



PLANNING COMMISSION AGENDA
Thursday, November 19, 2015
6:30 p.m.
Coon Rapids City Center
Council Chambers

Call to Order

Pledge of Allegiance

Roll Call

Adopt Agenda

Approval of Minutes from Previous Meeting -October 15

New Business

1. PC 15-31, Conditional Use Permit and Site Plan for expansion of outdoor storage area, 9900 Vale St. Mayflower Properties
2. PC 15-32, Lot Split, 12856 Crooked Lake Blvd., Rachel Neiman
3. PC 15-33, Ordinance Amendment to revise Section 11-1101 Floodplain Management

Other Business

Current Development

Adjourn



Planning Commission Regular

Meeting Date: 11/19/2015

SUBJECT: Approval of Minutes from Previous Meeting -October 15

Attachments

Draft Minutes October 15

COON RAPIDS PLANNING COMMISSION MEETING OF OCTOBER 15, 2015

CALL TO ORDER

The regular agenda meeting of the Coon Rapids Planning Commission was called to order by Chair Schwartz at 6:30 p.m.

Members Present: Chair Wayne Schwartz, Commissioners Denise Hosch, Mary Schmolke, and Zachary Stephenson.

Members Absent: Commissioner Ray Knoblauch and Julia Stevens.

Staff Present: Planner Scott Harlicker; and, Assistant City Attorney Doug Johnson.

PLEDGE OF ALLEGIANCE

Chair Schwartz led the Commission in the Pledge of Allegiance.

ADOPTION OF THE AGENDA

MOTION BY COMMISSIONER HOSCH, SECONDED BY COMMISSIONER SCHMOLKE, TO ADOPT THE AGENDA AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

APPROVAL OF THE SEPTEMBER 17, 2015 REGULAR MINUTES

MOTION BY COMMISSIONER STEPHENSON, SECONDED BY COMMISSIONER HOSCH, TO APPROVE THE PLANNING COMMISSION MINUTES OF THE REGULAR MEETING OF SEPTEMBER 17, 2015, AS PRESENTED. THE MOTION PASSED UNANIMOUSLY.

NEW BUSINESS

1. PLANNING CASE 15-31 – CONDITIONAL USE PERMIT AND SITE PLAN FOR EXPANSION OF OUTDOOR STORAGE AREA – 9900 VALE STREET – MAYFLOWER PROPERTIES – PUBLIC HEARING
-

It was noted the applicant is requesting a Conditional Use Permit and site plan approval for an expansion to the outdoor storage area of the existing self-storage facility. Staff recommended this item be postponed to the November 19th Planning Commission meeting.

Chair Schwartz opened the public hearing at 6:32 p.m. and continued it to the November 19th meeting.

MOTION BY COMMISSIONER SCHMOLKE, SECONDED BY COMMISSIONER HOSCH, TO POSTPONE THIS ITEM TO THE NOVEMBER 19, 2015 PLANNING COMMISSION MEETING. THE MOTION PASSED UNANIMOUSLY.

2. PLANNING CASE 88-37 – REVIEW OF CONDITIONAL USE PERMIT FOR SEMI-TRAILER STORAGE – JOHN BECKER – 9526 FOLEY BOULEVARD – PUBLIC HEARING

It was noted the applicant is requesting a conditional use permit for semi-trailer storage. Staff discussed the request in detail with the Commission and recommended revocation of the conditional use permit.

Commissioner Stephenson asked if the conditional use permit included an ice house and pop up camper. Planner Harlicker reported that these items were not included in the conditional use permit. He then reviewed the conditions with which the City can consider a conditional use permit revocation.

Commissioner Stephenson understood there were a lot of structures on this property.

Chair Schwartz opened the public hearing at 6:39 p.m.

John Becker, 9526 Foley Boulevard, discussed the conditions surrounding the conditional use permit and reported there was to be no debris around the semi. He commented this has all been cleaned up. He indicated he has been operating a motorcycle shop for 30 years, he has been paying taxes and was a legitimate business in the State of Minnesota. He explained how the semi-trailer was used for external storage. He discussed how his property had been impacted after the reconstruction of Foley Boulevard. He stated he was not able to subdivide as he was planning. He questioned what was going on at the plastics plant. He hoped he would not have to sue the MLS for false representation. He stated he would move if the City and County were willing to pay relocation fees.

Chair Schwartz asked if Mr. Becker needed a home occupation permit to run a business out of his home. Assistant City Attorney Johnson reported that at the time of the original request, a conditional use permit was required and not a home occupation permit.

Commissioner Stephenson questioned if the language within the conditional use permit covered the described code violations (people living within the camper trailer). Assistant City Attorney Johnson explained the property was examined as a whole and it seems to staff that people living on the property created a more intensive use on the site. For this reason, the staff found the site to be not in compliance with the conditional use permit.

Commissioner Stephenson supported the revocation of the conditional use permit, however he suggested rationale #2 and #4 being removed from staff's recommendation.

Commissioner Schmolke believed that rationale #2 contributed to the overall non-compliant situation on the site. Assistant City Attorney Johnson recalled that the way the City processes conditional use permits that applicants are to remain in compliance with Title 11. For this reason, rationale #2 and #4 were written into the revocation recommendation.

Commissioner Stephenson appreciated this advisement and stated he would support staff's recommendation as presented.

Chair Schwartz closed the public hearing at 6:59 p.m.

Chair Schwartz explained he drove by the property and believed that it was in a state of disrepair. He commented that he would not want to be living next to this property and he supported staff's recommendation to revoke the conditional use permit.

MOTION BY COMMISSIONER SCHMOLKE, SECONDED BY COMMISSIONER STEPHENSON, TO APPROVE PLANNING CASE 88-37, REVOKING THE CONDITIONAL USE PERMIT BASED ON THE FOLLOWING:

1. THE APPLICANT IS IN VIOLATION OF THE FOLLOWING CONDITIONS OF APPROVAL:
 - A. THE AREA UNDER AND AROUND THE TRAILER SHALL BE REGULARLY MOWED OR OTHERWISE KEPT FREE OF LONG WEEDS AND GRASS.
 - B. THERE SHALL BE NO OUTSIDE STORAGE OF MATERIAL AND ACCUMULATION OF DEBRIS.
 - C. THERE SHALL BE NO STORAGE OF HAZARDOUS OR HIGHLY FLAMMABLE MATERIAL IN VIOLATION OF FIRE CODES.
2. THE APPLICANT HAD TWO INDIVIDUALS LIVING IN A NON-COMPLIANT ACCESSORY STRUCTURE AND A CAMPER.
3. THERE ARE MULTIPLE TRAILERS ON SITE.
4. THERE HAVE BEEN MULTIPLE POLICE REPORTS REGARDING THE INDIVIDUALS LIVING IN ILLEGAL STRUCTURES.
5. OPERATION OF AN ILLEGAL TIRE SALES/REPAIR BUSINESS ON THE PROPERTY.
6. COON RAPIDS FIRE DEPARTMENT NOTED THE HAZARDOUS CONDITIONS ON THE SITE AND REQUESTED THE PROPERTY BE PLACED ON ANOKA COUNTY DISPATCH ALERT.
7. THAT STAFF CONFIRM THE ADDITIONAL CONDITIONS WITHIN THE ORIGINAL CONDITIONAL USE PERMIT.

THE MOTION PASSED UNANIMOUSLY.

This is a recommendation to the City Council that will be considered at the November 3, 2015 City Council meeting.

OTHER BUSINESS

Planner Harlicker provided the Commission with an update on the development taking place in the City of Coon Rapids.

ADJOURN

MOTION BY COMMISSIONER STEPHENSON, SECONDED BY COMMISSIONER HOSCH, TO ADJOURN THE MEETING AT 7:03 P.M. THE MOTION PASSED UNANIMOUSLY.

Recorded and Transcribed by,
Heidi Guenther
Planning Commission Recording Secretary

Draft



Planning Commission Regular

1.

Meeting Date: 11/19/2015

Subject: PC 15-31, Conditional Use Permit and Site Plan for expansion of outdoor storage area, 9900 Vale St. Mayflower Properties

From: Scott Harlicker, Planner

INTRODUCTION

The applicant is requesting a conditional use permit and site plan approval for an expansion to the outdoor storage area of the the existing self storage facility.

ACTIONS

- Open the public hearing
- Take comments
- Continue public hearing to January 21st Planning Commission meeting

60 DAY RULE

The applicant submitted this application on: August 10th

To comply with the requirements of Minnesota Statute §15.99, the City extended the 60 day period to December 8, 2015. To allow additional time for the applicant to prepare their plans, the applicant has waived the 60 day period.

LOCATION

The property is located at 9900 Vale Street.

	Existing Use	Comprehensive Plan	Zoning
Subject Property	Self Storage Facility	Industrial	Industrial/River Rapids Overlay District
North	Undeveloped	Industrial	Industrial/River Rapids Overlay District
South	Coon Rapids Boulevard	N/A	N/A
East	BNSF Tracks/ Apartment Building	ROW/High Density Residential	High Density Residential
West	Coon Rapids Boulevard	N/A	N/A

DISCUSSION

This item is being postponed to the January 21st Planning Commission meeting. The applicant needs additional time to complete revised plans.

RECOMMENDATION

Staff recommends the public hearing be continued and this item be postponed to the January 21st Planning Commission meeting.



Planning Commission Regular

2.

Meeting Date: 11/19/2015

Subject: PC 15-32, Lot Split, 12856 Crooked Lake Blvd., Rachel Neiman

From: Scott Harlicker, Planner

INTRODUCTION

The applicant is requesting approval of a lot split to subdivide two parcels totaling 97,102 square feet into two lots.

ACTIONS

Conduct of public hearing
 Recommendation by Planning Commission
 Decision City Council on: December 1, 2015

60 DAY RULE

The applicant submitted this application on: October 13, 2015

To comply with the requirements of Minnesota Statute, the City must approve or deny the application by: February 10, 2016

LOCATION

The property is located 12856 Crooked Lake Bulevard.

	Existing Use	Comprehensive Plan	Zoning
Subject Property	Single Family Residence	Low Density Residential	Low Density Residential 2
North	Single Family Residence	Low Density Residential	Low Density Residential 2
South	Single Family Residence	Low Density Residential	Low Density Residential 2
East	Single Family Residence	Low Density Residential	Low Density Residential 2
West	Crooked Lake	N/A	N/A

DISCUSSION

Project Description

The applicant is proposing to subdivide a 97,102 square foot site into two lots. The property currently consists of two lots (Tract I and J, RLS 28), and there is an existing single family home with an attached garage on the property. The applicant is proposing to reconfigure the two lots.

The existing house will remain on Parcel A. Parcel A will have frontage on Crooked Lake and 129th Avenue. Parcel B is a corner lot with frontage on 129th Avenue and Crooked Lake Boulevard. Access to Parcel A will be via the existing driveway on 129th Avenue. Both of the proposed lots meet the dimensional requirements of the LDR2 zoning district. Parcel A is 41,809 square feet and Parcel B is 55,293 square feet. Parcel B is configured so that it could be subdivided into smaller lots in the future.

The Assistant City Engineer has reviewed the proposed lot split and did not have any comments.

Park Dedication

The original lots were part of RLS 28 approved in 1970. Park dedication for the lots were not paid at that time. Park dedication should be paid for the two lots at this time.

RECOMMENDATION

In Planning Case 15-32, the Planning Commission recommend approval of the proposed lot split with the following conditions:

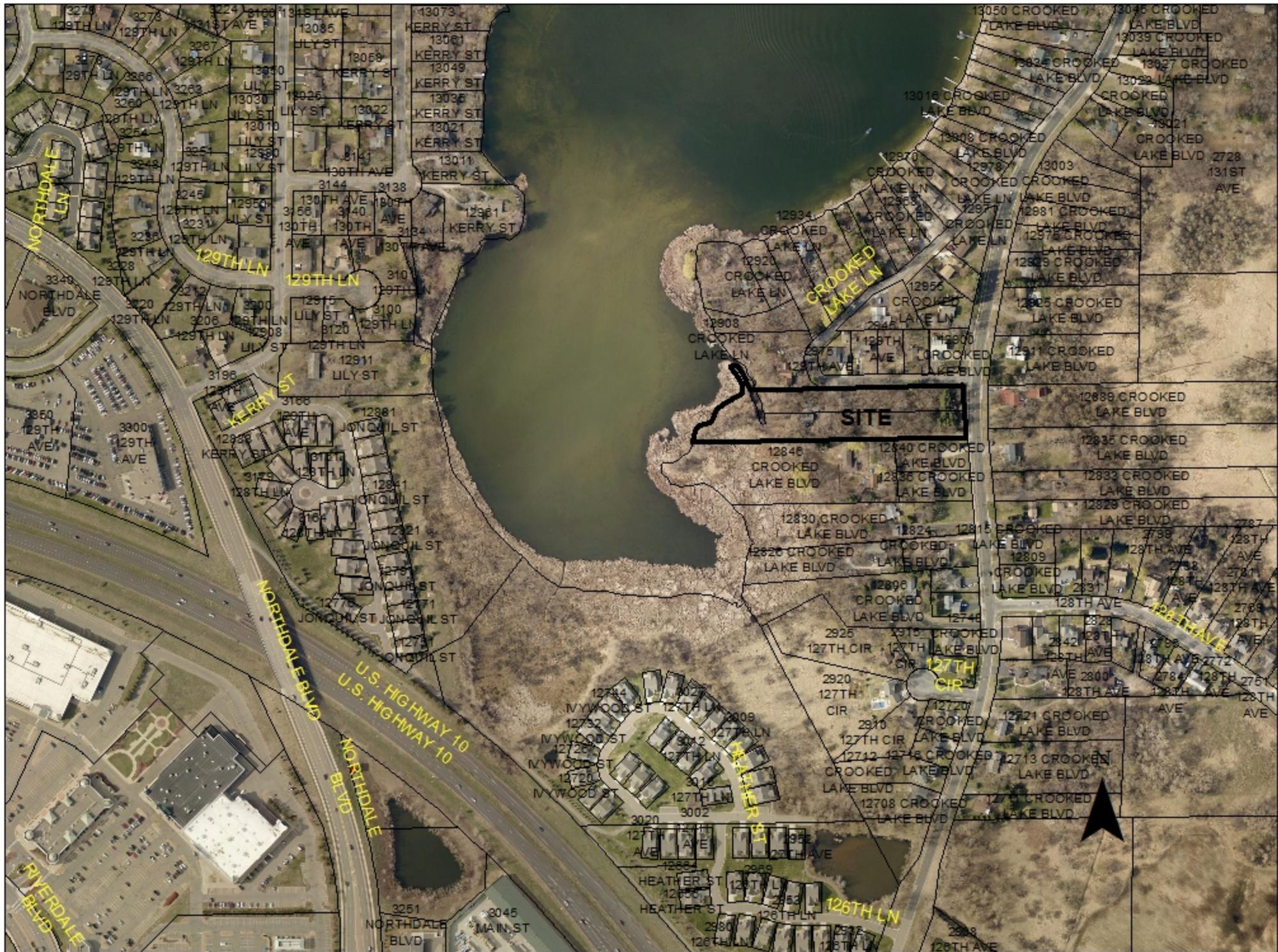
1. The appropriate drainage and utility easements be approved by the City Engineer and recorded at the County.
2. Park dedication in the amount of \$4,000 (\$2,000 per lot) be paid prior to releasing the lot split for recording.
3. Compliance with Title 11, Land Development Regulations.

Attachments

Location Map

Lot Split Survey

Location Map



MINOR SUBDIVISION

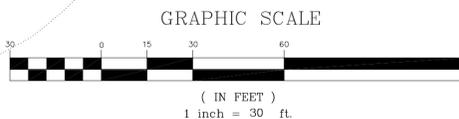
~for~ JOHN AND MARTHA BORDWELL
~of~ 12856 CROOKED LAKE BOULEVARD

BENCHMARK

MNDOT CSID STATION # 72657
MNDOT NAME: BR 02559 SE
ELEVATION: 893.243 (NAVD 88)

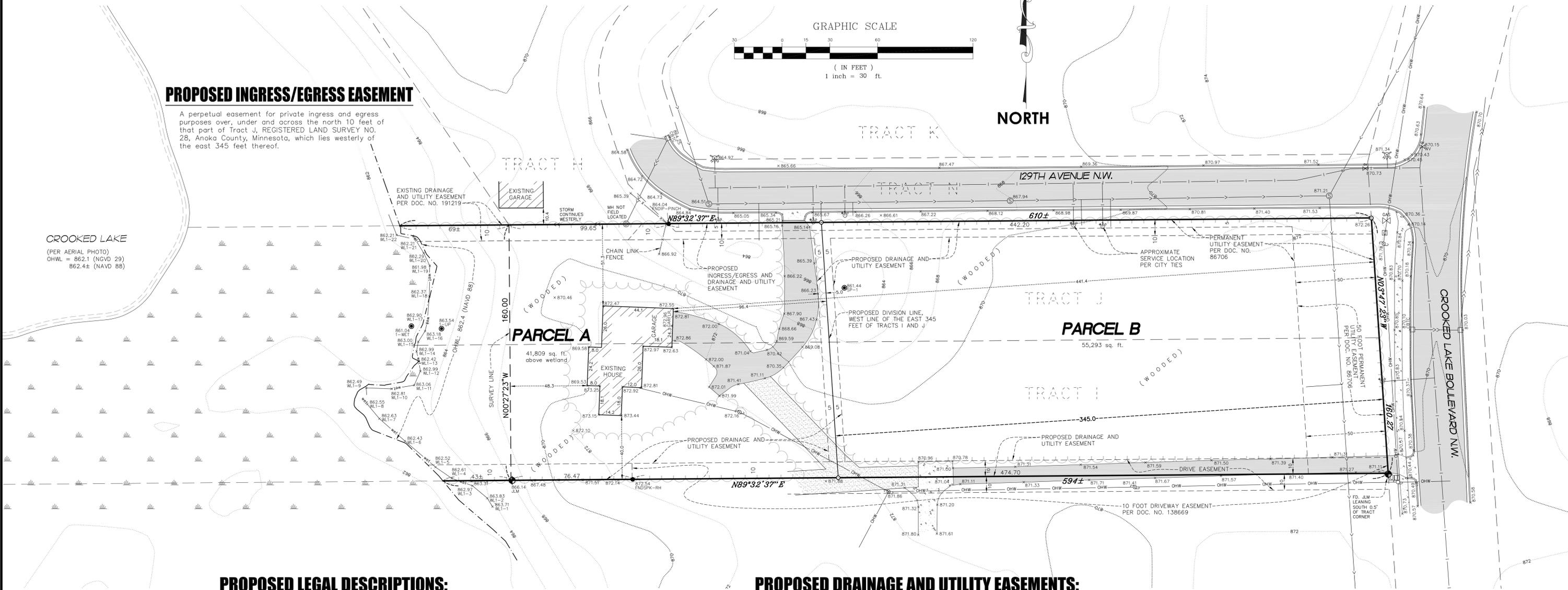
PROPOSED INGRESS/EGRESS EASEMENT

A perpetual easement for private ingress and egress purposes over, under and across the north 10 feet of that part of Tract J, REGISTERED LAND SURVEY NO. 28, Anoka County, Minnesota, which lies westerly of the east 345 feet thereof.



NORTH

CROOKED LAKE
(PER AERIAL PHOTO)
OHWL = 862.1 (NGVD 29)
862.4± (NAVD 88)



PROPOSED LEGAL DESCRIPTIONS:

PARCEL A
That part of Tract I, Registered Land Survey No. 28, Anoka County, Minnesota, which lies westerly of the east 345 feet thereof.

and

That part of Tract J, Registered Land Survey No. 28, Anoka County, Minnesota, which lies westerly of the east 345 feet thereof.

PARCEL B
The east 345 feet of Tract I, Registered Land Survey No. 28, Anoka County, Minnesota,

and

The east 345 feet of Tract J, Registered Land Survey No. 28, Anoka County, Minnesota.

PROPOSED DRAINAGE AND UTILITY EASEMENTS:

PARCEL A
A perpetual easement for drainage and utility purposes over, under and across the south 10 feet and east 5 feet of that part of Tract I, Registered Land Survey No. 28, Anoka County, Minnesota, which lies westerly of the east 345 feet thereof.

and

A perpetual easement for drainage and utility purposes over, under and across the north 10 feet and the east 5 feet of that part of Tract J, Registered Land Survey No. 28, Anoka County, Minnesota, which lies westerly of the east 345 feet thereof.

PARCEL B
A perpetual easement for drainage and utility purposes over, under and across the south 10 feet and the west 5 feet of the east 345 feet of Tract I, Registered Land Survey No. 28, Anoka County, Minnesota,

and

A perpetual easement for drainage and utility purposes over, under and across the north 10 feet and the west 5 feet of the east 345 feet of Tract J, Registered Land Survey No. 28, Anoka County, Minnesota.

LEGEND

- DENOTES IRON MONUMENT FOUND AS LABELED
- DENOTES IRON MONUMENT SET, MARKED RLS# 41578
- ⊕ DENOTES JUDICIAL LANDMARK FOUND
- DENOTES CATCH BASIN
- ⊙ DENOTES STORM SEWER MANHOLE
- ⊙ DENOTES SANITARY SEWER MANHOLE
- ⊕ DENOTES GATE VALVE
- ⊕ DENOTES HYDRANT
- ⊕ DENOTES GAS VALVE
- ⊕ DENOTES POWER POLE
- ⊕ DENOTES EXISTING SPOT ELEVATION
- ⊕ DENOTES TELEPHONE PEDESTAL
- ⊕ DENOTES CABLE PEDESTAL
- ⊕ DENOTES UTILITY BOX
- ⊕ DENOTES SOIL BORING. (BY OTHERS)
- ⊕ DENOTES WET LAND DELINEATED BY JACOBSON ENVIRONMENTAL
- DENOTES FENCE
- DENOTES EXISTING CONTOURS
- DENOTES EXISTING SANITARY SEWER
- DENOTES EXISTING STORM SEWER
- DENOTES EXISTING WATER MAIN
- DENOTES OVERHEAD WIRE
- DENOTES CONCRETE SURFACE
- DENOTES BITUMINOUS SURFACE
- DENOTES GRAVEL SURFACE
- DENOTES TREE LINE

EXISTING ZONING

Low Density 2 (LDR2)

Setbacks
Front: 35 feet
Side: 10 feet (5 feet for attached garage)
Rear: 35 feet

LOT STANDARDS

Minimum lot area = 10,800 sq. ft.
12,150 sq. ft. (corner lot)
Minimum lot width = 80 feet
90 feet (corner lot)

NOTES

- Field survey was completed by E.G. Rud and Sons, Inc. on 10/1/15.
- Bearings shown are on Anoka County datum.
- Curb shots are taken at the top and back of curb.
- This survey was prepared without the benefit of title work. Additional easements, restrictions and/or encumbrances may exist other than those shown hereon. Survey subject to revision upon receipt of a current title commitment or an attorney's title opinion.
- Wetlands were delineated by Jacobson Environmental.
- Contours are a compilation of field data and MnGEO lidar distribution.
- Parcel ID: 04-31-24-31-0014
04-31-24-31-0013

LEGAL DESCRIPTION

Tracts I and J, REGISTERED LAND SURVEY NO. 28, Anoka County, Minnesota.

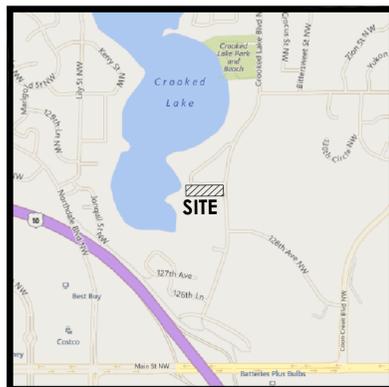
I hereby certify that this survey, plan or report was prepared by me or under my direct supervision and that I am a duly Registered Land Surveyor under the laws of the State of Minnesota.

JASON E. RUD

Date: 10/13/15 License No. 41578

VICINITY MAP

PART OF SEC. 4, TWP. 31, RNG. 24



ANOKA COUNTY, MINNESOTA
(NO SCALE)

E. G. RUD & SONS, INC.
EST. 1977
Professional Land Surveyors
6776 Lake Drive NE, Suite 110
Lino Lakes, MN 55014
Tel. (651) 361-8200 Fax (651) 361-8701

DRAWN BY: BPN	JOB NO: 15653PP	DATE: 10/13/15	
CHECK BY: JER	SCANNED <input type="checkbox"/>		
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3			
NO.	DATE	DESCRIPTION	BY



Planning Commission Regular

3.

Meeting Date: 11/19/2015

Subject: PC 15-33, Ordinance Amendment to revise Section 11-1101 Floodplain Management

From: Scott Harlicker, Planner

INTRODUCTION

The applicant is proposing to revise and update Section 11-1101 Floodplain Management regulations.

ACTIONS

Conduct a public hearing

Recommendation by Planning Commission

Introduction by City Council on: December 1, 2015

60 DAY RULE

N/A

LOCATION

N/A

DISCUSSION

Background

Over the past couple of years Federal Emergency Management Agency (FEMA) has been updating their Flood Insurance Rate Maps to reflect updated flood data and modeling. The maps the City has been using were established in 1977. The maps are used to determine if a property is within a floodplain and if flood insurance is needed. The corresponding floodplain regulations control development within the floodplain. FEMA recently approved the new maps and corresponding floodplain regulations, and the City is required to formally adopt the new maps and amend our floodplain management regulations so that they are consistent with the new federal regulations.

The DNR is the state agency that is assisting cities with the process of revising their floodplain regulations and have drafted a sample ordinance that is consistent with the new federal regulations. City staff have been working with the DNR and Coon Creek Watershed District on revising the draft ordinance to meet the needs of the City and the Watershed District.

Proposed Ordinance

Even though the entire Floodplain Management chapter is being replaced, the proposed changes are not as significant as one might expect. The new chapter is better organized, goes into greater detail and includes maps that are much easier to read. Since certain words and phrases apply only to this chapter, they are found in a separate definition section near the beginning of the chapter. The regulations include

three flood hazard districts, Floodway, Flood Fringe and General Floodplain. The information on each district is organized the same way, with permitted and conditional use sections, and corresponding development standards. Other sections include Administration, Nonconformities, Penalties and Enforcement, and Amendments.

RECOMMENDATION

In Planning Case 15-33, the Planning Commission recommend approval of the proposed ordinance amendment updating Section 11-1101 Floodplain Management.

Attachments

Flood Plain Ordinance

ORDINANCE NO.

**AN ORDINANCE REPEALING IN ITS ENTIRETY SECTION 11-1101 FLOODPLAIN
MANAGEMENT REGULATIONS THEREBY AMENDING
REVISED CITY CODE – 1982 SECTION 11-1101**

The City of Coon Rapids does ordain:

Section 1. Revised City Code – 1982 Section, 11-1101 Floodplain Management

Regulations is hereby repealed in its entirety.

Section 2 Revised City Code- 1982 Section, 11-1101 Floodplain Management is hereby amended as follows: (additions double underlined)

11-1101 Floodplain Management

11-1101.1 Statutory Authorization and Purpose.

(1) Statutory Authorization. The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. Therefore, the City Council of Coon Rapids, Minnesota, does ordain as follows.

(2) Purpose.

(a) This ordinance regulates development in the flood hazard areas of Coon Rapids, Minnesota. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.

(b) National Flood Insurance Program Compliance. This ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

(c) This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and storm water impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

11-1101.2 General Provisions.

(1) How to Use This Ordinance. This ordinance adopts the floodplain maps applicable to Coon Rapids and includes three floodplain districts: Floodway, Flood Fringe, and General Floodplain.

(a) Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Sections 1101.4 or 1101.5 will apply, depending on the location of a property.

(b) Locations where Floodway and Flood Fringe districts are not delineated on the floodplain maps are considered to fall within the General Floodplain district. Within the General Floodplain district, the Floodway District standards in Section 1101.4 apply unless the floodway boundary is determined, according to the process outlined in Section 1101.6. Once the floodway boundary is determined, the Flood Fringe District standards in Section 1101.5 may apply outside the floodway.

(2) Lands to Which Ordinance Applies.

(a) This ordinance applies to all lands within the jurisdiction of the City of Coon Rapids shown on the Official Zoning Map and/or the attachments to the map as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain Districts.

(b) The Floodway, Flood Fringe and General Floodplain Districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in this ordinance. In case of a conflict, the more restrictive standards will apply.

(3) Incorporation of Maps by Reference. The Flood Insurance Rate Map panels enumerated below, all dated December 16, 2015 and all prepared by the Federal Emergency Management Agency together with all related materials, including the Flood Insurance Study for Anoka County, Minnesota, are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The following materials are on file in the City Engineer's office:

27003C0303E

27003C0304E

27003C0308E

27003C0309E

27003C0311E

27003C0312E

27003C0314E

27003C0316E

27003C0317E

27003C0318E

27003C0319E

27003C0381E

27003C0382E

(4) Regulatory Flood Protection Elevation. The regulatory flood protection elevation (RFPE) is an elevation no lower than two feet above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

(5) Interpretation. The boundaries of the zoning districts are determined by scaling distances on the Flood Insurance Rate Map.

(a) Where a conflict exists between the floodplain limits illustrated on the official zoning map and actual field conditions, the flood elevations shall be the governing factor. The Zoning Administrator must interpret the boundary location based on the ground elevations that existed on the site on the date of the first National Flood Insurance Program map showing the area within the regulatory floodplain, and other available technical data.

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

(6) Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. However, where this ordinance imposes greater restrictions, the provisions of this ordinance prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

(7) Warning and Disclaimer of Liability. This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City of Coon Rapids or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.

(8) 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.

(9) Definitions. Unless specifically defined below, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application. The following definitions apply only to Section 11-1101:

(a) Accessory Use or Structure – a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

(b) Base Flood Elevation – The elevation of the “regional flood.” The term “base flood elevation” is used in the flood insurance survey.

(c) Basement – any area of a structure, including crawl spaces, having its floor or base subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.

(d) Conditional Use – a specific type of structure or land use listed in the official control that may be allowed but only after an in-depth review procedure and with appropriate conditions or restrictions as provided in the official zoning controls or building codes and upon a finding that:

(i) Certain conditions as detailed in the zoning ordinance exist.

(ii) The structure and/or land use conform to the comprehensive land use plan if one exists and are compatible with the existing neighborhood.

(e) Critical Facilities – facilities necessary to a community’s public health and safety, those that store or produce highly volatile, toxic or water-reactive materials, and those that house occupants that may be insufficiently mobile to avoid loss of life or injury. Examples of critical facilities include hospitals, correctional facilities, schools, daycare facilities, nursing homes, fire and police stations, wastewater treatment facilities, public electric utilities, water plants, fuel storage facilities, and waste handling and storage facilities.

(f) Development – any manmade change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

(g) Farm Fence – A fence as defined by Minn. Statutes Section 344.02, Subd. 1(a)-(d). An open type fence of posts and wire is not considered to be a structure under this ordinance. Fences that have the potential to obstruct flood flows, such as chain link fences and rigid walls, are regulated as structures under this ordinance.

(h) Flood – a temporary increase in the flow or stage of a stream or in the stage of a wetland or lake that results in the inundation of normally dry areas.

(i) Flood Frequency – the frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

(j) Flood Fringe – that portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study for Anoka County, Minnesota.

(k) Flood Prone Area – any land susceptible to being inundated by water from any source (see “Flood”).

(l) Floodproofing – a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

(m) Lowest Floor – the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building’s lowest floor.

(n) Manufactured Home – a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term “manufactured home” does not include the term “recreational vehicle.”

(o) Obstruction – any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

(p) One Hundred Year Floodplain – lands inundated by the “Regional Flood” (see definition).

(q) Principal Use or Structure – all uses or structures that are not accessory uses or structures.

(r) Reach – a hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or man-made obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

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

(t) Regional Flood – a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in the magnitude of the 1% chance or 100-year recurrence interval. Regional flood is synonymous with the term “base flood” used in a flood insurance study.

(u) Regulatory Flood Protection Elevation (RFPE) - an elevation not less than two feet above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

(v) Repetitive Loss - Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

(w) Special Flood Hazard Area – a term used for flood insurance purposes synonymous with “One Hundred Year Floodplain.”

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

(y) Substantial Improvement - within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

(i) 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.

(ii) 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 as defined in 44 Code of Federal Regulations, Part 59.1.

11-1101.3 Establishment of Zoning Districts

(1) Districts.

(a) Floodway District. The Floodway District includes those areas designated as floodway on the Flood Insurance Rate Map adopted in Section 1101.2(3). For lakes, wetlands and other basins, the Floodway District includes those areas designated as Zone A and Zone AE without a floodway on the Flood Insurance Rate Map that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

(b) Flood Fringe District. The Flood Fringe District includes those areas designated as floodway fringe on the Flood Insurance Rate Map adopted in Section 1101.2(3), as being within Zone AE but being located outside of the floodway. For lakes, wetlands and other basins (that do not have a floodway designated), the Flood Fringe District includes those areas designated as Zone AE on the Flood Insurance Rate Map panels adopted in Section 1101.2(3) that are below the 1% annual chance (100-year) flood elevation but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.

(c) General Floodplain District. The General Floodplain District includes those areas designated as Zone A or Zone AE without a floodway on the Flood Insurance Rate Map adopted in Section 1101.2(3), but not subject to the criteria in sections (a) and (b) above.

(2) Compliance Within the floodplain districts established in this ordinance, the use of any land, the use, size, type and location of structures on lots, the installation and maintenance

of transportation, utility, water supply and waste treatment facilities, and the subdivision of land must comply with the terms of this ordinance and other applicable regulations. All uses not listed as permitted uses or conditional uses in Sections 1101.4, 1101.5 and 1101.6, respectively, are prohibited. In addition, a caution is provided here that:

(a) New and replacement manufactured homes and certain recreational vehicles are subject to the general provisions of this ordinance and specifically Section 1101.9.0.

(b) Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing nonconforming structures and nonconforming uses of structures or land are regulated by the general provisions of this ordinance and specifically Section 1101.11.

(c) All structures must 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.

(d) As-built elevations for elevated or floodproofed structures must be certified by ground surveys and flood-proofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this ordinance and specifically as stated in Section 1101.10.

(e) Critical facilities, as defined in Section 1101.2(9)(e), are prohibited in all floodplain districts.

1101.4 Floodway District (FW)

(1) Permitted Uses. The following uses, subject to the standards set forth in Section 1101.4(2), are permitted uses if otherwise allowed in the underlying zoning district or any applicable overlay 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) Open space uses, including but not limited to 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, hunting and fishing areas, and single or multiple purpose recreational trails.

(d) Residential lawns, gardens, parking areas, and play areas.

(e) Railroads, streets, bridges, utility transmission lines and pipelines, provided that the Department of Natural Resources' Area Hydrologist is notified at least ten days prior to issuance of any permit, and that the standards in Sections 1101.4(4)(a), 1101.4(4)(c)(i) and 1101.4(4)(f) are met.

(2) Standards for Floodway Permitted Uses.

(a) The use must have a low flood damage potential.

(b) With the exception of the uses listed in Section 1101.4(1)(e), the use must not obstruct flood flows or increase flood elevations and must not involve structures, fill, obstructions, excavations or storage of materials or equipment.

(c) Any facility that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

(3) Conditional Uses. The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 1101.10(4) and further subject to the standards set forth in Section 1101.4(4), if otherwise allowed in the underlying zoning district or any applicable overlay district.

(a) Structures accessory to the uses listed in 1101.4(1) above and the uses listed in (b) - (g) below.

(b) Extraction and storage of sand, gravel, and other materials.

(c) Marinas, boat rentals, docks, piers, wharves, and water control structures.

(d) Storage yards for equipment, machinery, or materials.

(e) Placement of fill or construction of fences that obstruct flood flows. Farm fences, as defined in Section 1101.2(9)(g), are permitted uses.

(f) Travel-ready recreational vehicles meeting the exception standards in Section 1101.9(2).

(g) Levees or dikes intended to protect agricultural crops for a frequency flood event equal to or less than the 10-year frequency flood event.

(4) Standards for Floodway Conditional Uses.

(a) All Uses. A conditional use must not cause any increase in the stage of the 1% chance or regional flood or cause an increase in flood damages in the reach or reaches affected.

(b) Fill; Storage of Materials and Equipment:

(i) 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.

(ii) Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by vegetative cover, mulching, riprap or other acceptable method. Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.

(iii) Temporary placement of fill, other materials, or equipment which would cause an increase to the stage of the 1% percent chance or regional flood may only be allowed if the City Council has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.

(c) Accessory Structures.

(i) Accessory structures must not be designed for human habitation.

(ii) Accessory structures, if permitted, must be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:

(aa) Whenever possible, structures must be constructed with the longitudinal axis parallel to the direction of flood flow; and

(bb) So far as practicable, structures must be placed approximately on the same flood flow lines as those of adjoining structures.

(iii) Accessory structures must be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the State Building Code. All floodproofed accessory structures must meet the following additional standards:

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

(bb) Any mechanical and utility equipment in the structure must be elevated to or above the regulatory flood protection elevation or properly floodproofed.

(iv) As an alternative, an accessory structure may be internally/wet floodproofed to the FP-3 or FP-4 floodproofing classifications in the State Building Code, provided the accessory structure constitutes a minimal investment and does not exceed 576 square feet in size. A detached garage may only be used for parking of vehicles and limited storage. All structures must meet the following standards:

(aa) To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and

(bb) There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.

(d) Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters are subject to the provisions of Minnesota Statutes, Section 103G.245.

(e) A levee, dike or floodwall constructed in the floodway must not cause an increase to the 1% chance or regional flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.

(f) Floodway developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

11-1101.5 Flood Fringe District (FF)

(1) Permitted Uses. Permitted uses are those uses of land or structures allowed in the underlying zoning district(s) that comply with the standards in Sections 1101.5(2). If no pre-existing, underlying zoning districts exist, then any residential or nonresidential structure or use of a structure or land is a permitted use provided it does not constitute a public nuisance.

(2) Standards for Flood Fringe Permitted Uses.

(a) All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.

(i) All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.

(ii) As an alternative to elevation on fill, an accessory structure that constitutes a minimal investment and that does not exceed 576 square feet in size may be internally floodproofed in accordance with Section 1101.4(4)(c).

(b) The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Section 1101.5(2)(a), or if allowed as a conditional use under Section 1101.5(3)(c) below.

(c) The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.

(d) 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.

(e) Areas filled must be mitigated by creating compensating volume storage at a one to one ratio such that there would be no net effect on the 100-year flood level.

(i) Fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.

(f) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the City Council.

(g) Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity

such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.

(h) Interference with normal manufacturing/industrial plant operations must be minimized, especially along streams having protracted flood durations. In considering permit applications, due consideration must be given to the needs of industries with operations that require a floodplain location.

(i) Flood fringe developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

(j) Manufactured homes and recreational vehicles must meet the standards of Section 9 of this ordinance.

(3) Conditional Uses. The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district, following the procedures in Section 1101.10(4). Conditional uses must meet the standards in Sections 1101.5(2)(d) through 1101.5(2)(j) and Section 1101.5(4).

(a) Any structure that is not elevated on fill or floodproofed in accordance with Section 1101.5(2)(a).

(b) Storage of any material or equipment below the regulatory flood protection elevation.

(c) The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Section 1101.5(2)(a).

(4) Standards for Flood Fringe Conditional Uses.

(a) The standards listed in Sections 1101.5(2)(d) through 1101.5(2)(j) apply to all conditional uses.

(b) Basements, as defined by Section 1101.2(9)(c), are subject to the following:

(i) Residential basement construction is not allowed below the regulatory flood protection elevation.

(ii) Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with Section 1101.5(4)(d).

(c) All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be floodproofed in accordance with the structurally dry floodproofing classifications in the State Building Code. Structurally dry floodproofing must meet the FP-1 or FP-2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures wet floodproofed to the FP-3 or FP-4 classification are not permitted.

(d) The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.

(i) The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.

(ii) The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City Council.

(iii) The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

(e) Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.

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

(i) 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.

(ii) 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:

(aa) The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that

they permit the automatic entry and exit of flood waters without any form of human intervention; and

(bb) 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.

11-1101.6 General Floodplain District (GF)

(1) Permitted Uses.

(a) The uses listed in Section 1101.4(1), Floodway District Permitted Uses, are permitted uses.

(b) All other uses are subject to the floodway/flood fringe evaluation criteria specified in Section 1101.6(2) below. Section 1101.4 applies if the proposed use is determined to be in the Floodway District. Section 1101.5 applies if the proposed use is determined to be in the Flood Fringe District.

(2) Procedures for Floodway and Flood Fringe Determinations.

(a) Upon receipt of an application for a permit or other approval within the General Floodplain District, the Director must obtain, review and reasonably utilize any regional flood elevation and floodway data available from a federal, state, or other source.

(b) If regional flood elevation and floodway data are not readily available, the applicant must furnish additional information, as needed, to determine the regulatory flood protection elevation and whether the proposed use would fall within the Floodway or Flood Fringe District. Information must be consistent with accepted hydrological and hydraulic engineering standards and the standards in 1101.6(2)(c) below.

(c) The determination of floodway and flood fringe must include the following components, as applicable:

(i) Estimate the peak discharge of the regional (1% chance) flood.

(ii) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.

(iii) 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 0.5 foot is required if, as a result of the stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries.

(d) The Director will review the submitted information and assess the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary. The assessment must include the cumulative effects of previous floodway encroachments. The Director may seek technical assistance from a designated engineer or other expert person or agency, including the Department of Natural Resources. Based on this assessment, the Director may approve or deny the application.

(e) Once the Floodway and Flood Fringe District boundaries have been determined, the Director must process the permit application consistent with the applicable provisions of Section 1101.4 and 1101.5.

11-1101.7 Land and Development Standards

(1) In General. Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within the City of Coon Rapids.

(2) Subdivisions. No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, water supply or sewage treatment facilities. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.

(a) All lots within the floodplain districts must be able to contain a building site outside of the Floodway District at or above the regulatory flood protection elevation.

(b) All subdivisions must have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation, unless a flood warning emergency plan for the safe evacuation of all vehicles and people during the regional (1% chance) flood has been approved by the City Council. The plan must be prepared by a registered engineer or other qualified individual, and must demonstrate that adequate time and personnel exist to carry out the evacuation.

(c) For all subdivisions in the floodplain, the Floodway and Flood Fringe District boundaries, the regulatory flood protection elevation and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.

(d) In the General Floodplain District, applicants must provide the information required in Section 1101.6(2) to determine the regional flood elevation, the Floodway and Flood Fringe District boundaries and the regulatory flood protection elevation for the subdivision site.

(e) If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:

(i) All such proposals are consistent with the need to minimize flood damage within the flood prone area.

(ii) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and

(iii) Adequate drainage is provided to reduce exposure of flood hazard.

(3) Building Sites. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:

(a) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;

- (b) Constructed with materials and utility equipment resistant to flood damage;
- (c) Constructed by methods and practices that minimize flood damage; and
- (d) 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.

1101.8 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 floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.

(2) Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 1101.4 and 1101.5. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these 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 Water Supply and Sewage Treatment Systems. Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) 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 must 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 is considered to be in compliance with this Section.

1101.9 Manufactured Homes, Manufactured Homes Parks, and Recreational Vehicles.

(1) Manufactured Homes. New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record, the following requirements apply:

(a) Placement or replacement of manufactured home units is prohibited in the Floodway District.

(b) If allowed in the Flood Fringe District, placement or replacement of manufactured home units is subject to the requirements of Section 1101.5 and the following standards.

(i) New and replacement manufactured homes must be elevated in compliance with Section 1101.5 and 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.

(ii) New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 1101.7(2)(b).

(2) Recreational Vehicles. New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the exemption criteria below or be treated as new structures meeting the requirements of this ordinance.

(a) Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in Section 1101.9(2)(b):

(i) Individual lots or parcels of record.

(ii) Existing commercial recreational vehicle parks or campgrounds.

(iii) Existing condominium-type associations.

(b) Criteria for Exempt Recreational Vehicles:

(i) The vehicle must have a current license required for highway use.

(ii) The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.

(iii) No permanent structural type additions may be attached to the vehicle.

(iv) The vehicle and associated use must be permissible in any pre-existing, underlying zoning district.

(v) Accessory structures are not permitted within the Floodway District. Any accessory structure in the Flood Fringe District must be constructed of flood-resistant materials and be securely anchored, meeting the requirements applicable to manufactured homes in Section 1101.9(2)(b).

(vi) An accessory structure must constitute a minimal investment.

(c) Recreational vehicles that are exempt in Section 1101.9(2)(b) lose this exemption when development occurs on the site that exceeds a minimal investment for an accessory structure such as a garage or storage building. The recreational vehicle and all accessory structures will then be treated as new structures subject to the elevation and floodproofing requirements of Section 1101.5. No development or improvement on the parcel or attachment to the recreational vehicle is allowed that would hinder the removal of the vehicle should flooding occur.

1101.10 Administration

(1) Director. The Director must administer and enforce this ordinance.

(2) Permit Requirements.

(a) Permit Required. A permit must be obtained from the Director prior to conducting the following activities:

(i) The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this ordinance.

(ii) The use or change of use of a building, structure, or land.

(iii) The construction of a dam, fence, or on-site septic system, although a permit is not required for a farm fence as defined in this ordinance.

(iv) The change or extension of a nonconforming use.

(v) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.

(vi) The placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.

(vii) Relocation or alteration of a watercourse - including new or replacement culverts and bridges), unless a public waters work permit has been applied for.

(viii) Any other type of "development" as defined in this ordinance.

(b) Application for Permit. Permit applications must be submitted to the Director on forms provided by the Director. The permit application must include the following as applicable:

(i) A site plan showing all pertinent dimensions, existing or proposed buildings, structures, and significant natural features having an influence on the permit.

(ii) Location of fill or storage of materials in relation to the stream channel.

(iii) Copies of any required municipal, county, state or federal permits or approvals.

(iv) Other relevant information requested by the Director as necessary to properly evaluate the permit application.

(c) Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Director stating that the use of the building or land conforms to the requirements of this ordinance.

(d) Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect.

(e) Record of First Floor Elevation. The Director must maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the floodplain. The Director must also maintain a

record of the elevation to which structures and alterations or additions to structures are floodproofed.

(f) Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Director must notify adjacent communities. If the applicant has applied for a permit to work in public waters pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

(g) Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. As soon as is practicable, but not later than six months after the date such supporting information becomes available, the Director must notify the Chicago Regional Office of FEMA of the changes by submitting a copy of the relevant technical or scientific data.

(3) Variances.

(a) Variance Applications. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable state statutes and Section 11-304.9 of the City Code.

(b) Adherence to State Floodplain Management Standards. A variance must not allow a use that is not allowed in that district, permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law.

(c) Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:

(i) Variances must not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

(ii) Variances may only be issued by a community 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, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

(iii) Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

(d) Flood Insurance Notice. The Director must notify the applicant for a variance that: 1) The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and 2) Such construction below the base or regional

flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

(e) General Considerations. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplains:

(i) The potential danger to life and property due to increased flood heights or velocities caused by encroachments;

(ii) The danger that materials may be swept onto other lands or downstream to the injury of others;

(iii) The proposed water supply and sanitation systems, if any, and the ability of these systems to minimize the potential for disease, contamination and unsanitary conditions;

(iv) The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;

(v) The importance of the services to be provided by the proposed use to the community;

(vi) The requirements of the facility for a waterfront location;

(vii) The availability of viable alternative locations for the proposed use that are not subject to flooding;

(viii) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future;

(ix) The relationship of the proposed use to the Comprehensive Land Use Plan and flood plain management program for the area;

(x) The safety of access to the property in times of flood for ordinary and emergency vehicles;

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

(f) Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Director must submit hearing notices for proposed variances to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(g) Submittal of Final Decisions to the DNR. A copy of all decisions granting variances must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(h) Record-Keeping. The Director must maintain a record of all variance actions, including justification for their issuance, and must report such variances in an annual or biennial report to the Administrator of the National Flood Insurance Program, when requested by the Federal Emergency Management Agency.

(4) Conditional Uses.

(a) Administrative Review. An application for a conditional use permit under the provisions of this ordinance will be processed and reviewed in accordance with Section 11-304.3 of the City Code.

(b) Factors Used in Decision-Making. In passing upon conditional use applications, the City Council must consider all relevant factors specified in other sections of this ordinance, and those factors identified in Section 1101.10(3)(e).

(c) Conditions Attached to Conditional Use Permits. The City Council may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:

(i) Modification of waste treatment and water supply facilities.

(ii) Limitations on period of use, occupancy, and operation.

(iii) Imposition of operational controls, sureties, and deed restrictions.

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

(v) Floodproofing measures, in accordance with the State Building Code and this ordinance. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(d) Submittal of Hearing Notices to the Department of Natural Resources (DNR). The Director must submit hearing notices for proposed conditional uses to the DNR sufficiently in advance to provide at least ten days' notice of the hearing. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

(e) Submittal of Final Decisions to the DNR. A copy of all decisions granting conditional uses must be forwarded to the DNR within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective DNR area hydrologist.

1101.11 Nonconformities

(1) Continuance of Nonconformities. A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the following conditions. Historic structures, as defined in Section 1101.2(9)(y)(ii), are subject to the provisions of Sections 1011.11(1)(a) – 1011.11(1)(f).

(a) A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in 1101.11(1)(b) below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.

(b) Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the

elevation on fill or floodproofing techniques (i.e., FP-1 thru FP-4 floodproofing classifications) allowable in the State Building Code, except as further restricted in 1101.11(1)(a)-(c) and 1101.11(1)(g) below.

(c) If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of any nonconforming structure, then the entire structure must meet the standards of Sections 1101.4 or 1101.5 for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor.

(d) If any nonconforming use, or any use of a nonconforming structure, is discontinued for more than one year, any future use of the premises must conform to this ordinance. The Assessor must notify the Director in writing of instances of nonconformities that have been discontinued for a period of more than one year.

(e) If any nonconformity is substantially damaged, as defined in Section 1101.2(9)(x), it may not be reconstructed except in conformity with the provisions of this ordinance. The applicable provisions for establishing new uses or new structures in Sections 1101.4 or 1101.5 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.

(f) If any nonconforming use or structure experiences a repetitive loss, as defined in Section 1101.2(9)(v) of this ordinance, it must not be reconstructed except in conformity with the provisions of this ordinance.

(g) Any substantial improvement, as defined in Section 1101.2(9)(y), to a nonconforming structure requires that the existing structure and any additions must meet the requirements of Section 1101.4 or 1101.5 for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District.

1101.12 Penalties and Enforcement

(1) Violation Constitutes a Misdemeanor. Violation of the provisions of this ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances or conditional uses) constitute a misdemeanor and will be punishable as defined by law.

(2) Other Lawful Action. Nothing in this ordinance restricts the City from taking such other lawful action as is necessary to prevent or remedy any violation. If the responsible party does not appropriately respond to the Director within the specified period of time, each additional day that lapses will constitute an additional violation of this ordinance and will be prosecuted accordingly.

(3) Enforcement. In responding to a suspected ordinance violation, the Director and City Council may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City must act in good faith to enforce these official controls

and to correct ordinance violations to the extent possible so as not to jeopardize its eligibility in the National Flood Insurance Program.

(a) When a violation is either discovered by or brought to the attention of the Director, the Director shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as it is reasonably possible, this information will be submitted to the appropriate State Department of Natural Resources and Federal Emergency Management Agency regional office along with the city's plan of action to correct the violation to the degree possible.

(b) The Director shall notify the suspected party of the requirements of this chapter and all other official controls and the nature and extent of the suspected violation of these controls. If the structure and/or use is under construction or development, the Director may order the construction or development immediately halted until a proper permit or approval is granted by the city. If the construction or development is already completed, the Director may either: 1) issue an order identifying the corrective actions that must be made within a specified time period to bring the use or structure into compliance with the official controls; or 2) notify the responsible party to apply for an after the fact permit/development approval within a specified period of time not to exceed 30 days.

1101.13 Amendments

(1) Floodplain Designation – Restrictions on Removal. The floodplain designation on the Official Zoning Map must not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been filled to or above the elevation of the regulatory flood protection elevation and is contiguous to lands outside the floodplain. Special exceptions to this rule may be permitted by the Commissioner of the Department of Natural Resources (DNR) if the Commissioner determines that, through other measures, lands are adequately protected for the intended use.

(2) Amendments Require DNR Approval. All amendments to this ordinance must be submitted to and approved by the Commissioner of the Department of Natural Resources (DNR) prior to adoption. The Commissioner must approve the amendment prior to community approval.

(3) Map Revisions Require Ordinance Amendments. The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 1101.2(3).

Introduced this 1st day of December, 2015.

Adopted this ____ day of _____ 2015.

Jerry Koch, Mayor

ATTEST:

Joan Lenzmeier, City Clerk