31, 2005. The Flood Fringe shall constitute those areas shown on the Flood Insurance Rate Map as adopted in Section 3.2 as being within Zone AE but being located outside the floodway.

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

3.4 Annexations. The Flood Insurance Rate Map panels referenced in Section 3.2 may include floodplain areas that lie outside of the corporate boundaries of the City of Delano at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Delano after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the FF-2 Flood Fringe Two District 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 15.0.

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

3.51 City adjustments of corporate boundaries, including but not limited to annexations and detachments, shall shift floodplain administrative authority of all affected lands immediately upon the date of the boundary adjustment occurring. Cities retain jurisdiction for all incorporated lands, and the County retains jurisdiction under this ordinance on all unincorporated lands.

SECTION 4.0 REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS

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

4.11 The erection, addition, modification, rehabilitation, repair, or alteration of any building, structure, or portion thereof. Normal maintenance requires a permit to determine if such work, either separately or in conjunction with other planned work, constitutes a substantial improvement, as specified in Section 13.13.