



City of Grand Forks
 Staff Report
 Planning & Zoning Commission – May 6, 2026
 City Council – May 18, 2026

Item 3-8 (Final) – Ordinance Amendment	
Title: Ordinance to amend section 18-0220 relating to F-1 (Floodway) and F-2 (Floodplain) Districts.	
Prepared By: Ryan Brooks, Planning & Community Development Director	Submitted By: Ryan Brooks, Planning & Community Development Director
Purpose: Remove F-1 & F-2 Districts from Chapter XVIII.	

Staff Recommendation
Recommend approval of the Ordinance to Amend Chapter XVIII Land Development Code, Section 18-0220 related to F-1 (Floodway) and F-2 (Floodplain) Districts, of the Grand Forks City Code, and to request City Council hold the public hearing and grant approval.

Application Status
April 1, 2026 – Planning and Zoning Commission Recommended Action: Motion by Reichert, second by Sande for approval of staff recommendation. Motion carried unanimously.
April 20, 2026 - City Council Action: Motion by Vein, second by Sande for approval of staff recommendation. Motion carried unanimously.
May 6, 2026 (Public Hearing) – Planning & Zoning Commission Recommended Action:
May 18, 2026 (Public Hearing) – City Council Action:

Consistency with 2050 Land Use Plan
Amendment aligns with General Development: <ul style="list-style-type: none"> • Goal 3. Promote environmental, financial, and socially sustainable development. • Objective E – Reasonably plan and develop new community growth that is resilient from natural disasters.

Background and Discussion
<ul style="list-style-type: none"> • On March 16, 2026, an ordinance amendment was adopted by City Council related to floodplain management in response to ND Senate Bill 2027. This ordinance amendment was a requirement to ensure compliance with State and Federal law relating to floodplain management and the National Flood Insurance Program. • The ordinance amended Chapter XIX Buildings and Building Regulations, Article 8. • Staff is recommending approval.

Notices
Grand Forks Herald Public Hearing Notice Published: April 22, 2026
Comments Received: None at time of posting.

Findings of Fact
<ul style="list-style-type: none">The new ordinance adopted by the City is in compliance with the requirement of the North Dakota Century Code.

Attachments
<ul style="list-style-type: none">Draft ordinanceNew Chapter XIX floodplain ordinance packet adopted March 16, 2026

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE TEXT OF THE LAND DEVELOPMENT CODE, CHAPTER XVIII OF THE GRAND FORKS CITY CODE OF 1987, AS AMENDED, AMENDING SECTION 18-0220 F-1 (FLOODWAY) AND F-2 (FLOODPLAIN) DISTRICTS.

BE IT HEREBY ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND FORKS, NORTH DAKOTA, PURSUANT TO THE HOME RULE CHARTER OF THE CITY OF GRAND FORKS, NORTH DAKOTA, THAT:

SECTION I. AMENDING CLAUSE

Section 18-0220 of the Grand Forks City Code relating to F-1 (Floodway) and F-2 (Floodplain) Districts is hereby amended in pertinent part as follows:

18-0220. – ~~F-1 (floodway) and F-2 (floodplain) districts.~~ **Reserved.**

- ~~(1) *Purpose and intent.* This section is enacted to promote the health, safety, and general welfare of the residents of the City of Grand Forks by the proper public regulation and management of flood-prone areas. It is the purpose and intent of this section to:
 - ~~—(A) Comply with the specific requirements of the Flood Disaster Protection Act of 1973.~~
 - ~~—(B) Prevent development in flood-prone areas which is incompatible with land subject to frequent periodic inundation.~~
 - ~~—(C) Prevent 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) *General provisions:*
 - ~~—(A) *Lands to which this section applies:* This section shall apply to all lands within the zoning and subdivision jurisdiction of the City of Grand Forks shown on the City of Grand Forks zoning map and the street and highway master plan as specified within this chapter.~~
 - ~~—(B) *Compliance:* No 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 section and other applicable regulations.~~
 - ~~—(C) *Abrogation and greater restrictions:* It is not the intent of this section to repeal, abrogate or impair any existing deed restrictions, existing zoning ordinances or other city regulations; however, where this section imposes greater restrictions, the provisions of this section shall prevail. All other ordinances inconsistent with this section are hereby repealed to the extent of this inconsistency only.~~
 - ~~—(D) *Interpretation:* In interpretation and application, the provisions of this section shall be held to be minimum requirements and shall be liberally construed in favor of the City~~~~

~~of Grand Forks and shall not be deemed a limitation or repeal of any other powers granted by the North Dakota Statutes.~~

~~(E) *Warning and disclaimer of liability:* This section does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damage. This section does not create liability on the part of the City of Grand Forks or any officer or employee thereof for any flood damages that result from reliance on this section or any administrative decision lawfully made hereunder.~~

~~(F) *Severability:* If any section, clause, provision or portion of this section is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this section shall not be affected thereby.~~

~~(G) *Official publication for areas of flood hazard:* The scientific and engineering report prepared by the Federal Insurance Administration and entitled "The Flood Insurance Study for the City of Grand Forks," dated February, 1977, with an accompanying flood insurance rate map (F.I.R.M.), hereinafter referred to as F.I.R.M., dated September 15, 1977, first revision August 25, 1978, second revision January 25, 1980, third revision September 27, 1985, and the fourth revision dated December 17, 2010, is adopted by reference and declared to be part of this section. The flood insurance study is on file at the Office of the City Engineer, Grand Forks, North Dakota. The flood insurance study is not meant to preclude the consideration of other available base flood data or other additional technical information.~~

~~(3) *Establishment of zoning districts, zoning map and appropriate procedures and regulations:*~~

~~(A) *Zoning districts:* The floodplain areas within the jurisdiction of this section are hereby established into two (2) districts: Floodway district (F-1) and floodplain district (F-2).~~

~~— The floodway district (F-1) shall be a channel area, adjacent to and including the Red River of the North and English coulee within the area of jurisdiction, sufficient to carry the regional flood with not more than a one-foot rise in the regional floodwater surface elevation if the entire flow of said regional flood is confined to the delineated floodway. The determination of the floodway district (F-1) is a theoretical hydraulic calculation to be carried out by an accepted standard methodology. The city engineer shall be responsible for the technical calculation which is to provide the basis for the delineation of the floodway district (F-1). The (F-1) zone is as shown on the federal flood insurance rate map with the revision dated December 17, 2010, which map is hereby adopted by reference and incorporated herein.~~

~~— The floodplain district (F-2) is to be the floodplain area within the area of jurisdiction which is the floodplain area having special flood hazard, except the floodway district (F-1). This is the area, except the floodway, which would be inundated by a regional flood. The city engineer shall be responsible for the technical hydraulic calculations which are to provide the basis for the delineation of the floodplain district (F-2).~~

~~— The boundary of the (F-2) zone shall be shown on the "City of Grand Forks Official Floodplain Zoning Map." Within these districts all uses not allowed as permitted uses or permissible as conditional uses shall be prohibited.~~

~~(B) *Official floodplain zoning map:* The official floodplain zoning map, together with all explanatory matter thereon and attached thereto, is hereby adopted by reference and declared to be a part of this section. The official floodplain zoning map shall be on file~~

~~in the office of the city engineer. The water surface profile entitled "Regional Flood Water Surface Profile in Grand Forks, North Dakota" is attached to and made a part of the official floodplain zoning map and this section.~~

- ~~(C) *Rules for interpretation of district boundaries:* The boundaries of the zoning districts shall be determined by scaling distances on the map unless otherwise indicated on the official floodplain zoning map. Where interpretation of the exact location of a district boundary is to be is in dispute, as for example, where there appears to be a conflict between a mapped boundary and actual field conditions, the board of zoning adjustment of the City of Grand Forks shall make the necessary interpretation by procedures outlined in section [18-0603](#). In all cases the person contesting the location of the district boundary shall be given a reasonable opportunity to present his case to the board of zoning adjustment and to submit his own technical evidence. Compliance with the provisions of this section shall not be grounds for changing of F-1 or F-2 district zoning boundaries. Properties may be removed from either flood zone district by methods set forth in section [18-1001](#) of this chapter.~~

Floodway District (F-1)

- ~~1. *Permitted Uses (F-1):* The permitted uses in the floodway district shall have a low flood damage potential and shall not act to obstruct flood flows or to increase flood heights. Mobile homes, new construction, and substantial improvement of existing structures are not permitted uses. The following uses shall be permitted within the floodway district to the extent that they are not prohibited by any other ordinance and provided they do not require fill or storage of materials and equipment.
 - ~~(a) Agricultural uses such as general farming, outdoor plant nurseries, horticulture, forestry, sod farming and wild crop harvesting.~~
 - ~~(b) Lawns, gardens, open spaces.~~
 - ~~(c) Parking areas and lots, loading areas.~~
 - ~~(d) Private and public recreational uses such as golf courses, tennis courts, picnic grounds, boat launching ramps, and other park and recreational uses.~~~~
- ~~2. *Conditional uses (F-1):* All uses other than those specified in subsection (1) above are permitted only upon application to the planning commission and the issuance of a conditional use permit as set forth in Article 7 of this chapter. Conditional uses include:
 - ~~(a) Uses or structures accessory to open space or other conditional use.~~
 - ~~(b) Marinas, boat rentals, docks, piers, or wharves.~~
 - ~~(c) Railroads, streets, bridges, utility transmission lines pipelines, and fences.~~
 - ~~(d) Storage yards for equipment, machinery or materials.~~
 - ~~(e) Kennels or stables.~~
 - ~~(f) Other uses similar to those listed, which are consistent with the provisions and objectives of this section.~~~~
- ~~3. *Standards for floodway conditional uses (F-1):*~~

- ~~(a) *All uses.* No structures (temporary or permanent), fill, deposit, obstruction, storage of materials or equipment, or other uses may be allowed as conditional uses, which, acting alone or in combination with existing or anticipated future uses, unduly affects the capacity of the floodway or unduly increases flood heights. Consideration of the effects of a proposed use shall be based on the reasonable assumption that there will be an equal degree of encroachment extending for a significant reach on both sides of the stream.~~
- ~~(b) *Fill:*~~
 - ~~(i) Any fill material must be shown to have a beneficial purpose. The proponent must submit a scaled plan of the proposed fill for review.~~
 - ~~(ii) Such fill shall be protected against erosion by rip rap, vegetation, or bulkheading.~~
- ~~(c) *Structures:*~~
 - ~~(i) Structures shall not be designed for human habitation.~~
 - ~~(ii) Structures shall be constructed or substantially improved in accordance with the "Floodproofing Code of the City of Grand Forks" except no residential basements shall be permitted.~~
- ~~(d) *Storage of material and equipment:*~~
 - ~~(i) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited.~~
 - ~~(ii) Storage of other material or equipment may be allowed if not subject to major damage by floods and firmly anchored to prevent flotation or readily removable from the area within the time available after flood warning.~~

Floodplain District (F-2)

- ~~1. *Permitted Uses (F-2).* The following uses shall be permitted uses within the floodplain district to the extent that they are not prohibited by any other ordinance.~~
 - ~~(a) Any use permitted in the floodway zone, section (d)(1).~~
 - ~~(b) Construction or substantial improvements of residential structures permitted by the ordinances of the City of Grand Forks for which the lowest floor (including basement) elevation is above the flood protection elevation as determined by the regional floodwater surface profile attached and part of this section.~~
 - ~~(c) All nonresidential structural and other uses permitted by the ordinances of the City of Grand Forks for which construction, provision, or substantial improvement is in accordance with the "Floodproofing Code of the City of Grand Forks."~~
- ~~2. *Mobile Home Parks (F-2).* New mobile home parks and mobile home subdivisions, or expansions to existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities, and pads equals or exceeds fifty (50) percent of the value of the streets, utilities, and pads before the repair, reconstruction or improvement has commenced, require that:~~

- ~~(a) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at or above the base flood level.~~
- ~~(b) Adequate surface drainage and access for a hauler are provided.~~
- ~~(c) In the instance of elevation on pilings, that loads are large enough to permit steps, piling foundations are placed in stable soil and no more than six (6) feet above ground level.~~

~~3. Construction and Design Standards for Floodway District F-1 and Floodplain District F-2 Uses:~~

- ~~(a) Structures: All new construction and substantial improvements shall:

 - ~~(i) Be designed and adequately anchored to prevent flotation, collapse, or lateral movement.~~
 - ~~(ii) Be constructed with materials and equipment resistant to flood damage.~~
 - ~~(iii) Be constructed using method and practices that minimize flood damage.~~
 - ~~(iv) Be constructed or substantially improved in accordance with the "Floodproofing Code of the City of Grand Forks."~~
 - ~~(v) Be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.~~~~
- ~~(b) All new and replacement water systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.~~
- ~~(c) New and replacement sewer systems shall be designed to minimize or eliminate infiltration floodwaters into the system and to minimize or eliminate discharges from the system into the floodwater.~~
- ~~(d) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.~~
- ~~(e) AO Zones designated on community's F.I.R.M.:

 - ~~(i) New construction and substantial improvements of residential structures located in the AO Zone as designated in the city's F.I.R.M. shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as depth number specified in feet on the community's F.I.R.M. (at least two (2) feet if no depth number is specified).~~
 - ~~(ii) New construction and substantial improvements of nonresidential structures within the AO Zone as designated on the city's F.I.R.M. shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's F.I.R.M. (at least two (2) feet if no depth number is specified) or, together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard requiring that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.~~~~

~~(4) Administration:~~

~~(A) Building permit required. A building permit issued by the building and zoning administrator in conformity with the provisions of this section shall be secured prior to the erection, addition, or alteration of any building, structure, or portion thereof, in addition to the application requirements established in the city building code, the elevation of the lowest floor (including basement) and the lowest opening (if lower than first floor elevation) shall be clearly indicated. The building inspector shall indicate on the same set of plans, the regulatory flood protection elevation. No building permit may be issued for a building, structure, or portion thereof which does not meet the requirements of this section.~~

~~— Upon issuance of said variance, the building and zoning administrator shall:~~

~~(B) Floodproofing certification. Any building permit application for which floodproofing measures are proposed for nonresidential structures shall include a certification by a registered professional engineer or architect attesting that the floodproofing methods utilized are reasonably adequate for the structure to withstand the regional flood and meets the requirements of the "Floodproofing Code of the City of Grand Forks." All such certificates are to be kept on file in the office of the city engineer.~~

~~(C) Variances. Variance from the strict interpretation of this section is permitted under the finding of facts, conditions, and procedures set forth in section 18-0603 and if it can be shown that the variance issuance will not result in increased flood levels during the base flood discharge additional threats to public safety, extraordinary public expense, a nuisance, or cause fraud on or victimization of the public.~~

~~— In all cases, a variance from the strict interpretation of this section can only be permitted for:~~

- ~~1. New structures or substantial improvement of structures which are to be constructed on lots of one-half (1/2) acre or less in size, and contiguous to and surrounded by lots with existing structures constructed below the flood protection elevation; or~~
- ~~2. A structure listed on the national register of historic places or the North Dakota State Inventory of Historic Places that is to be restored or reconstructed.~~

~~Upon issuance of said variance, the building and zoning administrator shall:~~

~~1. File and record the variance together with a declaration that:~~

~~(a) Said property is in a floodprone area.~~

~~(b) A statement of the number of feet that the lowest nonfloodproofed floor of the proposed structure is below the regional flood protection level.~~

~~(c) Actuarial flood insurance rates increase as the first floor elevation decreases.~~

~~2. Notify the administrator of the Federal Insurance Administration, Department of Housing and Urban Development, of said commission.~~

~~(D) Duties of the building and zoning administrator (building inspector) and city engineer:~~

- ~~1. Building and zoning administrator (building inspector) shall see that all permits from other governmental agencies must be obtained.~~

- ~~2. City engineer shall notify adjacent communities and concerned agencies prior to the alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration; and require that maintenance with the altered or relocated portion be provided so that the flood-carrying capacity will not be diminished.~~
- ~~(E) *Development permit required.* A development permit issued by the city engineering office in conformity with the provisions of this section shall be secured prior to any development other than building construction, or to any addition or alteration thereto. Development other than building construction shall include but is not limited to: Baseball parks, football fields, golf courses, parks and open space, and parking lots.~~
- ~~(F) *Data for determination of flood insurance risk premiums.* For the purpose of the determination of applicable flood insurance risk premium rates within Zone A on a community's FIRM, the following steps shall be taken by the city engineer:
 - ~~1. Obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new or substantially improved structures, and whether or not such structures contained a basement.~~
 - ~~2. Obtain, if the structure has been floodproofed, the elevation (in relation to mean sea level) to which the structure has been floodproofed.~~
 - ~~3. Maintain a record of all such information with official designated by the community to maintain such records.~~~~
- ~~(G) *Floodplain interpretation using best available data.* Obtain, review and reasonably utilize any base flood and floodway elevation data available from a federal, state, or other source, until such other data has been provided by the Federal Emergency Management Agency, as criteria for requiring that:
 - ~~1. All new construction and substantial improvement of residential structures have the lowest floor (including basement) elevated to or above the base flood level; and~~
 - ~~2. All new construction and substantial improvements of nonresidential structures have the lowest floor (including basement) elevated or floodproofed to or above the base flood level.~~~~
- ~~(5) *Nonconforming uses.* A structure of use which was lawful prior to October 20, 1975, but which is not subsequently in conformance with the provisions of this section is a nonconforming use which may be continued subject to the provisions of this section.~~
- ~~(6) *Amendment.* The provisions of this section can be amended by the procedure set forth in section 18-1001. Final action on amendments to this section shall not be taken until the proposed amendments have been submitted to the Federal Insurance Administration and comments from the same have been received, or sixty (60) days after submittal, whichever is first. The city engineer shall be responsible for proposing amendments to this section when, in his/her best judgment, accurate hydrologic or topographic data is available on which to support the provisions of this section.~~
- ~~(7) *Enforcement.* In case any building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this section, the building and zoning administrator, in addition to other remedies, may institute any proper action or proceedings in the name of the city, and hereby~~

~~shall have the powers of a police officer to prevent the occupancy of said building, structure, or land, or to prevent any illegal act, conduct, business or use in or about said premises.~~

SECTION II. EFFECTIVE DATE

This ordinance shall be in full force and effect after passage and approval as provided by law.

Brandon Bochenski, Mayor

ATTEST:

Maureen Storstad, Director Finance
& Administrative Services

Introduction and first reading: Public
Hearing:

Second Reading and Final Passage:

Approved:

Published:

ORDINANCE NO. _____

An ordinance to enact Grand Forks City Code Chapter 19 Building and Building Regulations, Article 8, relating to Floodplain Management

BE IT ORDAINED by the City Council of the City of Grand Forks, North Dakota, pursuant to its home rule charter, Grand Forks City Code and N.D.C.C. ch. 40-11 that:

SECTION I. ENACTING CLAUSE

Section 19-08 of the Grand Forks City Code is promulgated as follows:

ARTICLE 8. FLOODPLAIN MANAGEMENT

19-0801. – Adopting Clause

Chapter 19, article 8 of the Grand Forks City Code is hereby adopted in addition to those contained elsewhere within the city code and may be exercised independent of and/or in conjunction with any other provisions of the City Code.

19-0802. – Findings of Fact

- (1) The flood hazard areas of Grand Forks are subject to periodic inundations which can endanger life, result in loss of property, create health and safety hazards, disrupt commerce and governmental services, cause extraordinary public expenditures for flood protection and relief, and impair the tax base, all of which adversely affect the public health, safety, and general welfare.**
- (2) Flood losses caused by the cumulative effect of obstructions in the special flood hazard areas cause increases in flood heights and velocities. Inadequately floodproofed, elevated or otherwise unprotected structures also contribute to the flood loss.**

19-0803. – Statement of Purpose

It is the purpose of this ordinance to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed:

- (1) To protect human life and health;**
- (2) To minimize expenditure of public money for costly flood control projects**
- (3) To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;**
- (4) To minimize prolonged business interruptions;**
- (5) To minimize damage to public facilities and utilities such as water and gas mains, electricity, telephone and sewer lines, streets, and bridges located in special flood hazard areas;**

- (6) To help maintain a stable tax base by providing for the second use and development of special flood hazard areas so as to minimize future flood blight areas;
- (7) To ensure that potential buyers are notified that property is in a special flood hazard area;
- (8) To ensure that those who occupy the special flood hazard areas assume responsibility for their actions.

19-0804.- Methods of Reducing Flood Loss

In order to accomplish its purposes, this ordinance includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and,
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

19-0805.- Definitions

Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

"Appeal" means a request for a review of the City of Grand Forks' interpretation of any provision of this ordinance or a request for a variance.

"Base flood or 100-year flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Base Flood Elevation" (BFE) means the height of the base flood or 100-year flood usually in feet, measured in the same datum (either NAVD88 or NGVD29) as the FIRM.

"Basement" means any area of the building having its floor subgrade (below ground level) on all sides.

"Best Available Information" (BAI) means water elevation information from any source used to estimate or determine a base flood elevation (i.e. high-water mark).

“Community” means any political subdivision that has the authority to zone, or any Indian tribe or authorized tribal organization, which has authority to adopt and enforce flood plain management regulations for the areas within its jurisdiction.

“Conveyance or hydraulic conveyance” means a geometric characteristic of a river or watercourse at a given point that determines the flow-carrying capacity at that point.

“Development” means 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 located within the special flood hazard area.

“Existing Manufactured Home Park or Subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

“Expansion to an Existing Manufactured Home Park or Subdivision” means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufacturing homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

“Flood Insurance Rate Map” (FIRM) means the official map issued by the Federal Emergency Management Agency where special flood hazard areas are designated as Zone A, AE, AO, AH, A1-A30 or A-99 with an effective date of 12/17/2010.

“Flood Insurance Study” (FIS) means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood with an effective date of 12/17/2010.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters and/or; from the unusual and rapid accumulation or runoff of surface waters from any source.

“Floodproofing” (Dry) means protection provided a structure, together with attendant utilities and sanitary facilities, which is watertight two feet above the base flood elevation with walls that are substantially impermeable to the passage of water.

“Floodway or regulatory floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Highest adjacent grade” means the highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

"Lowest floor" means the lowest floor of a structure including the basement.

"Manufactured home" means 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 connected to the required utilities. The term "manufactured home" does not include a "recreational vehicle" but does include "mobile home".

"Manufactured Home Park or Subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"New construction" means structures for which the "start of construction" commenced on or after the effective date of this ordinance.

"New Manufactured Home Park or Subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of floodplain management regulations adopted by a community.

"Person" means any person, firm, partnership, association, corporation, limited liability company, agency, or any other private or governmental organization, which includes any agency of the United States, a state agency, or any political subdivision of the state.

"Reasonably safe from flooding" means base flood waters will not inundate the land or damage structures to be removed from the special flood hazard area, and that any subsurface waters related to the base flood will not damage existing or proposed buildings.

"Recreational vehicle" means a vehicle which is:

- (a) built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) designed to be self-propelled or permanently towable by a light duty truck;
- (d) designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational camping, travel, or seasonal use; including, but not limited to;
- (e) travel trailers, trailers on wheels, park-model trailers, and other similar vehicles.

"Special Flood Hazard Area" (SFHA) means an area of land that would be inundated by a flood having a one percent chance of being equaled or exceeded in any given year.

"Start of construction" includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within 180 days of the permit date. The actual start means 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, or 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.

"Structure" means a walled and roofed building, including manufactured homes and gas or liquid above-ground storage tanks.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the building to its pre-damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:

- 1) Before the improvement or repair is started; or
- 2) If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- 1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- 2) Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

"Watercourse" means only the channel and banks of an identifiable watercourse, and not the adjoining floodplain areas. The flood carrying capacity of a watercourse refers to the flood carrying capacity of the channel, except in the case of alluvial fans, where a channel is not typically defined. The definition of watercourse in N.D.C.C. § 61-01-06 is not applicable in this ordinance.

"Variance" means a grant of relief from the requirements of this ordinance which permits construction in a manner that would otherwise be prohibited by this ordinance.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance

required by the community's floodplain management ordinance is presumed to be in violation until such time as that documentation is provided.

19-0806. - General Provision

(1) Lands to which the ordinance applies

This ordinance shall apply to all special flood hazard areas within the jurisdiction of City of Grand Forks.

(2) Basis for establishing the special flood hazard areas

The special flood hazard areas identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the City of Grand Forks," dated December 17, 2010 with an accompanying Flood Insurance Rate Map is hereby adopted by reference and declared to be a part of this ordinance. The Flood Insurance Study is on file at City Hall, 255 N. 4th St. Grand Forks, ND 58203.

(3) Compliance

No structure or land shall hereafter be constructed, located, extended, converted, or altered without full compliance with the terms of this ordinance and other applicable regulations.

(4) Greater restrictions

This ordinance is not intended to repeal, remedy, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(5) Interpretation

In the interpretation and application of this ordinance, all provisions shall be:

- (a) Considered as minimum requirements;**
- (b) Liberally construed in favor of the governing body; and,**
- (c) Deemed neither to limit nor repeal any other powers granted under state statutes.**

(6) Warning and disclaimer or liability

The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This ordinance does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This ordinance shall not create any special relationship or liability on the part of the City of Grand Forks,

any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(7) 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.

19-0807. – Administration

(1) Establishment of a development permit

A development permit shall be obtained before construction or development begins within any special flood hazard area established in Section 19-0806(2). Application for a development permit shall be made on forms furnished by the City of Grand Forks and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill storage materials, drainage facilities; and the location of the foregoing. Specifically, the following information is required:

- (a) Elevation in the same datum (either NAVD88 or NGVD29) as the FIRM, of the lowest floor of all structures;
- (b) Elevation in the same datum (either NAVD88 or NGVD29) as the FIRM to which any structure has been floodproofed;
- (c) Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 19-0808(2.2); and,
- (d) Description of the extent to which any watercourse will be altered or relocated as a result of the proposed development.

(2) Designation of the Flood Plain Administrator

The Director of Building Safety is hereby appointed to administer and implement this ordinance by granting or denying development permit applications in accordance with its provisions.

(3) Duties and responsibilities of the Flood Plain Administrator

Duties of the Flood Plain Administrator shall include, but not be limited to:

(4) Permit Review

- (a) Review all development permits to determine that the permit requirements of this ordinance have been satisfied.

- (b) Approve or deny all applications for development permits required by adoption of this ordinance.
- (c) Review all development permits to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required.
- (d) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 19-0808(4) are met.

(5) Use of Other Base Flood Data

When base flood elevation data has not been provided in accordance with Section 19-0806(2), BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS, the City of Grand Forks shall obtain, review, and reasonably utilize any base flood elevation data and floodway data available (known as best available information) from any other federal, state, or other source, as criteria for requiring that new construction, substantial improvements, or other development in the floodplain are administered in accordance with Section 19-0808(2), SPECIFIC STANDARDS.

(6) Information to be Obtained and Maintained

- (a) Obtain and record the actual elevation (in the same datum (either NAVD88 or NGVD29) as the FIRM), of the lowest floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement.
- (b) For all new or substantially improved floodproofed structures:
 - (i) obtain and record the actual elevation (in the same datum (either NAVD88 or NGVD29) as the FIRM), to which the structure has been floodproofed;
 - (ii) maintain the floodproofing certifications required in Section 19-0807(1)(c).
- (c) Maintain for public inspection all records pertaining to the provisions of this ordinance.

(7) Alteration of Watercourses

The responsible person shall:

- (a) Notify nearby communities, water resource districts, and the North Dakota Department of Water Resources, and receive regulatory authorization, as necessary, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency.
- (b) Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished; and,
- (c) Notify the appropriate water resource district prior to removal or placement of fill within two hundred feet of the bank of a body of water during normal flow or stage.

(8) Interpretation of Flood Insurance Rate Map (FIRM) Boundaries

Make interpretation where needed, as to the exact location of the boundaries of the special flood hazard areas (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 19-0807(10).

(9) Encroachment Analysis

When a regulatory floodway has not been designated, the Floodplain Administrator must require that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the community's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.

Under the provisions of 44 CFR Chapter 1, Section 65.12, of the National Flood Insurance Program regulations, a community may approve certain development in Zones A1-30, AE, AH, on the community's FIRM which increases the water surface elevation of the base flood by more than one foot, provided that the community first applies for and receives a Conditional Letter of Map Revision (CLOMR) through FEMA.

(10) VARIANCE PROCEDURE

(10.1) Appeal Board

- (a) The Planning and Zoning Commission, as established by the City of Grand Forks, shall hear and decide appeals and requests for variances from the requirements of this ordinance.**
- (b) The Planning and Zoning Commission shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the enforcement or administration of this ordinance.**
- (c) Those aggrieved by the decision of the Planning and Zoning Commission, or any taxpayer, may appeal such decision to the district court as provided by N.D.C.C. § 40-47-11.**
- (d) In passing upon such applications, the Planning and Zoning Commission shall consider all technical evaluations, all relevant factors, standards specified in other sections of this ordinance; and:
 - (i) the danger that materials may be swept onto other lands to the injury of others;**
 - (ii) the danger to life and property due to flooding or erosion damage;**
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;****

- (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
 - (ix) the safety of access to the property in times of flood for ordinary and emergency vehicles;
 - (x) the expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site; and
 - (xi) the costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (e) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acres to less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xi) in Section 19-0807(10.1)(d) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
- (f) Upon consideration of the factors of Section 19-0807(10.1)(d) and the purposes of this ordinance, the City of Grand Forks may attach such conditions to the granting of variances as it deems necessary to further the purposes of this ordinance.
- (g) The City of Grand Forks shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request.

(10.2) Conditions for Variances

- (a) Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
- (b) Variances shall not be issued within the identified floodplain if any increase in flood levels during the base flood discharge would result.
- (c) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (d) Variances shall only be issued upon:
 - (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and,

- (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, cause fraud on or victimization of the public as identified in Section 19-0807(10.1)(d), or conflict with existing local laws or ordinances.
- (e) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

19-0808. – Provisions for Flood Hazard Reduction

(1) General Standards

In all special flood hazard areas, the following standards are required:

(1.1) Anchoring

- (a) All new construction and substantial improvements, including additions, shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- (b) All manufactured homes must be elevated and anchored to resist flotation, collapse, or 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 and local anchoring requirements for resisting wind forces.

(1.2) Construction Materials and Methods

- (a) All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- (b) All new and substantial improvements shall be constructed using methods and practices that minimize flood damage.
- (c) All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment, and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

(1.3) Utilities

- (a) All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (b) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and,
- (c) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

(1.4) Subdivision Proposals

- (a) All subdivision proposals shall be consistent with the need to minimize flood damage;**
- (b) All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage;**
- (c) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and,**
- (d) Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least 50 lots or 5 acres (whichever is less).**

(2) Specific Standards

In all special flood hazard areas where base flood elevation data have been provided as set forth in Section 19-0806(2) BASIS FOR ESTABLISHING THE SPECIAL FLOOD HAZARD AREAS or Section 19-0807(5), Use of Other Base Flood Data, the following provisions are required:

(2.1) Residential Construction

- (a) New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least one foot above the base flood elevation.**

(2.2) Nonresidential Construction

Construction and substantial improvement of any nonresidential structure shall either have the lowest floor, including basement, elevated to at least one foot above the base flood elevation, together with attendant utility and sanitary facilities shall:

- (a) Be floodproofed to at least two feet above the base flood elevation, so that below this elevation the structure is watertight with walls substantially impermeable to the passage of water.**
- (b) Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.**
- (c) Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the official as set forth in Section 19-0807(6)(b).**

(2.3) Manufactured Homes

- (a) Require all manufactured homes placed within Zone A shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist floatation, collapse, or 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 and local anchoring requirements for resisting wind forces.

- (b) Require all manufactured homes placed or substantially improved within Zones A 1-30, AH, or AE on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision which has incurred substantial damage, be elevated on a permanent foundation so the lowest floor of the manufactured home is elevated one foot above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.**
- (c) Require that manufacture homes placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A 1-30, AH, or AE not subject to other requirements of this section be elevated so that either:
 - (i) the lowest floor of the manufacture home is one foot above the base flood elevation, or**
 - (ii) the manufacture home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36” in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.****

(2.4) Recreational Vehicles

In A1-30, AH, and AE Zones, all recreational vehicles to be placed on a site must

- (a) be elevated and anchored to meet the requirements in Section 19-0808(2.3); OR**
- (b) be on the site for less than 180 consecutive days; AND**
- (c) be fully licensed and highway ready**

- (3) Shallow Flooding AO and AH Zones (Section 19-0808(3) is only required if the community has Flood Zones AO and/or AH on the effective FIRM)**

Located within the areas of special flood hazard established in Section 19-0806(2), are areas designated as shallow flooding. These areas have special flood hazards associated with base flood depths of 1 to 3 feet where a clearly defined channel does not exist and where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow; therefore, the following provisions apply:

- (a) All new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated one foot above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).**
- (b) All new construction and substantial improvements of non-residential structures;
 - (i) have the lowest floor (including basement) elevated one foot above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified), or;****

- (ii) together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard as specified in Section 19-0808(2.2).
- (c) Require within Zones AH or AO adequate drainage paths around structures on slopes, to guide flood waters around and away from proposed structures.

(4) Floodways

Located within the special flood hazard areas established in Section 19-0806(2) are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (a) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge. Any increase, as is used in this section, means any modeled impact greater than 0.00 feet.
- (b) If Section 19-0808(4)(b) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction requirements of this ordinance.
- (c) Under the provisions of 44 CFR Section 65.12 of the NFIP Regulations, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in BFEs, provided that the community first applies for and receives a Conditional Letter of Map Revision (CLOMR) through FEMA.

(5) Enclosures

New construction and substantial improvements, with fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

- (a) A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
- (b) The bottom of all openings shall be no higher than one-foot above grade.
- (c) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they allow the automatic entry and exit of floodwaters.

19-0809. – Violations

(1) Penalties for Violations

- (a) Violation of the provisions of this ordinance or failure to comply with any of its requirements, including violations on conditions and safeguards established in connection with grants or variances or conditional uses, shall constitute a misdemeanor. Any person who violates this ordinance or fails to comply with any of its requirements shall upon conviction thereof be punished by a fine not exceeding \$1,500 or by imprisonment not to exceed 30 days or by both such fine and imprisonment for each such offense, and in addition shall pay costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.
- (b) Nothing herein contained shall prevent the City of Grand Forks from taking such other lawful action as is necessary to prevent or remedy any violation.

* * *

SECTION II. EFFECTIVITY.

This ordinance shall be in full force and effect after publication thereof, as provided by law.

 Brandon Bochenski, Mayor
 Dated: _____

ATTEST:

 Maureen Storstad, City Auditor
 Dated: _____
 Introduction and first reading: _____
 Public Hearing: _____
 Second reading and final passage and approval: _____
 Approved: _____
 Published: _____