

STATE OF MINNESOTA

COUNTY OF CHISAGO

CITY OF NORTH BRANCH

ORDINANCE NO. 342-22

REVISIONS TO ZONING CODE RESULTING IN THE REPEAL AND REPLACEMENT OF THE FLOODPLAIN ORDINANCES

AN ORDINANCE REPEALING AND REPLACING CHAPTER 66, ZONING, ARTICLE V DISTRICTS AND DISTRICT REGULATIONS, DIVISION 18, FLOODPLAIN MANAGEMENT OVERLAY DISTRICT, WITH THE ATTACHED AND SECTION 66-8 DEFINITIONS AS FOLLOWS.

SECTION 1 AMENDMENTS

Accessory Structure means a structure, as defined in this ordinance, that is on the same parcel of property as, and is incidental to, the principal structure or use; an accessory structure specifically excludes structures used for human habitation.

Base Flood means the flood having a one-percent chance of being equaled or exceeded in any given year. “Base flood” is synonymous with the term “regional flood” used in Minnesota Rules, part 6120.5000.

Base Flood Elevation (BFE) means the elevation of the base flood, regional flood, or one-percent annual chance flood. The term “base flood elevation” is used in the flood insurance study.

Critical Facilities means buildings and structures that contain essential facilities and services necessary for emergency response and recovery, or that pose a substantial risk to the public in the event of failure, disruption of function, or damage by flooding. Specifically, this includes facilities identified as Flood Design Class 4 in ASCE 24-14, *Flood Resistant Design and*

Construction, as amended. Examples include health care facilities, facilities required for emergency response, power generating stations, communications towers, or electrical substations.

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, or storage of equipment or materials.

FEMA means Federal Emergency Management Agency.

Farm Fence means an open type of fence of posts and horizontally run wire, further specified in Minnesota Statutes, section 344.02, Subd. 1(a-d).

Flood Insurance Rate Map (FIRM) means an official map on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS) means the study referenced in Section 66-999(b), which is an examination, evaluation and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

Flood Prone Area means any land susceptible to being inundated by water from any source.

Light Duty Truck means any motor vehicle that has all three of the following:

- (a) 8,500 pounds Gross Vehicle Weight Rating or less;
- (b) vehicle curb weight of 6,000 pounds or less; and
- (c) basic vehicle frontal area less than 45 square feet.

New Construction means structures for which the start of construction commenced on or after the effective date of an adopted floodplain management regulation, and includes any subsequent improvements to such structures.

Principal Structure means the main building or other structure on a lot that is utilized for the property's principal use.

Regulatory Floodplain means the geographic limits of the flood hazard areas regulated through this ordinance, which includes the areas adjoining a wetland, lake or watercourse that have been or hereafter may be covered by the Regulatory Flood Protection Elevation (RFPE) (as illustrated in Section 66-999(a)(3) Figure 2).

Repetitive Loss means 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.

Stage Increase means any increase in the water surface elevation during the one-percent annual chance flood caused by encroachments on the floodplain.

Start of Construction includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as

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

SECTION 2 AMENDMENTS

Flood means a temporary ~~increase~~ rise in the flow or ~~stage~~ water surface elevation of a stream, ~~or in the stage of~~ a wetland or lake that results in the inundation of normally dry areas.

Flood fringe means that portion of the one-percent annual chance floodplain located outside of the floodway. This district also includes any additional area encompassed by the horizontal extension of the RFPE, as described in Section 66-699(a)(3).

Variance (floodplain) means a ~~modification of a specific permitted development standard required in an official control including this chapter to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a community's respective planning and zoning enabling legislation.~~
“Variance” means the same as that defined in 44 CFR § 59.1 and Minnesota Statutes, Section 462.357, Subd. 6(2)

SECTION 2 EFFECTIVE DATE

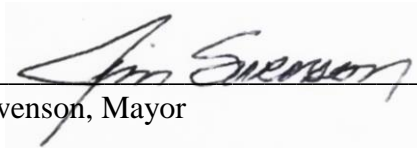
This Ordinance shall take full effect and be in full force after its passage and publication according to law.

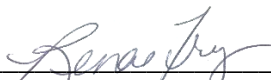
RESULT:	ADOPTED BY CONSENT VOTE [UNANIMOUS]
MOVER:	Robert Canada, Councilmember/Acting Mayor
SECONDER:	Kelly Neider, Councilmember
AYES:	Swenson, Neider, Blomquist, Canada, Meacham

Passed and adopted this 26th day of July 2022

CITY OF NORTH BRANCH



BY: 
Jim Swenson, Mayor

ATTEST: 
Renae Fry, City Administrator

SECTION 66-697 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

- (a) **Statutory Authorization.** This floodplain ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program in 44 CFR § 59 to 78; and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.
- (b) **Purpose.**
- (1) This ordinance regulates development in the flood hazard areas of the City of North Branch. These flood hazard areas are subject to periodic inundation, which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing these losses and disruptions.
 - (2) This ordinance is adopted in the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding.
 - (3) This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.
 - (4) This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.
- (c) **Abrogation and Greater Restrictions:** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. The standards in this ordinance takes precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- (d) **Warning and Disclaimer of Liability:** This ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This ordinance does not create liability on the part of the City of North Branch or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- (e) **Severability:** If any section, clause, provision, or portion of this ordinance is adjudged unconstitutional or invalid by a court of law, the remainder of this ordinance shall not be affected and shall remain in full force.

SECTION 66-698 DEFINITIONS

- (a) **Definitions.** Unless specifically defined, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.

SECTION 66-699 JURISDICTION AND DISTRICTS

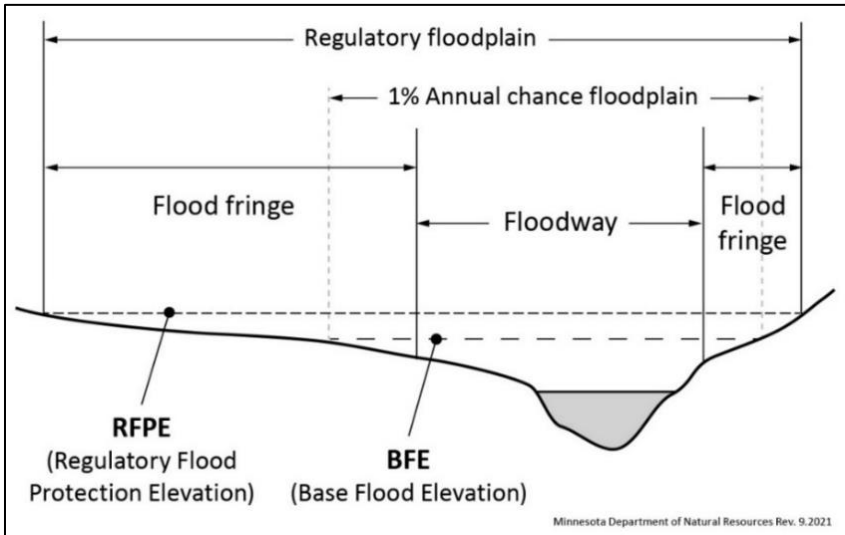
- (a) **Lands to Which Ordinance Applies.** This ordinance applies to all lands within the jurisdiction of the City of North Branch within the boundaries of the Floodway, Flood Fringe and General Floodplain Districts.
- (1) The Floodway, Flood Fringe or General Floodplain Districts are overlay districts. The standards imposed in the overlay districts are in addition to any other requirements. In case of a conflict, the more restrictive standards will apply.
 - (2) Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions (as illustrated in Figure 1), the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the one-percent annual chance floodplain.

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



- (3) The regulatory limits of the district boundaries shall be further extended outward based on the horizontal extension of the Regulatory Flood Protection Elevation (RFPE) (Figure 2).

Figure 2: Horizontal extension of the Regulatory Flood Protection Elevation (RFPE)



- (4) Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the [Planning Commission/Board of Adjustment] and to submit technical evidence.

(b) **Incorporation of Maps by Reference.** The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for Chisago County, Minnesota, and Incorporated Areas, and the Flood Insurance Rate map panels enumerated below, all dated April 17, 2012, and prepared by the Federal Emergency Management Agency. These materials are on file at North Branch City Hall.

- 27025C0145D
- 27025C0163D
- 27025C0165D
- 27025C0170D
- 27025C0250D
- 27025C0255D
- 27025C0260D

(c) **Districts**

- (1) **Floodway District.** Those areas within Zones AE delineated within floodway areas as shown on the Flood Insurance Rate Maps referenced in Section 66-999(b).

- (2) Flood Fringe District. Those areas within Zones AE on the Flood Insurance Rate Maps referenced in Section 66-999(b), but located outside of the floodway. This district also includes any additional area encompassed by the Regulatory Floodplain.
- (3) General Floodplain District. Those areas within Zone A areas that do not have a floodway delineated as shown on the Flood Insurance Rate Maps referenced in Section 66-999(b). This district also includes any additional area encompassed by the Regulatory Floodplain.
- (d) **Annexations.** The Flood Insurance Rate Map panels referenced in Section 66-999(b) may include floodplain areas that lie outside of the corporate boundaries of the City of North Branch at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of North Branch after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation. Annexations into panels not referenced in Section 3.2 require ordinance amendment in accordance with Section 66-710
- (e) **Detachments.** The Flood Insurance Rate Map panels referenced in Section 66-999(b) will include floodplain areas that lie inside the corporate boundaries of municipalities at the time of adoption of this ordinance. If any of these floodplain land areas are detached from a municipality and come under the jurisdiction of the City of North Branch after the date of adoption of this ordinance, the newly detached floodplain lands will be subject to the provisions of this ordinance immediately upon the date of detachment.

SECTION 66-700 REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS

- (a) **Permit Required.** A permit must be obtained from the Zoning Administrator to verify compliance with all applicable standards outlined in this ordinance prior to the following uses or activities:
 - (1) The erection, addition, modification, rehabilitation, repair, or alteration of any building, structure, or portion thereof. Normal maintenance requires a permit to determine if such work, either separately or in conjunction with other planned work, constitutes a substantial improvement, as specified in Section 66-708(m)
 - (2) The construction of a fence, pool, deck, or placement of anything that may cause a potential obstruction. Farm fences, as defined in Section 66-8, are not considered to be an obstruction, and as such, do not require a permit.
 - (3) The change or expansion of a nonconforming use.
 - (4) The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
 - (5) The placement of fill, excavation, utilities, on-site sewage treatment systems, or other service facilities.
 - (6) The storage of materials or equipment, in conformance with Section 66-700(c)(2).
 - (7) Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement dams, culverts and bridges). A local permit is not required if a public waters work permit has been obtained from the Department of Natural Resources, unless a significant area above the ordinary high water level is also to be disturbed.
 - (8) Any other type of "development," as defined in Section 66-8.
- (b) **No Permit Required.** Certain uses or activities may be exempt from obtaining a permit, such as planting a garden, farming, or other obviously insignificant activities such as putting up a mailbox or flagpole. The continuation of existing uses, when the associated activities do not encroach further on the regulatory floodplain or trigger associated standards in this ordinance, do not require a permit.
- (c) **Minimum Development Standards.**
 - (1) All development must:
 - A. Be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - B. Be constructed with materials and equipment resistant to flood damage;
 - C. Be constructed by methods and practices that minimize flood damage;
 - D. Be constructed with heating, ventilation, duct work, and air conditioning equipment and other service facilities elevated at least up to the Regulatory Flood Protection Elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding;

- E. Be reasonably safe from flooding and consistent with the need to minimize flood damage within the flood-prone area;
 - F. Be assured to provide adequate drainage to reduce exposure to flood hazards;
 - G. Not be detrimental to uses in adjoining areas; and
 - H. Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
- (2) Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the Regulatory Flood Protection Elevation (RFPE), floodproofed, or protected by other measures as approved by the Zoning Administrator. Storage of materials likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, section 115.01, are prohibited unless adequate safeguards approved by the Minnesota Pollution Control Agency are provided. For projects not requiring approvals by the Minnesota Pollution Control Agency, adequate safeguards must be approved by the Zoning Administrator prior to issuance of a permit.
- (3) Critical facilities are to be located so that the lowest floor is not less than two feet above the Base Flood Elevation (BFE), or the 0.2% annual chance flood elevation, whichever is higher.

Table 1. Summary of Permitting Requirements for Structures

Structure Type	Floodway	Flood Fringe	Standards*
Accessory Structures – on fill	Only specific uses and types allowed – with CUP	Allowed with Permit	6.21.A, via 6.23.D(2)
Accessory Structures – Alt. Elevation Methods	Only specific uses and types allowed – with CUP	Allowed with Permit	6.22.B, via 6.23.D(3)
Accessory Structures – Wet Floodproofing	Only specific uses and types allowed – with CUP	Allowed with Permit	6.23.D(1)
Accessory Structures – Dry (watertight) Floodproofing	Only specific uses and types allowed – with CUP	Allowed with Permit	6.22.C, via 6.23.D(4)
Residential – on fill	Not allowed	Allowed with Permit	6.21.A
Residential – Alt. Elevation Methods	Not allowed	Allowed with CUP	6.22.A or B, via 6.41
Residential – Basement Construction below RFPE	Not allowed	Only outside of 1% annual chance floodplain – with CUP	6.42.A
Residential – Dry (watertight) Floodproofing	Not allowed	Only outside of 1% annual chance floodplain – with CUP	6.22.C, via 6.42.B
Non-Residential – on fill	Not allowed	Allowed with Permit	6.21.A, via 6.22.A
Non-Residential – Alt. Elevation Methods	Not allowed	Allowed with Permit	6.22.B
Non-Residential – Dry (watertight) Floodproofing	Not allowed	Allowed with Permit	6.22.C
Non-residential – Basement Construction below RFPE	Not allowed	Only outside of 1% annual chance floodplain – with CUP	6.42.A

**Note - many of these standards are cross-referenced to avoid duplication*

SECTION 66-701 FLOODWAY DISTRICT

- (a) **Permitted Uses in Floodway.** Development allowed in the floodway district is limited to that which has low flood damage potential and will not obstruct flood flows, increase velocities, or increase the water surface elevations of the one-percent annual chance flood. The following uses and activities may be allowed with a permit, subject to the standards in Section 66-701(a), if allowed in the underlying zoning district:
- (1) Agricultural uses, recreational uses, parking lots, loading areas, airport landing strips, water control structures, navigational facilities, as well as public open space uses.

- (2) Roads, railroads, trails, bridges, and culverts.
- (3) Public utility facilities and water-oriented industries which must be in or adjacent to watercourses.
- (4) Grading, filling, land alterations, and shoreline stabilization projects.
- (5) No structures, as defined in Section 66-8, are allowed in the Floodway District, except structures accessory to the uses detailed in Sections 66-701(a)(1) and 66-701(c)(1), which require a CUP under Section 66-701(c)(2).
- (6) Levees or dikes intended to protect agricultural crops for a flood event equal to or less than the 10-percent annual chance flood event.

(b) **Standards for Permitted Uses in Floodway.** In addition to the applicable standards detailed in Section 66-700:

- (1) The applicant must demonstrate that the development will not result in any of the following during the one-percent chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities. As part of this demonstration, the applicant shall document that there will not be any stage increase through hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices (e.g. projects that restore the site to the previous cross-sectional area). This is commonly documented through a “no-rise certification.”
- (2) Any development that would result in a stage increases greater than 0.00 feet may only be allowed with a permit if the applicant has applied for and received approval for a Conditional Letter of Map Revision (CLOMR) in accordance with 44 CFR § 65.12. Map revisions must follow the procedures in Sections 66-707(a)(5).
- (3) Any development resulting in decreases to the water surface elevation of the base flood identified in the Flood Insurance Study requires a Letter of Map Revision (LOMR) following the procedures in Sections 66-705(a)(5) and 66-710.
- (4) Any development in the beds of public waters that will change the course, current or cross section is required to obtain a public waters work permit in accordance with Minnesota Statutes, section 103G.245 or a utility crossing license in accordance with Minnesota Statutes, section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required, before applying for a local permit.
- (5) Any facility used by employees or the general public must be designed with a flood warning system acceptable to the Zoning Administrator that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.
- (6) Fill and other land alteration activities must offer minimal obstruction to the flow of flood waters, and be protected from erosion and sediment entering surface waters by the use of vegetative cover, riprap or other methods as soon as possible.

(c) **Conditional Uses in Floodway.** The following uses and activities may be permitted as conditional uses, subject to the standards detailed in Sections 66-701(d) and 66-707(c), if otherwise allowed in the underlying zoning district:

- (1) Commercial extractive uses, and storage and stockpiling yards.
- (2) Structures accessory to uses detailed in Sections 66-701(a)(1) and 66-701(c)(1).

(d) **Standards for Conditional Uses in Floodway.** In addition to the applicable standards detailed in Sections 66-700, 66-701(b) and 66-707:

- (1) Extractive uses and storage of materials require the completion of a site development and restoration plan, to be approved by the City of North Branch.
- (2) Accessory Structures. Structures accessory to the uses detailed in Sections 66-701(a)(1) and 66-701(c)(1) must be constructed and placed so as to offer a minimal obstruction to the flow of flood waters, and are subject to the standards in Section 66-702(b)(3) of this ordinance.

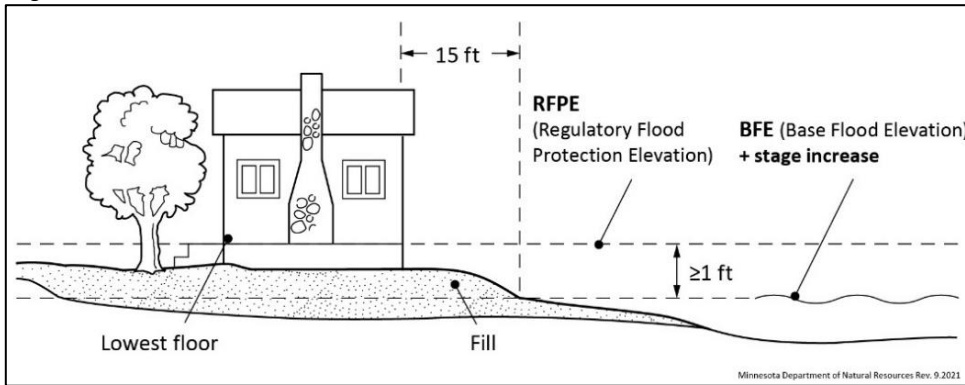
SECTION 66-702 FLOOD FRINGE DISTRICT

- (a) **Permitted Uses in Flood Fringe.** Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in Sections 66-702(b), provided it does not constitute a public nuisance.
- (b) **Standards for Permitted Uses in Flood Fringe.** In addition to the applicable standards detailed in Section 66-700:

(1) Residential Structures.

- A. Elevation on Fill. All structures to be erected, constructed, reconstructed, altered, or moved on fill within the Flood Fringe District shall be placed so that the lowest floor, as defined in Section 66-8 of this ordinance, is elevated at or above the Regulatory Flood Protection Elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus any stage increases that result from designation of a floodway. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the Zoning Administrator. Elevation methods alternative to these fill standards are subject to a Conditional Use Permit, as provided in Section 6.31 of this ordinance (Figure 3).

Figure 3: Overview of fill standards for residential structures.



(2) Nonresidential Principal Structures. Nonresidential principal structures must meet one of the following construction methods:

- A. Elevation on Fill. Structures may be elevated on fill, meeting the standards in Section 66-702(b)(1)(A) of this ordinance. Fill for nonresidential structures is not required to be extended 15 feet beyond the outside limits of the structure.
- B. Alternative Elevation Methods. Structures may have their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) using methods alternative to the fill standards in Section 66-702(b)(1)(A) of this ordinance. Such methods include the use of blocks, pilings (Figure 4), filled stem walls (Figure 5), or internally-flooded enclosed areas (Figure 6) such as crawl spaces, attached garages, or tuck under garages.

Figure 4. Blocks or pilings

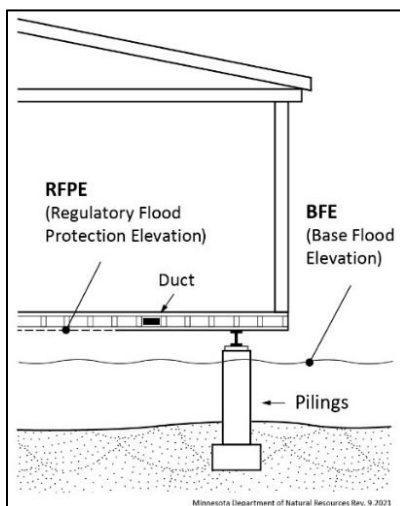


Figure 5. Filled stem wall

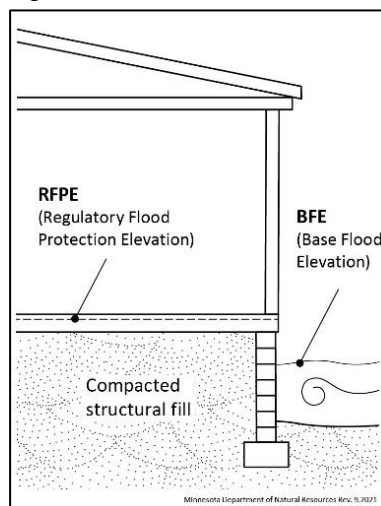
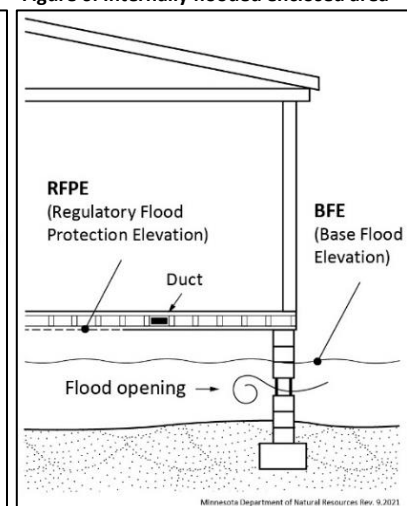


Figure 6. Internally flooded enclosed area



Designs accommodating for internally-flooded enclosed areas must be certified by a registered professional engineer or architect, or meet or exceed the standards detailed in *FEMA Technical Bulletin 1*, as amended, as well as the following standards:

- (i) The floor of the enclosed area must be at or above the exterior grade on at least one side of the structure.
- (ii) To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings below the base flood elevation on at least two sides of the structure. The bottom of all openings shall be no higher

than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, have a net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.

- (iii) Internally flooded enclosed areas shall only be used for the parking of vehicles, building access, or storage. Such areas shall be subject to a deed-restricted non-conversion agreement or periodic inspections with the issuance of any permit.
- C. Dry Floodproofing. Structures having watertight enclosed basements or spaces below the Regulatory Flood Protection Elevation (RFPE) must meet the following standards:
- (i) Walls must be substantially impermeable to the passage of water, with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, at least up to the Regulatory Flood Protection Elevation (RFPE);
 - (ii) Must meet the standards of FEMA Technical Bulletin 3, as amended; and
 - (iii) A registered professional engineer or architect shall be required to certify that the design and methods of construction meet the standards detailed in this Section.
- (3) Accessory Structures. All accessory structures must meet the following standards:
- A. Structures shall not be designed or used for human habitation.
 - B. Structures will have a low flood damage potential.
 - C. Structures with fewer than two rigid walls, such as carports, gazebos, and picnic pavilions, may be located at an elevation below the Regulatory Flood Protection Elevation.
 - D. Structures with two or more rigid walls, must meet one of the following construction methods:
 - (i) Wet Floodproofing. Structures may be floodproofed in a way to accommodate internal flooding. Such structures shall constitute a minimal investment not to exceed 576 square feet in size, one-story in height, and shall only be used for parking and storage. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.
 - (ii) Elevation on Fill. Structures may be elevated on fill, meeting the standards in Section 66-702(b)(1)(A) of this ordinance. Fill is not required to be extended 15 feet beyond the outside limits of the structure.
 - (iii) Alternative Elevation Methods. Structures may have their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) through methods alternative to the fill standards in Section 66-702(b)(3)(D)(ii), meeting the standards in Section 6.22.B of this ordinance.
 - (iv) Dry Floodproofing. Structures may be dry-floodproofed, or watertight, meeting the standards in Section 66-702(b)(2)(C) of this ordinance.
- (4) Fill. The cumulative placement of fill or other materials for any purpose, up to 1,000 cubic yards, is permitted. Additional fill over 1,000 cubic yards is only permitted if the fill is specifically intended to elevate a structure in accordance with Section 66-702(b)(1) or 66-702(b)(2)(A) of this ordinance, or for a transportation project in accordance with Section 66-705(a). Fill over 1,000 cubic yards for purposes other than elevating a structure requires a conditional use permit as provided in Section 66-702(c)(2). Materials must be protected from erosion, discharge, and sediment entering surface waters by the use of vegetative cover or other methods as soon as possible.
- (5) All new principal structures must provide for vehicular access no lower than one foot below the Base Flood Elevation (BFE), unless a flood warning/emergency evacuation plan has been approved by the City of North Branch.
- (6) Any facilities used by employees or the general public must be designed with a flood warning system acceptable to the City of North Branch that provides adequate time for evacuation, or be designed to ensure that within the area

inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.

- (7) Manufactured homes and recreational vehicles must meet the standards of Section 66-706 of this ordinance.
- (c) **Conditional Uses in Flood Fringe.** The following uses and activities may be permitted as conditional uses, subject to the standards in Sections 66-702(d) and 66-707(c), if otherwise allowed in the underlying zoning district:
 - (1) Alternative Elevation Methods – Residential Structures. Residential structures with their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) using methods alternative to the fill requirements in Section 66-702(b)(1).
 - (2) Fill. The cumulative placement of more than 1,000 cubic yards of fill or other materials, when the fill is not being used to elevate a structure or for a transportation project in accordance with Section 66-705(a).
- (d) **Standards for Conditional Uses in Flood Fringe.** In addition to the applicable standards detailed in Sections 66-700, 66-702(b) and 66-707(c):
 - (1) All residential structures with lowest floors elevated through alternative elevation methods must meet the standards for nonresidential structures in Section 66-702(b)(2)(A) or (B) of this ordinance.
 - (2) The placement of more than 1,000 cubic yards of fill or other materials (other than for the purpose of elevating a structure to the RFPE) must comply with a site development and restoration plan approved by the Zoning Administrator. The plan must detail the anticipated topographic alterations and identify actions to be taken to mitigate environmental impacts, particularly erosion.

SECTION 66-703 GENERAL FLOODPLAIN DISTRICT

(a) Permitted Uses in General Floodplain District

- (1) The uses listed in the Floodway District, Section 66-701, of this ordinance are allowed with a permit or Conditional Use Permit. Development is also subject to the standards provided in this section.
- (2) All other uses are subject to a floodway/flood fringe determination as provided in Section 66-703(d), in addition to the standards provided in this section. Permitted uses shall be determined as follows:
 - A. If the development is determined to be in the Floodway District, Section 66-701 applies.
 - B. If the development is determined to be in the Flood Fringe District, Section 66-702 applies.

(b) Standards for Determining Flood Elevations

- (1) All development requires a determination of the Base Flood Elevation (BFE). Exceptions to this requirement include projects that restore the site to the previous cross-sectional area, such as shore stabilization or culvert replacement projects. Base Flood Elevations (BFE) may be found using best available data from any Federal, State, or other source (including MNDNR's Lake & Flood Elevations Online (LFEO) Viewer).
- (2) The Regulatory Flood Protection Elevation (RFPE) can be determined by assuming a one-half (0.5) foot stage increase to accommodate for future cumulative impacts. A stage increase does not need to be assumed along lakes, wetlands, and other basins that are not affected by velocities.

(c) Encroachment Analysis

- (1) Encroachments due to development may not allow stage increases more than one-half (0.5) foot at any point. This evaluation must include the cumulative effects of previous encroachments, and must be documented with hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result.

(d) Standards for the Analysis of Floodway Boundaries

- (1) Requirements for Detailed Studies. Any development, as requested by the Zoning Administrator, shall be subject to a detailed study to determine the Regulatory Flood Protection Elevation (RFPE) and the limits of the Floodway District. This determination must be consistent with the minimum standards for hydrologic and hydraulic mapping standards and techniques, as detailed in Minnesota Rules, part 6120.5600, Subp. 4 and *FEMA Guidelines and Standards for Flood Risk Analysis and Mapping*, as revised. Additionally:

- A. A regulatory floodway necessary to carry the discharge of the one-percent annual chance flood must be selected without increasing the water surface elevation more than one-half (0.5) foot at any point. This determination should include the cumulative effects of previous encroachments. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result; and
 - B. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries, unless topography, existing development patterns, and comprehensive land use plans justify a modified approach, as approved by the Department of Natural Resources.
- (2) Other Acceptable Methods. For areas where a detailed study is not available or required:
- A. Development prohibited in floodways (e.g. most buildings) requires a floodway/flood fringe determination to verify the development is within the flood fringe. This determination must be done by a professional engineer or utilize other accepted engineering practices. The Department of Natural Resources may also provide technical assistance and must approve any alternative methods used to determine floodway boundaries.
 - B. For areas where the floodway has not been determined in and along lakes, wetlands, and other basins, the following methodology may be used as an alternative to Item A above, provided these areas are not affected by velocities and the lot is able to accommodate a building site above the Regulatory Flood Protection Elevation:
 - (i) All areas that are at or below the ordinary high water level, as defined in Minnesota Statutes, section 103G.005, Subd. 14, will be considered floodway, and all areas below the Base Flood Elevation (BFE) but above the ordinary high water level will be considered flood fringe, provided that within 25 feet of the ordinary high water level, or within the Shore Impact Zone as identified in the community's Shoreland ordinance, whichever distance is greater, land alterations shall be restricted to:
 - (a) The minimum required to accommodate beach areas, access areas, and accessory structures as permitted, not to exceed a volume greater than 10 cubic yards; projects involving volumes exceeding 10 cubic yards require floodway/flood fringe determination in accordance with the procedures in Section 66-703(d)(2)(A); and
 - (b) The minimum required to accommodate shoreline stabilization projects to correct an identified erosion problem as verified by a qualified resource agency or the zoning administrator.

SECTION 66-704 SUBDIVISION STANDARDS

- (a) **Subdivisions.** All subdivisions must meet the following requirements. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.
 - (1) No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, specifically:
 - 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 (RFPE); and
 - B. The subdivision must be designed to provide adequate drainage to reduce exposure to flood hazards within the development and not increase runoff to adjoining areas.
 - (2) Subdivision of lands within the floodplain districts may not be approved if the cost of providing governmental services would impose an unreasonable economic burden on the City of North Branch.
 - (3) All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE), unless a flood warning/emergency evacuation plan has been approved by the City of North Branch.
 - (4) The Floodway and Flood Fringe District boundaries, the Regulatory Flood Protection Elevation (RFPE) and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.

SECTION 66-705 RAILROADS, ROADS, BRIDGES, AND PUBLIC AND PRIVATE UTILITIES AND SERVICE FACILITIES

- (a) **Public Transportation Facilities.** Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. Minor or auxiliary roads or railroads may be constructed at a lower

elevation where failure or interruption of transportation services would not endanger the public health or safety. All public transportation facilities should be designed to minimize increases in flood elevations.

- (b) **Public Utilities.** All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage, and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited in the one-percent annual chance floodplain. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.
- (c) **Private On-site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities.** Private facilities shall be subject to applicable provisions detailed in Section 9.2. In addition, new or replacement on-site sewage treatment systems are to be located to avoid impairment to them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270.

SECTION 66-706 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

- (a) **Manufactured Homes.** Manufactured homes and manufactured home parks are subject to applicable standards for each floodplain district. In addition:
 - (1) New and replacement manufactured homes must be placed and elevated in compliance with Section 66-702 of this ordinance and must be securely anchored to a system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.
 - (2) New manufactured home parks and expansions to existing manufactured home parks must meet the appropriate standards for subdivisions in Section 8.0 of this ordinance.
- (b) **Recreational Vehicles.** New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain must either:
 - (1) Meet the requirements for manufactured homes in Section 66-706(a), or
 - (2) Be travel ready, meeting the following criteria:
 - A. The vehicle must be fully licensed.
 - B. The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.
 - C. No permanent structural type additions may be attached to the vehicle.
 - D. Accessory structures may be permitted in the Flood Fringe District, provided they do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Sections 66-700 and 66-702(c).

SECTION 66-707 ADMINISTRATION

- (a) **Duties.** A Zoning Administrator or other official must administer and enforce this ordinance.
 - (1) **Permit Application Requirements.** Permit applications must be submitted to the Zoning Administrator. The permit application must include the following, as applicable:
 - A. A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.
 - B. Location and detail of grading, fill, or storage of materials.
 - C. Copies of any required local, state or federal permits or approvals.
 - D. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.
 - (2) **Recordkeeping.** The Zoning Administrator must maintain applicable records in perpetuity documenting:
 - A. All certifications for dry floodproofing and alternative elevation methods, where applicable.

- B. Analysis of no-rise in the Floodway District, as detailed in Section 66-701(b)(1), and encroachment analysis ensuring no more than one-half foot of rise in the General Floodplain District, as detailed in Sections 66-703(b)(2) and 66-703(c)(1).
 - C. Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Zoning Administrator.
 - D. Substantial damage and substantial improvement determinations, as detailed in Section 66-708(a)(3), including the cost of improvements, repairs, and market value.
 - E. All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.
- (3) Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning Administrator stating that the finished fill and building floor elevations or other flood protection measures are in compliance with the requirements of this ordinance.
 - (4) Notifications for Watercourse Alterations. Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters in accordance with Minnesota Statutes, section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.
 - (5) Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations. Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, the City of North Branch must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available.

(b) Variances

- (1) Variance Applications. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, section 462.357, *Subd. 6(2)* and this ordinance.
- (2) Adherence to State Floodplain Management Standards. Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law. Though variances may be used to modify permissible methods of flood protection, no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).
- (3) Additional Variance Criteria. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
 - A. 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.
 - B. 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.
 - C. Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (4) Flood Insurance Notice. The Zoning Administrator must notify the applicant for a variance in writing that:
 - A. 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
 - B. Such construction below the base flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

- (5) Considerations for Approval. The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplain districts:
 - A. The potential danger to life and property due to increased flood heights or velocities caused by encroachments.
 - B. The danger that materials may be swept onto other lands or downstream to the injury of others.
 - C. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- (6) Conditions of Approval. The City of North Branch may attach such conditions to the granting of variances and conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
 - A. Limitations on period of use, occupancy, and operation.
 - B. Imposition of operational controls, sureties, and deed restrictions.
 - C. The prevention of soil erosion or other possible pollution of public waters, both during and after construction.
 - D. Other conditions as deemed appropriate by the Zoning Administrator and City Council

(c) Conditional Uses.

- (1) Administrative Review. An application for a conditional use permit will be processed and reviewed in accordance with the provisions in this ordinance.
- (2) Considerations for Approval. In passing upon conditional use applications, the City of North Branch must consider all relevant factors specified in other sections of this ordinance, including those detailed in Section 66-707(b)(5).
- (3) Conditions of Approval. In addition to the standards identified in Sections 66-701(d) and 66-702(d), the City of North Branch may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance, including those detailed in Section 66-707(b)(6).

(d) Notifications to the Department of Natural Resources.

- (1) All notices of public hearings to consider variances or conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.
- (2) A copy of all decisions granting variances and conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

SECTION 66-708 NONCONFORMITIES

- (a) **Continuance of Nonconformities.** A use, structure, or occupancy of land which was lawful before the passage or amendment of this ordinance, but which is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:
 - (1) Within the floodway and general floodplain districts (when a site has been determined to be located in the floodway following the procedures in Section 66-703(c), or when the floodway has not been delineated), expansion or enlargement of uses or structures is prohibited.
 - (2) Within all districts, any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this ordinance, shall not increase the flood damage potential or increase the degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).
 - (3) If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in Section 66-708(b), it may not be reconstructed except in conformity with the provisions of this ordinance. Existing structures within the regulatory floodplain, but outside of the one-percent annual chance floodplain, as detailed in Section 66-699(a)(3), are exempt from this provision.

12.14 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.
- (b) **Substantial Improvement and Substantial Damage Determinations.** Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the Zoning Administrator is required to determine if such work constitutes substantial improvement or repair of a substantially damaged structure. A determination must be made in accordance with the following procedures:

- (1) Estimate the market value of the structure. In cases where the property has sustained damage, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.
- (2) Estimate the cost of the project. The property owner shall accommodate for inspection, and furnish other documentation needed by the zoning administrator to evaluate costs.
 - A. Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one year.
 - B. Costs to restore damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.
- (3) Compare the cost of the project and/or repairs to the estimated market value of the structure, and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure, as defined in Section 66-8 of this ordinance.
 - A. For the purposes of determining whether the proposed work would constitute substantial improvement, the evaluation shall also include all rehabilitations, additions, or other improvements completed since the community has adopted floodplain standards impacting this structure.
 - B. If any nonconforming structure experiences a repetitive loss, as defined in Section 66-8 of this ordinance, it shall be considered substantially damaged and must not be reconstructed except in conformity with the provisions of this ordinance.
- (4) Based on this determination, the zoning administrator shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this ordinance.

SECTION 66-709 VIOLATIONS AND PENALTIES

- (1) **Uses in Violation of the Ordinance.** Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this ordinance shall be considered a public nuisance.
- (2) **Civil Remedies.** The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this ordinance may be abated by an action brought by the City of North Branch or the Department of Natural Resources.
- (3) **Enforcement.** Violations of the provisions of this ordinance constitutes a misdemeanor and is punishable as defined by law. The Zoning Administrator may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance. The City of North Branch 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.

SECTION 66-710 AMENDMENTS

- (a) **Ordinance Amendments.** Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in Section 66-699(b) of this ordinance.
- (b) **Required Approval.** All amendments to this ordinance must be submitted to the Department of Natural Resources for review and approval prior to adoption, for compliance with state and federal rules and requirements. The floodplain ordinance shall not be considered valid until approved.

SECTION 1 ADDITIONS

Accessory Structure means a structure, as defined in this ordinance, that is on the same parcel of property as, and is incidental to, the principal structure or use; an accessory structure specifically excludes structures used for human habitation.

Base Flood means the flood having a one-percent chance of being equaled or exceeded in any given year. "Base flood" is synonymous with the term "regional flood" used in Minnesota Rules, part 6120.5000.

Base Flood Elevation (BFE) means the elevation of the base flood, regional flood, or one-percent annual chance flood. The term "base flood elevation" is used in the flood insurance study.

Critical Facilities means buildings and structures that contain essential facilities and services necessary for emergency response and recovery, or that pose a substantial risk to the public in the event of failure, disruption of function, or damage by flooding. Specifically, this includes facilities identified as Flood Design Class 4 in ASCE 24-14, *Flood Resistant Design and Construction*, as amended. Examples include health care facilities, facilities required for emergency response, power generating stations, communications towers, or electrical substations.

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, or storage of equipment or materials.

FEMA means Federal Emergency Management Agency.

Farm Fence means an open type of fence of posts and horizontally run wire, further specified in Minnesota Statutes, section 344.02, Subd. 1(a-d).

Flood Insurance Rate Map (FIRM) means an official map on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study (FIS) means the study referenced in Section 66-999(b), which is an examination, evaluation and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.

Flood Prone Area means any land susceptible to being inundated by water from any source.

Light Duty Truck means any motor vehicle that has all three of the following:

- (a) 8,500 pounds Gross Vehicle Weight Rating or less;
- (b) vehicle curb weight of 6,000 pounds or less; and
- (c) basic vehicle frontal area less than 45 square feet.

New Construction means structures for which the start of construction commenced on or after the effective date of an adopted floodplain management regulation, and includes any subsequent improvements to such structures.

Principal Structure means the main building or other structure on a lot that is utilized for the property's principal use.

Regulatory Floodplain means the geographic limits of the flood hazard areas regulated through this ordinance, which includes the areas adjoining a wetland, lake or watercourse that have been or hereafter may be covered by the Regulatory Flood Protection Elevation (RFPE) (as illustrated in Section 66-999(a)(3) Figure 2).

Repetitive Loss means 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.

Stage Increase means any increase in the water surface elevation during the one-percent annual chance flood caused by encroachments on the floodplain.

Start of Construction includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

SECTION 2 AMENDMENTS

Flood means a temporary increase ~~rise~~ in the flow or ~~stage~~ water surface elevation of a stream, ~~or in the stage of a wetland or lake~~ that results in the inundation of normally dry areas.

Flood fringe means that portion of the one-percent annual chance floodplain located outside of the floodway. This district also includes any additional area encompassed by the horizontal extension of the RFPE, as described in Section 66-699(a)(3).

Variance (floodplain) means a modification of a specific permitted development standard required in an official control including this chapter to allow an alternative development standard not stated as acceptable in the official control, but only as applied to a particular property for the purpose of alleviating a hardship, practical difficulty or unique circumstance as defined and elaborated upon in a

~~community's respective planning and zoning enabling legislation.~~ "Variance" means the same as that defined in 44 CFR § 59.1 and Minnesota Statutes, Section 462.357, Subd. 6(2)

DIVISION 18 FP FLOODPLAIN MANAGEMENT OVERLAY DISTRICT

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Sec 66-697 Statutory Authorization, Findings Of Fact, And Purpose

(a) *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.

(b) *Findings of fact.*

1. The flood hazard areas of the City of North Branch, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures or flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. *Methods used to analyze flood hazards.* This chapter is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.
3. *National flood insurance program compliance.* This chapter 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) *Statement of purpose.* It is the purpose of this chapter to promote the public health, safety, and general welfare and to minimize those losses described in section 66-697(b)(1) by provisions contained herein.

(Code 1996, § 17.30.010; Ord. No. 177-12, § 2, 3-12-2012)

Sec 66-698 General Provisions

(a) *Lands to which ordinance applies.* This chapter shall apply to all lands within the jurisdiction of the City of North Branch, Minnesota shown on the official zoning map and/or the attachments thereto as being located within the boundaries of the floodway, flood fringe, or general floodplain districts.

(b) *Establishment of official zoning map.* The official zoning map together with all materials attached thereto is hereby adopted by reference and declared to be a part of this chapter. The attached

material shall include the Flood Insurance Study, Chisago County, Minnesota And Incorporated Areas and Flood Insurance Rate Map panels therein numbered 27025C0145D, 27025C0163D, 27025C0165D, 27025C0170D, 27025C0250D, 27025C0255D and 27025C0260D, all documents being dated April 17, 2012 and prepared by the Federal Emergency Management Agency. The official zoning map shall be on file in the office of the city clerk.

- (c) *Regulatory flood protection elevation.* The regulatory flood protection elevation shall be an elevation no lower than one foot 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.
- (d) *Interpretation.*
1. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
 2. The boundaries of the zoning districts shall be determined by scaling distances on the official zoning map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the official zoning map, as for example where there appears to be a conflict between a mapped boundary and actual field conditions and there is a formal appeal of the decision of the zoning administrator, the board of adjustment shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the community adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year floodplain if earlier, and other available technical data. Persons contesting the location of the district boundaries shall be given a reasonable opportunity to present their case to the board of adjustment and to submit technical evidence.
- (e) *Abrogation and greater restrictions.* It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.
- (f) *Warning and disclaimer of liability.* This chapter 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 chapter shall not create liability on the part of the City of North Branch, Minnesota or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.
- (g) *Severability.* If any section, clause, provision, or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.
- (h) *Annexations.* The flood insurance rate map panels adopted by reference into section 66-698(b) above may include floodplain areas that lie outside the corporate boundaries of the City of North Branch, Minnesota at the time of adoption of this chapter. If any of these floodplain land areas are annexed into the City of North Branch, Minnesota after the date of adoption of this chapter, the newly annexed floodplain lands shall be subject to the provisions of this chapter immediately upon the date of annexation into the City of North Branch, Minnesota.

(Code 1996, § 17.30.020; Ord. No. 177-12, § 2, 3-12-2012)

Sec 66-699 Establishment Of Floodplain Zoning Districts

- (a) *Districts.*

1. *Floodway district:* The floodway district shall include those areas designated as floodway on the flood insurance rate map adopted in section 66-698(b). For lakes, wetlands and other basins, the floodway district shall include those areas designated as zone A on the flood insurance rate map panels adopted in section 66-698(b) that are below the ordinary high water level as defined in Minn. Stats. § 103G.005, subdivision 14.
2. *Flood fringe district:* The flood fringe district shall include those areas designated as floodway fringe, which shall include the areas shown on the flood insurance rate map, adopted in section 66-698(b), as being within zone AE but being located outside of the floodway. For lakes, wetlands and other basins, the flood fringe district shall include those areas designated as zone A on the flood insurance rate map panels adopted in section 66-698(b) that are below the 1% annual chance flood elevation (100-year flood elevation) but above the ordinary high water level as defined in Minn. Stats. § 103G.005(14).
3. *General floodplain district:* The general floodplain district shall include those areas designated as zone A on the flood insurance rate map adopted in section 66-698(b), which are not subject to criteria in (1) and (2) above.

(b) *Compliance.* No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this chapter. Within the floodway, flood fringe and general floodplain districts, all uses not listed as permitted uses or conditional uses in sections 66-700, 66-701 and 66-702 that follow, respectively, shall be prohibited. In addition, a caution is provided here that:

1. New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this chapter and specifically section 66-705.
2. 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 chapter and specifically section 66-707.
3. As-built elevations for elevated or floodproofed structures must be certified by ground surveys and floodproofing techniques must be designed and certified by a registered professional engineer or architect as specified in the general provisions of this chapter and specifically as stated in section 66-706 of this chapter.

(Code 1996, § 17.30.030; Ord. No. 177-12, § 2, 3-12-2012)

Sec 66-700 Floodway District (FW)

(a) *Permitted uses.*

1. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
2. Industrial-commercial loading areas, parking areas, and airport landing strips.
3. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.
4. Residential lawns, gardens, parking areas, and play areas.

(b) *Standards for floodway permitted uses.*

1. The use shall have a low flood damage potential.
2. The use shall be permissible in the underlying zoning district if one exists.
3. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations or storage of materials or equipment.

(c) *Conditional uses.*

1. Structures accessory to the uses listed in (a) above and the uses listed in (c)(2)—(c)(8) below.
2. Extraction and storage of sand, gravel, and other materials.
3. Marinas, boat rentals, docks, piers, wharves, and water control structures.
4. Railroads, streets, bridges, utility transmission lines, and pipelines.
5. Storage yards for equipment, machinery, or materials.
6. Placement of fill or construction of fences.
7. Recreational vehicles either on individual lots of record or in existing or new subdivisions or commercial or condominium type campgrounds, subject to the exemptions and provisions of section 66-705 (c) of this chapter.
8. Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the ten-year frequency flood event.

(d) *Standards for floodway conditional uses.*

1. All uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials or equipment, or other uses may be allowed as a conditional use that will cause any increase in the stage of the 100-year or regional flood or cause an increase in flood damages in the reach or reaches affected.
2. All floodway conditional uses shall be subject to the procedures and standards contained in section 66-706(d) of this chapter.
3. The conditional use shall be permissible in the underlying zoning district if one exists.
4. Fill:
 - a. Fill, dredge spoil, and all other similar materials deposited or stored in the floodplain shall be protected from erosion by vegetative cover, mulching, riprap or other acceptable method.
 - b. Dredge spoil sites and sand and gravel operations shall not be allowed in the floodway unless a long-term site development plan is submitted which includes an erosion/sedimentation prevention element to the plan.
 - c. As an alternative, and consistent with subsection (b) immediately above, dredge spoil disposal and sand and gravel operations may allow temporary, on-site storage of fill or other materials which would have caused an increase to the stage of the 100-year or regional flood but only after the governing body has received an appropriate plan which assures the removal of the materials from the floodway based upon the flood warning time available. The conditional use permit must be title registered with the property in the office of the county recorder.

5. Accessory structures:

- a. Accessory structures shall not be designed for human habitation.
- b. Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters:
 - i. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow; and
 - ii. So far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
- c. Accessory structures shall be elevated on fill or structurally dry floodproofed in accordance with the FP-1 or FP-2 floodproofing classifications in the State Building Code. As an alternative, an accessory structure may be floodproofed to the FP-3 or FP-4 floodproofing classification in the State Building Code provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size at its largest projection, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All floodproofed accessory structures must meet the following additional standards:
 - i. The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;
 - ii. Any mechanical and utility equipment in a structure must be elevated to or above the regulatory flood protection elevation or properly floodproofed; and
 - iii. To allow for the equalization of hydrostatic pressure, there must be a minimum of two "automatic" openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. 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.

6. Storage of materials and equipment:

- a. 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.
- b. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.

7. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minn. Stats. ch. 103G. Community-wide structural works for flood control intended to remove areas from the regulatory floodplain shall not be allowed in the floodway.

8. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

(Code 1996, § 17.30.040; Ord. No. 177-12, § 2, 3-12-2012)

Sec 66-701 Flood Fringe District (FF)

(a) *Permitted uses.* Permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s). If no pre-existing, underlying zoning use districts exist, then any residential or nonresidential structure or use of a structure or land shall be a permitted use in the flood fringe district provided such use does not constitute a public nuisance. All permitted uses shall comply with the standards for flood fringe district "permitted uses" listed in subsection (b) and the "Standards for all Flood Fringe Uses" listed in subsection (e).

(b) *Standards for flood fringe permitted uses.*

1. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure erected thereon.
2. As an alternative to elevation on fill, accessory structures that constitute a minimal investment and that do not exceed 500 square feet at its largest projection may be internally floodproofed in accordance with section 66-700(d)(5)c.
3. The cumulative placement of fill where at any one time in excess of 1,000 cubic yards of fill is located on the parcel shall be allowable only as a conditional use, unless said fill is specifically intended to elevate a structure in accordance with subsection (b)(1) of this section.
4. The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.
5. The provisions of subsection (e) of this chapter shall apply.

(c) *Conditional uses.* Any structure that is not elevated on fill or floodproofed in accordance with subsections (b)(1), (2) of this section or any use of land that does not comply with the standards in subsections (b)(3), (4) of this section shall only be allowable as a conditional use. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in subsections (d) and (e) of this section and section 66-706(d).

(d) *Standards for flood fringe conditional uses.*

1. 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:
 - a. The enclosed area is above-grade on at least one side of the structure;
 - b. Is designed to internally flood and is constructed with flood resistant materials; and
 - c. 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:
 - (1) A 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
 - (2) 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.

2. Basements, as defined by section 66-8, shall be subject to the following:
 - a. Residential basement construction shall not be allowed below the regulatory flood protection elevation.
 - b. Non-residential basements may be allowed below the regulatory flood protection elevation provided the basement is structurally dry floodproofed in accordance with subsection (3) of this section.
3. All areas of non residential structures including basements to be placed below the regulatory flood protection elevation shall 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 and this shall require making the structure watertight with the walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Structures floodproofed to the FP-3 or FP-4 classification shall not be permitted.
4. When at any one time more than 1,000 cubic yards of fill or other similar material is located on a parcel for such activities as on-site storage, landscaping, sand and gravel operations, landfills, roads, dredge spoil disposal or construction of flood control works, an erosion/sedimentation control plan must be submitted unless the community is enforcing a state approved shoreland management ordinance. In the absence of a state approved shoreland ordinance, the plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional flood event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the governing body. The plan may incorporate

alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.

5. Storage of materials and equipment:

- a. 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.
- b. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the governing body.

6. The provisions of subsection (e) of this section shall also apply.

(e) *Standards for all flood fringe uses.*

1. All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the board of adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.
2. Commercial uses: Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four upon occurrence of the regional flood.
3. Manufacturing and industrial uses: Measures shall be taken to minimize interference with normal plant operations especially along streams having protracted flood durations. Certain accessory land uses such as yards and parking lots may be at lower elevations subject to requirements set out in subsection (2) above. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in floodplain areas.
4. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation—FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.
5. Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the official zoning map.
6. Standards for recreational vehicles are contained in section 66-705(c).
7. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be 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.

(Code 1996, § 17.30.050; Ord. No. 177-12, § 2, 3-12-2012)

Sec 66-702 General Floodplain District And Zone A Lakes

General floodplain district:

(a) *Permissible uses.*

1. The uses listed in section 66-700(a) of this chapter shall be permitted uses.
2. All other uses shall be subject to the 1% annual chance flood (100-year flood elevations) and/or floodway and flood fringe determinations criteria pursuant to subsection (b) below. Section 66-700 shall apply if the proposed use is in the floodway district and section 66-701 shall apply if the proposed use is in the flood fringe district.

(b) Procedures for 1% annual chance flood (100-year flood elevations) and/or floodway and flood fringe determinations for streams located within the general floodplain district:

1. Upon receipt of an application for a permit or other approval within the general floodplain district, the applicant shall be required to furnish such of the following information as is deemed necessary by the zoning administrator for the determination of the regulatory flood protection elevation and whether the proposed use is within the floodway or flood fringe district.
 - a. A typical valley cross-section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
 - b. Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevations of streets.
 - c. Photographs showing existing land uses, vegetation upstream and downstream, and soil types.
 - d. Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.
2. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining the 1% annual chance flood (100-year flood elevations), if not available, whether the proposed use is in the floodway or flood fringe district and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective department of natural resources' area hydrologist prior to commencing the analysis. The designated engineer or expert shall:
 - a. Estimate the peak discharge of the regional flood.
 - b. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - c. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than .5 foot shall be required if, as a result of the additional stage increase, increased flood

damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

3. The planning director shall present the technical evaluation and findings of the designated engineer or expert to the governing body. The governing body must formally accept the technical evaluation and the recommended floodway and/or flood fringe district boundary or deny the permit application. The governing body, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the department of natural resources or the planning agency for review and comment. Once the floodway and flood fringe district boundaries have been determined, the governing body shall refer the matter back to the zoning administrator who shall process the permit application consistent with the applicable provisions of sections 66-700 and 66-701 of this chapter.

Zone A lakes: Procedures for determining 1% annual chance flood elevations (100-year flood elevations) for lakes located in Zone A:

- a. Upon receipt of an application for a permit or other approval within a Zone A, the zoning administrator will use the 1% annual chance flood elevation for that basin that has previously been determined in accordance with approved FEMA methods, if available. If the 1% annual chance flood elevation has not been previously determined, the applicant shall be required to furnish all necessary information as deemed necessary by the zoning administrator for the determination for the 1% annual chance flood elevation in accordance with approved FEMA methods.
- b. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining the 1% annual chance flood elevation (100-year flood elevation). Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000—6120.6200 and 44 Code of Federal Regulations Part 65 shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective department of natural resources' area hydrologist prior to commencing the analysis.
- c. Once the 1% annual chance flood elevation (100-year flood elevation) has been determined, the zoning administrator shall process the permit application consistent with the applicable provisions of sections 66-700 and 66-701 of this chapter depending on whether the use is in the floodway district or the flood fringe district, respectively, as determined by the criteria in sections 66-699(a)(1) and (2) of this chapter.

(Code 1996, § 17.30.060; Ord. No. 177-12, § 2, 3-12-2012)

HISTORY

Amended by Ord. [255-17](#) on 6/13/2017

Sec 66-703 Subdivisions

- (a) *Review criteria.* no land shall be subdivided which is unsuitable for the reason of flooding, inadequate drainage, water supply or sewage treatment facilities. all lots within the floodplain districts shall be able to contain a building site outside of the floodway district at or above the regulatory flood protection elevation. all subdivisions shall have water and sewage treatment

facilities that comply with the provisions of this chapter and have road access both to the subdivision and to the individual building sites no lower than two feet below the regulatory flood protection elevation. 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 shall be clearly labeled on all required subdivision drawings and platting documents.

- (b) *1% chance annual flood (100-year elevations) and/or floodway/flood fringe determinations.* Applicants shall provide the information required in section 66-702 of this chapter to determine the 100-year flood elevation, the floodway and flood fringe district boundaries and the regulatory flood protection elevation for the subdivision site as applicable.
- (c) *Removal of special flood hazard area designation.* The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation. FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

(Code 1996, § 17.30.070; Ord. No. 177-12, § 2, 3-12-2012)

Sec 66-704 Utilities, Railroads, Roads And Bridges

- (a) *Public utilities.* All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain shall be floodproofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation.
- (b) *Public transportation facilities.* Railroad tracks, roads, and bridges to be located within the floodplain shall comply with sections 66-700 and 66-701 of this chapter. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
- (c) *On-site sewage treatment and water supply 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 shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the state's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this section.

(Code 1996, § 17.30.080; Ord. No. 177-12, § 2, 3-12-2012)

Sec 66-705 Manufactured Homes And Manufactured Home Parks And Placements Of Recreational Vehicles

- (a) New manufactured home parks and expansions to existing manufactured home parks are not allowed.
- (b) The placement of new or replacement manufactured homes in existing manufactured home parks or on individual lots of record that are located in floodplain districts will be treated as a new

structure and may be placed only if elevated in compliance with section 66-701 of this chapter. If vehicular road access for pre-existing manufactured home parks is not provided in accordance with section 66-701(e)(1), then replacement manufactured homes will not be allowed until the property owner(s) develops a flood warning emergency plan acceptable to the governing body.

1. All manufactured homes must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not to be 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.

(c) Recreational vehicles that do not meet the exemption criteria specified in subsection (c)(1) below shall be subject to the provisions of this chapter and as specifically spelled out in subsections (3) —(4) below.

1. Exemption: Recreational vehicles are exempt from the provisions of this chapter if they are placed in any of the areas listed in subsection (c)(2) below and further they meet the following criteria:

- a. Have current licenses required for highway use.
- b. Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.
- c. The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

2. Areas exempted for placement of recreational vehicles:

- a. Individual lots or parcels of record.
- b. Existing commercial recreational vehicle parks or campgrounds.
- c. Existing condominium type associations.

3. Recreational vehicles exempted in subsection (c)(1) above lose this exemption when development occurs on the parcel exceeding \$500.00 for a structural addition to the recreational vehicle or exceeding \$500.00 for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation/floodproofing requirements and the use of land restrictions specified in sections 66-700 and 66-701 of this chapter. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.

4. New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five units or dwelling sites shall be subject to the following:

- a. Any new or replacement recreational vehicle will be allowed in the floodway or flood fringe districts provided said recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with section 66-701(e)(1) of this chapter. No fill placed in the floodway to meet the requirements of this section shall increase flood stages of the 100-year or regional flood.
- b. All new or replacement recreational vehicles not meeting the criteria of (a) above

may, as an alternative, be allowed as a conditional use if in accordance with the following provisions and the provisions of section 66-706(d) of the chapter. The applicant must submit an emergency plan for the safe evacuation of all vehicles and people during the 100 year flood. Said plan shall be prepared by a registered engineer or other qualified individual, shall demonstrate that adequate time and personnel exist to carry out the evacuation, and shall demonstrate the provisions of section 66-705(c)(1)(a) and (b) of this chapter will be met. All attendant sewage and water facilities for new or replacement recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with section 66-704(c) of this chapter.

(Code 1996, § 17.30.090; Ord. No. 177-12, § 2, 3-12-2012)

Sec 66-706 Administration

- (a) *Zoning administrator.* A zoning administrator, planning director or other official designated by the governing body shall administer and enforce this chapter. If the zoning administrator finds a violation of the provisions of this chapter the zoning administrator shall notify the person responsible for such violation in accordance with the procedures stated in section 66-708 of the chapter.
- (b) *Permit requirements.*
1. *Permit required.* A permit issued by the zoning administrator in conformity with the provisions of this chapter shall be secured prior to the erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any building, structure, or portion thereof; prior to the use or change of use of a building, structure, or land; prior to the construction of a dam, fence, or on-site septic system; prior to the change or extension of a nonconforming use; prior to the repair of a structure that has been damaged by flood, fire, tornado, or any other source; and prior to the placement of fill, excavation of materials, or the storage of materials or equipment within the floodplain.
 2. *Application for permit.* Application for a permit shall be made in duplicate to the zoning administrator on forms furnished by the zoning administrator and shall include the following where applicable: plans in duplicate drawn to scale, showing the nature, location, dimensions, and elevations of the lot; existing or proposed structures, fill, or storage of materials; and the location of the foregoing in relation to the stream channel.
 3. *State and federal permits.* Prior to granting a permit or processing an application for a conditional use permit or variance, the zoning administrator shall determine that the applicant has obtained all necessary state and federal permits.
 4. *Certificate of zoning compliance for a new, altered, or nonconforming use.* It shall be unlawful to use, occupy, or permit the use or occupancy of any building or premises or part thereof hereafter created, erected, changed, converted, altered, or enlarged in its use or structure until a certificate of zoning compliance shall have been issued by the zoning administrator stating that the use of the building or land conforms to the requirements of this chapter.
 5. *Construction and use to be as provided on applications, plans, permits, variances and certificates of zoning compliance.* Permits, conditional use permits, or certificates of zoning compliance issued on the basis of approved plans and applications authorize only the use, arrangement, and construction set forth in such approved plans and applications, and no other use, arrangement, or construction. Any use, arrangement, or construction at

variance with that authorized shall be deemed a violation of this chapter, and punishable as provided by section 66-708 of this chapter.

6. *Certification.* The applicant shall be 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 chapter. Floodproofing measures shall be certified by a registered professional engineer or registered architect.
7. *Record of first floor elevation.* The zoning administrator shall 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 zoning administrator shall also maintain a record of the elevation to which structures or alterations and additions to structures are floodproofed.
8. *Notifications for watercourse alterations.* The zoning administrator shall notify, in riverine situations, adjacent communities and the commissioner of the department of natural resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minn. Stats. Ch. 103G, this shall suffice as adequate notice to the commissioner of natural resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).
9. *Notification to FEMA when physical changes increase or decrease the 100-year flood elevation.* As soon as is practicable, but not later than six months after the date such supporting information becomes available, the zoning administrator shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

(c) *Board of adjustment.*

1. *Rules.* The board of adjustment shall adopt rules for the conduct of business and may exercise all of the powers conferred on such boards by state law.
2. *Administrative review.* The board of adjustment shall hear and decide appeals where it is alleged there is error in any order, requirement, decision, or determination made by an administrative official in the enforcement or administration of this chapter.
3. *Variances.* The board of adjustment may authorize upon appeal in specific cases such relief or variance from the terms of this chapter as will not be contrary to the public interest and only for those circumstances such as hardship, practical difficulties or circumstances unique to the property under consideration, as provided for in the respective enabling legislation for planning and zoning for cities or counties as appropriate. In the granting of such variance, the board of adjustment shall clearly identify in writing the specific conditions that existed consistent with the criteria specified in this chapter, any other zoning regulations in the community, and in the respective enabling legislation that justified the granting of the variance. No variance shall have the effect of allowing in any district uses prohibited 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. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
 - a. Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - b. Variances shall 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.

c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

4. *Hearings.* Upon filing with the board of adjustment of an appeal from a decision of the zoning administrator, or an application for a variance, the board of adjustment shall fix a reasonable time for a hearing and give due notice to the parties in interest as specified by law. The board of adjustment shall submit by mail to the commissioner of natural resources a copy of the application for proposed variances sufficiently in advance so that the commissioner will receive at least ten days' notice of the hearing.

5. *Decisions.* The board of adjustment shall arrive at a decision on such appeal or variance within 60 days. In passing upon an appeal, the board of adjustment may, so long as such action is in conformity with the provisions of this chapter, reverse or affirm, wholly or in part, or modify the order, requirement, decision or determination of the zoning administrator or other public official. It shall make its decision in writing setting forth the findings of fact and the reasons for its decisions. In granting a variance the board of adjustment may prescribe appropriate conditions and safeguards such as those specified in subsection (d)(6) of this section, which are in conformity with the purposes of this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this chapter punishable under section 66-708. A copy of all decisions granting variances shall be forwarded by mail to the commissioner of natural resources within ten days of such action.

6. *Appeals.* Appeals from any decision of the board of adjustment may be made, and as specified in this community's official controls and also by Minnesota Statutes.

7. *Flood insurance notice and record keeping.* The zoning administrator shall notify the applicant for a variance that:

a. 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 \$25.00 for \$100.00 of insurance coverage and

b. Such construction below the 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions. A community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program.

(d) *Conditional uses.* Applications shall be submitted to the zoning administrator who shall forward the application to the planning agency for consideration.

1. *The planning commission shall conduct public hearings for conditional uses permissible under this chapter.*

2. *Notice of Commissioner.* Upon filing with the planning agency an application for a conditional use permit, the planning agency shall submit by mail to the commissioner of natural resources a copy of the application for proposed conditional use sufficiently in advance so that the commissioner will receive at least ten days' notice of the hearing.

3. *Decisions.* The planning agency shall arrive at a decision on a conditional use within 60 days. In granting a conditional use permit the planning agency shall prescribe appropriate conditions and safeguards, in addition to those specified in subsection (6) of this section, which are in conformity with the purposes of this chapter. Violations of such conditions and safeguards, when made a part of the terms under which the conditional use permit is granted, shall be deemed a violation of this chapter punishable under section 66-708. A copy of all decisions granting conditional use permits shall be forwarded by mail to the commissioner of natural resources within ten days of such action.
4. *Procedures to be followed by the planning agency in passing on conditional use permit applications within all floodplain districts.*
 - a. Require the applicant to furnish such of the following information and additional information as deemed necessary by the planning agency for determining the suitability of the particular site for the proposed use:
 - i. Plans in triplicate drawn to scale showing the nature, location, dimensions, and elevation of the lot, existing or proposed structures, fill, storage of materials, floodproofing measures, and the relationship of the above to the location of the stream channel; and
 - ii. Specifications for building construction and materials, floodproofing, filling, dredging, grading, channel improvement, storage of materials, water supply and sanitary facilities.
 - b. Transmit one copy of the information described in subsection (a) to a designated engineer or other expert person or agency for technical assistance, where necessary, in evaluating the proposed project in relation to flood heights and velocities, the seriousness of flood damage to the use, the adequacy of the plans for protection, and other technical matters.
 - c. Based upon the technical evaluation of the designated engineer or expert, the planning agency shall determine the specific flood hazard at the site and evaluate the suitability of the proposed use in relation to the flood hazard.
5. *Factors upon which the decision of the planning agency and the city council shall be based.* In passing upon conditional use applications, the planning agency and the city council shall consider all relevant factors specified in other sections of this chapter, and:
 - a. The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - b. The danger that materials may be swept onto other lands or downstream to the injury of others or they may block bridges, culverts or other hydraulic structures.
 - c. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination, and unsanitary conditions.
 - d. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - e. The importance of the services provided by the proposed facility to the community.
 - f. The requirements of the facility for a waterfront location.
 - g. The availability of alternative locations not subject to flooding for the proposed use.
 - h. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

- i. The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - j. The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - k. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters expected at the site.
 - l. Such other factors which are relevant to the purposes of this chapter.
6. *Time for acting on application.* The planning agency shall act on an application in the manner described above within 60 days from receiving the application, except that where additional information is required pursuant to section 66-706(d)(3) of this chapter. The planning agency shall render a written decision within 60 days from the receipt of such additional information.
7. *Conditions attached to conditional use permits.* Upon consideration of the factors listed above and the purpose of this chapter, the planning agency shall attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this chapter. Such conditions may include, but are not limited to, the following:
- a. Modification of waste treatment and water supply facilities.
 - b. Limitations on period of use, occupancy, and operation.
 - c. Imposition of operational controls, sureties, and deed restrictions.
 - d. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
 - e. Floodproofing measures, in accordance with the State Building Code and this chapter. The applicant shall 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.

(Code 1996, § 17.30.100; Ord. No. 177-12, § 2, 3-12-2012)

HISTORY

Amended by Ord. [255-17](#) on 6/13/2017

Sec 66-707 Nonconforming Uses

- (a) A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter but which is not in conformity with the provisions of this chapter may be continued subject to the following conditions. Historic structures, as defined in section 66-8 of this chapter, shall be subject to the provisions of sections 66-707(a)(1) through (5) of this chapter.
1. No such use shall be expanded, changed, enlarged, or altered in a way that increases its nonconformity.
 2. Any structural alteration or addition to a nonconforming structure or nonconforming use which would result in increasing the flood damage potential of that structure or use shall 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 (3) and (6) below.

3. The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed 50 percent of the market value of the structure unless the conditions of this section are satisfied. 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. If the cost of all previous and proposed alterations and additions exceeds 50 percent of the market value of the structure, then the structure must meet the standards of section 66-700 or 66-701 of this chapter for new structures depending upon whether the structure is in the floodway or flood fringe district, respectively.
4. If any nonconforming use is discontinued for 12 consecutive months, any future use of the building premises shall conform to this chapter. The assessor shall notify the zoning administrator in writing of instances of nonconforming uses that have been discontinued for a period of 12 months.
5. If any nonconforming use or structure is substantially damaged, as defined in section 66-8 of this chapter, it shall not be reconstructed except in conformity with the provisions of this chapter. The applicable provisions for establishing new uses or new structures in sections 66-700, 66-701 or 66-702 will apply depending upon whether the use or structure is in the floodway, flood fringe or general floodplain district, respectively.
6. If a substantial improvement occurs, as defined in section 66-8 of this chapter, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of section 66-700 or 66-701 of this chapter for new structures, depending upon whether the structure is in the floodway or flood fringe district, respectively.

(Code 1996, § 17.30.110; Ord. No. 177-12, § 2, 3-12-2012)

Sec 66-708 Penalties For Violation

- (a) Violation of the provisions of this chapter 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) shall constitute a misdemeanor and shall be punishable as defined by law.
- (b) Nothing herein contained shall prevent the City of North Branch from taking such other lawful action as is necessary to prevent or remedy any violation. Such actions may include but are not limited to:
 1. In responding to a suspected Ordinance violation, the zoning administrator and local government 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 community 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.
 2. When an Ordinance violation is either discovered by or brought to the attention of the zoning administrator, the zoning administrator shall immediately investigate the situation and document the nature and extent of the violation of the official control. As soon as is

reasonably possible, this information will be submitted to the appropriate Department of Natural Resources' and Federal Emergency Management Agency Regional Office along with the community's plan of action to correct the violation to the degree possible.

3. The zoning administrator 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 zoning administrator may order the construction or development immediately halted until a proper permit or approval is granted by the community. If the construction or development is already completed, then the zoning administrator may either:
 - a. 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
 - b. 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.
4. If the responsible party does not appropriately respond to the zoning administrator within the specified period of time, each additional day that lapses shall constitute an additional violation of this chapter and shall be prosecuted accordingly. The zoning administrator shall also upon the lapse of the specified response period notify the landowner to restore the land to the condition which existed prior to the violation of this chapter.

(Code 1996, § 17.30.120; Ord. No. 177-12, § 2, 3-12-2012)

Sec 66-709 Amendments

- (a) The floodplain designation on the official zoning map shall 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 natural resources if he determines that, through other measures, lands are adequately protected for the intended use.
- (b) All amendments to this chapter, including amendments to the official zoning map, must be submitted to and approved by the commissioner of natural resources prior to adoption. Changes in the official zoning map must meet the Federal Emergency Management Agency's (FEMA) Technical Conditions and Criteria and must receive prior FEMA approval before adoption. The commissioner of natural resources must be given ten days' written notice of all hearings to consider an amendment to this chapter and said notice shall include a draft of the chapter amendment or technical study under consideration.

(Code 1996, § 17.30.130; Ord. No. 177-12, § 2, 3-12-2012)

Minnesota Model Floodplain Ordinance

This model ordinance has been developed to be consistent with Minnesota Statutes, Chapter 103F, Minnesota Rules, parts 6120.500 – 6120.6200; 44 CFR § 59 to 78; Federal Emergency Management Agency (FEMA) technical bulletins and policies; as well as other state agency statutes and rules. Ordinance provisions may differ slightly from the wording in law due to inconsistencies or for ease of administration. The model also contains administrative language not in rule to help clarify procedures for the purposes of ordinance administration. Where applicable, the most restrictive standards have been incorporated into this ordinance.

This model includes the three primary types of floodplain districts: Floodway, Flood Fringe, and General Floodplain. As presented, it incorporates ordinance provisions for a community that has all three districts present on their Flood Insurance Rate Maps. Local communities are encouraged to work with DNR to tailor the language based on the flood districts present in the community. Preparers are encouraged to reference the “Commentary” column for further considerations during ordinance development.

Blue bold text in the “Ordinance Language” column indicates optional standards. In most cases, these are recommended higher standards that provide better protection than the minimum state/federal standards, as well as alternative approaches that allow for easier administration. This text is identified as optional and explained in further detail in the “Commentary” column. The way in which many of the higher standards are presented doesn’t allow them to simply be omitted. In many cases, deletion would require relocating the standard elsewhere.

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SECTION 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

- 1.1 **Statutory Authorization.** This floodplain ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes, Chapter 103F; Minnesota Rules, parts 6120.5000 – 6120.6200; the rules and regulations of the National Flood Insurance Program in 44 CFR § 59 to 78; and the planning and zoning enabling legislation in Minnesota Statutes, Chapter 462.
- 1.2 **Purpose.**
- 1.21 This ordinance regulates development in the flood hazard areas of the City of North Branch. 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.
- 1.22 This ordinance is adopted in the public interest to promote sound land use practices, and floodplains are a land resource to be developed in a manner which will result in minimum loss of life and threat to health, and reduction of private and public economic loss caused by flooding.
- 1.23 This ordinance is adopted to maintain eligibility in the National Flood Insurance Program.
- 1.24 This ordinance is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.
- 1.3 **Abrogation and Greater Restrictions:** It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or other private agreements. The standards in this ordinance takes precedence over any less restrictive, conflicting local laws, ordinances, or codes. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- 1.4 **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 North Branch or its officers or employees for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made hereunder.
- 1.5 **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.

SECTION 2.0 DEFINITIONS

- 2.1 **Definitions.** Unless specifically defined, words or phrases used in this ordinance must be interpreted according to common usage and so as to give this ordinance its most reasonable application.
- 2.111 Accessory Structure. A structure, as defined in this ordinance, that is on the same parcel of property as, and is incidental to, the principal structure or use; an accessory structure specifically excludes structures used for human habitation.
- 2.112 Base Flood. The flood having a one-percent chance of being equaled or exceeded in any given year. “Base flood” is synonymous with the term “regional flood” used in Minnesota Rules, part 6120.5000.
- 2.113 Base Flood Elevation (BFE). The elevation of the base flood, regional flood, or one-percent annual chance flood. The term “base flood elevation” is used in the flood insurance study.
- 2.114 Basement. Any area of a structure, including crawl spaces, having its floor subgrade (below ground level) on all four sides, regardless of the depth of excavation below ground level.
- 2.115 Building. See *Structure*.
- 2.116 Channel. A natural or artificial depression of perceptible extent, with definite bed and banks to confine and conduct flowing water either continuously or periodically.
- 2.117 Conditional Use. A land use or development that would not be appropriate generally, but may be allowed with appropriate restrictions upon a finding that certain conditions as detailed in the zoning ordinance exist, the use or

development conforms to the comprehensive land use plan of the community, and the use is compatible with the existing neighborhood.

- 2.118 **Critical Facilities.** Buildings and structures that contain essential facilities and services necessary for emergency response and recovery, or that pose a substantial risk to the public in the event of failure, disruption of function, or damage by flooding. Specifically, this includes facilities identified as Flood Design Class 4 in *ASCE 24-14, Flood Resistant Design and Construction*, as amended. Examples include health care facilities, facilities required for emergency response, power generating stations, communications towers, or electrical substations.
- 2.119 **Development.** Any man-made change to improved or unimproved real estate, including, but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.
- 2.120 **Equal Degree of Encroachment.** A method of determining the location of floodway boundaries so that floodplain lands on both sides of a stream are capable of conveying a proportionate share of flood flows.
- 2.121 **FEMA.** Federal Emergency Management Agency.
- 2.122 **Farm Fence.** An open type of fence of posts and horizontally run wire, further specified in Minnesota Statutes, section 344.02, Subd. 1(a-d).
- 2.123 **Flood.** A temporary rise in the flow or water surface elevation of a stream, wetland, or lake that results in the inundation of normally dry areas.
- 2.124 **Flood Fringe.** The portion of the one-percent annual chance floodplain located outside of the floodway. This district also includes any additional area encompassed by the horizontal extension of the RFPE, as described in Section 3.13
- 2.125 **Flood Insurance Rate Map (FIRM).** An official map on which the Federal Insurance Administrator has delineated both the special flood hazard areas and the risk premium zones applicable to the community. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).
- 2.126 **Flood Insurance Study (FIS).** The study referenced in Section 3.2, which is an examination, evaluation and determination of flood hazards, and if appropriate, corresponding surface elevations, or an examination, evaluation, and determination of mudslide (i.e. mudflow) and/or flood-related erosion hazards.
- 2.127 **Flood Prone Area.** Any land susceptible to being inundated by water from any source.
- 2.128 **Floodplain.** The beds, channel and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the base flood.
- 2.129 **Floodproofing.** A combination of structural and non-structural additions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.
- 2.130 **Floodway.** The bed of a wetland or lake and the channel of a watercourse and those portions of the adjoining floodplain which are reasonably required to carry or store the base flood discharge without cumulatively increasing the water surface elevation more than one-half foot.
- 2.131 Light Duty Truck. Any motor vehicle that has all three of the following:**
- A. **8,500 pounds Gross Vehicle Weight Rating or less;**
 - B. **vehicle curb weight of 6,000 pounds or less; and**
 - C. **basic vehicle frontal area less than 45 square feet.**
- 2.132 **Lowest Floor.** The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, used solely for parking of vehicles, building access, or storage in an area other than a basement area, is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of 44 CFR § 60.3.
- 2.133 **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."

- 2.134 New Construction. Structures for which the start of construction commenced on or after the effective date of an adopted floodplain management regulation, and includes any subsequent improvements to such structures.
- 2.135 Principal Structure. The main building or other structure on a lot that is utilized for the property's principal use.
- 2.136 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.
- 2.137 Recreational Vehicle. A vehicle that is built on a single chassis, is 400 square feet or less when measured at the largest horizontal projection, is designed to be self-propelled or permanently towable by a light duty truck, and is designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use. Those vehicles not meeting this definition shall be considered a structure for the purposes of this ordinance. For the purposes of this ordinance, the term recreational vehicle is synonymous with the term "travel trailer/travel vehicle."
- 2.138 Regulatory Flood Protection Elevation (RFPE). An elevation that is one foot above the elevation of the base flood plus any increases in the water surface elevation caused by encroachments on the floodplain that result from designation of a floodway. These increases in water surface elevations are typically identified in the Floodway Data Tables, found in the Flood Insurance Study.
- 2.139 Regulatory Floodplain. The geographic limits of the flood hazard areas regulated through this ordinance, which includes the areas adjoining a wetland, lake or watercourse that have been or hereafter may be covered by the Regulatory Flood Protection Elevation (RFPE) (as illustrated in Figure 2).
- 2.140 **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.**
- 2.141 Stage Increase. Any increase in the water surface elevation during the one-percent annual chance flood caused by encroachments on the floodplain.
- 2.142 Start of Construction. Includes substantial improvement, and means the date the permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.
- 2.143 Structure. A roofed building, including a gas or liquid storage tank, that is principally above ground, as well as a manufactured home. Recreational vehicles not considered travel ready, as detailed in Section 10.22, shall also be considered a structure for the purposes of this ordinance.
- 2.144 Subdivision. Land that has been divided for the purpose of sale, rent, or lease, including planned unit developments.
- 2.145 Substantial Damage. Damage of any origin sustained by a structure where the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.
- 2.146 Substantial Improvement. Any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

- A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- B. Any alteration of a “historic structure,” provided that the alteration will not preclude the structure’s continued designation as a “historic structure.” For the purpose of this ordinance, “historic structure” is defined in 44 CFR § 59.1.

2.147 Variance. “Variance” means the same as that defined in 44 CFR § 59.1 and Minnesota Statutes, [Section 394, Subd. 7 (for counties) or Section 462.357, Subd. 6(2) (for municipalities)]

2.148 Watercourse. A channel in which a flow of water occurs either continuously or intermittently in a definitive direction. The term applies to either natural or artificially constructed channels.

SECTION 3.0 JURISDICTION AND DISTRICTS

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

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

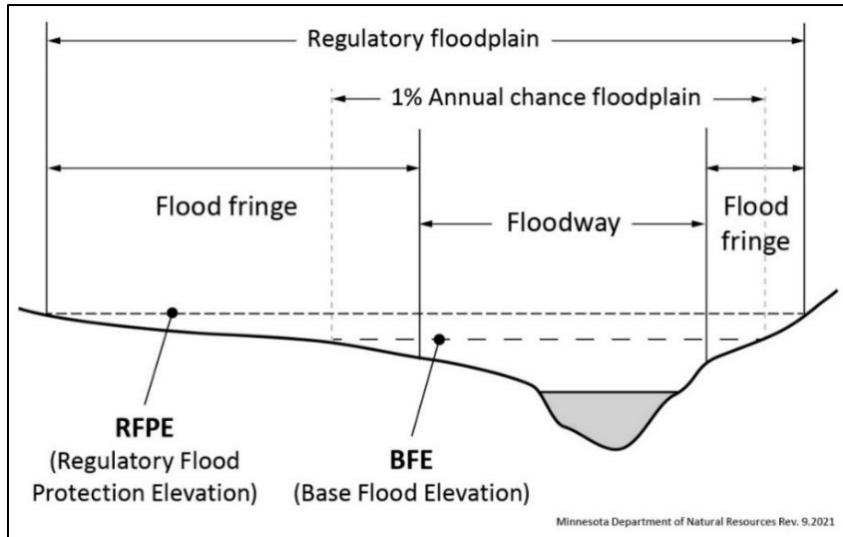
3.12 Where a conflict exists between the floodplain limits illustrated on the official floodplain maps and actual field conditions (as illustrated in Figure 1), the Base Flood Elevation (BFE) shall be the governing factor in locating the outer boundaries of the one-percent annual chance floodplain.

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



3.13 The regulatory limits of the district boundaries shall be further extended outward based on the horizontal extension of the Regulatory Flood Protection Elevation (RFPE) (Figure 2).

Figure 2: Horizontal extension of the Regulatory Flood Protection Elevation (RFPE)



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

3.2 **Incorporation of Maps by Reference.** The following maps together with all attached material are hereby adopted by reference and declared to be a part of the Official Zoning Map and this ordinance. The attached material includes the Flood Insurance Study for Chisago County, Minnesota, and Incorporated Areas, and the Flood Insurance Rate map panels enumerated below, all dated April 17, 2012, and prepared by the Federal Emergency Management Agency. These materials are on file in the (list location where maps will be filed – i.e., Town Hall).

- 27025C0145D
- 27025C0163D
- 27025C0165D
- 27025C0170D
- 27025C0250D
- 27025C0255D
- 27025C0260D

3.3 Districts

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

3.32 Flood Fringe District. Those areas within Zones AE on the Flood Insurance Rate Maps referenced in Section 3.2, but located outside of the floodway. This district also includes any additional area encompassed by the Regulatory Floodplain.

3.33 General Floodplain District. Those areas within Zone A areas that do not have a floodway delineated as shown on the Flood Insurance Rate Maps referenced in Section 3.2. This district also includes any additional area encompassed by the Regulatory Floodplain.

3.4 **Annexations.** The Flood Insurance Rate Map panels referenced in Section 3.2 may include floodplain areas that lie outside of the corporate boundaries of the City of North Branch at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of North Branch after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation. Annexations into panels not referenced in Section 3.2 require ordinance amendment in accordance with Section 14.0.

3.5 **Detachments.** The Flood Insurance Rate Map panels referenced in Section 3.2 will include floodplain areas that lie inside the corporate boundaries of municipalities at the time of adoption of this ordinance. If any of these floodplain land areas are detached from a municipality and come under the jurisdiction of the City of North Branch after the date of adoption of this ordinance, the newly detached floodplain lands will be subject to the provisions of this ordinance immediately upon the date of detachment.

SECTION 4.0 REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS

- 4.1 **Permit Required.** A permit must be obtained from the Zoning Administrator to verify compliance with all applicable standards outlined in this ordinance prior to the following uses or activities:
- 4.11 The erection, addition, modification, rehabilitation, repair, or alteration of any building, structure, or portion thereof. Normal maintenance requires a permit to determine if such work, either separately or in conjunction with other planned work, constitutes a substantial improvement, as specified in Section 12.13.
 - 4.12 The construction of a fence, pool, deck, or placement of anything that may cause a potential obstruction. **Farm fences, as defined in Section 2.0 of this ordinance, are not considered to be an obstruction, and as such, do not require a permit.**
 - 4.13 The change or expansion of a nonconforming use.
 - 4.14 The repair of a structure that has been damaged by flood, fire, tornado, or any other source.
 - 4.15 The placement of fill, excavation, utilities, on-site sewage treatment systems, or other service facilities.
 - 4.16 The storage of materials or equipment, in conformance with Section 4.32.
 - 4.17 Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement dams, culverts and bridges). A local permit is not required if a public waters work permit has been obtained from the Department of Natural Resources, unless a significant area above the ordinary high water level is also to be disturbed.
 - 4.18 Any other type of “development,” as defined in Section 2.0 of this ordinance.
- 4.2 **No Permit Required.** Certain uses or activities may be exempt from obtaining a permit, such as planting a garden, farming, or other obviously insignificant activities such as putting up a mailbox or flagpole. The continuation of existing uses, when the associated activities do not encroach further on the regulatory floodplain or trigger associated standards in this ordinance, do not require a permit.
- 4.3 **Minimum Development Standards.**
- 4.31 All development must:
 - A. Be designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
 - B. Be constructed with materials and equipment resistant to flood damage;
 - C. Be constructed by methods and practices that minimize flood damage;
 - D. Be constructed with heating, ventilation, duct work, and air conditioning equipment and other service facilities elevated at least up to the Regulatory Flood Protection Elevation (RFPE). Water, sewage, electrical, and other utility lines below the RFPE shall be constructed so as to prevent water from entering or accumulating within them during conditions of flooding;
 - E. Be reasonably safe from flooding and consistent with the need to minimize flood damage within the flood-prone area;
 - F. Be assured to provide adequate drainage to reduce exposure to flood hazards;
 - G. Not be detrimental to uses in adjoining areas; and
 - H. Not adversely affect the efficiency or restrict the flood carrying capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.
 - 4.32 Materials that, in time of flooding, are buoyant, flammable, explosive, or could be injurious to human, animal, or plant life shall be stored at or above the Regulatory Flood Protection Elevation (RFPE), floodproofed, or protected by other measures as approved by the Zoning Administrator. Storage of materials likely to cause pollution of the waters, such as sewage; sand; rock; wrecked and discarded equipment; dredged spoil; municipal, agricultural or industrial waste; and other wastes as further defined in Minnesota Statutes, section 115.01, are prohibited unless adequate safeguards approved by the Minnesota Pollution Control Agency are provided. For projects not requiring approvals by the Minnesota Pollution Control Agency, adequate safeguards must be approved by the Zoning Administrator prior to issuance of a permit.

- 4.33 **Critical facilities are to be located so that the lowest floor is not less than two feet above the Base Flood Elevation (BFE), or the 0.2% annual chance flood elevation, whichever is higher.**

Table 1. Summary of Permitting Requirements for Structures

Structure Type	Floodway	Flood Fringe	Standards*
Accessory Structures – on fill	Only specific uses and types allowed – with CUP	Allowed with Permit	6.21.A, via 6.23.D(2)
Accessory Structures – Alt. Elevation Methods	Only specific uses and types allowed – with CUP	Allowed with Permit	6.22.B, via 6.23.D(3)
Accessory Structures – Wet Floodproofing	Only specific uses and types allowed – with CUP	Allowed with Permit	6.23.D(1)
Accessory Structures – Dry (watertight) Floodproofing	Only specific uses and types allowed – with CUP	Allowed with Permit	6.22.C, via 6.23.D(4)
Residential – on fill	Not allowed	Allowed with Permit	6.21.A
Residential – Alt. Elevation Methods	Not allowed	Allowed with CUP	6.22.A or B, via 6.41
Residential – Basement Construction below RFPE	Not allowed	Only outside of 1% annual chance floodplain – with CUP	6.42.A
Residential – Dry (watertight) Floodproofing	Not allowed	Only outside of 1% annual chance floodplain – with CUP	6.22.C, via 6.42.B
Non-Residential – on fill	Not allowed	Allowed with Permit	6.21.A, via 6.22.A
Non-Residential – Alt. Elevation Methods	Not allowed	Allowed with Permit	6.22.B
Non-Residential – Dry (watertight) Floodproofing	Not allowed	Allowed with Permit	6.22.C
Non-residential – Basement Construction below RFPE	Not allowed	Only outside of 1% annual chance floodplain – with CUP	6.42.A

**Note - many of these standards are cross-referenced to avoid duplication*

SECTION 5.0 FLOODWAY DISTRICT

- 5.1 **Permitted Uses in Floodway.** Development allowed in the floodway district is limited to that which has low flood damage potential and will not obstruct flood flows, increase velocities, or increase the water surface elevations of the one-percent annual chance flood. The following uses and activities may be allowed with a permit, subject to the standards in Section 5.2, if allowed in the underlying zoning district:
- 5.11 Agricultural uses, recreational uses, parking lots, loading areas, airport landing strips, water control structures, navigational facilities, as well as public open space uses.
 - 5.12 Roads, railroads, trails, bridges, and culverts.
 - 5.13 Public utility facilities and water-oriented industries which must be in or adjacent to watercourses.
 - 5.14 Grading, filling, land alterations, and shoreline stabilization projects.
 - 5.15 No structures, as defined in Section 2.0, are allowed in the Floodway District, except structures accessory to the uses detailed in Sections 5.11 and 5.31, **which require a CUP under Section 5.32.**
 - 5.16 **Levees or dikes intended to protect agricultural crops for a flood event equal to or less than the 10-percent annual chance flood event.**
- 5.2 **Standards for Permitted Uses in Floodway.** In addition to the applicable standards detailed in Section 4.0:
- 5.21 The applicant must demonstrate that the development will not result in any of the following during the one-percent chance flood: cause a stage increase of 0.00 feet or greater, obstruct flood flows, or increase velocities. As part of this demonstration, the applicant shall document that there will not be any stage increase through hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering

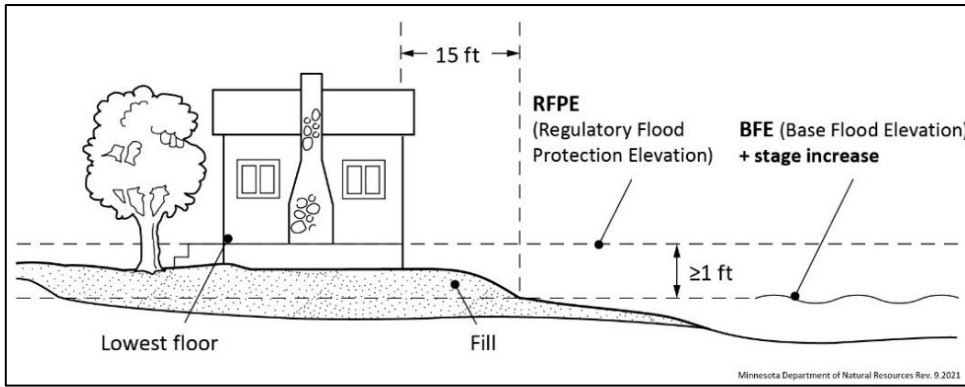
practices (e.g. projects that restore the site to the previous cross-sectional area). This is commonly documented through a “no-rise certification.”

- 5.22 Any development that would result in a stage increases greater than 0.00 feet may only be allowed with a permit if the applicant has applied for and received approval for a Conditional Letter of Map Revision (CLOMR) in accordance with 44 CFR § 65.12. Map revisions must follow the procedures in Sections 11.15 and 14.0.
 - 5.23 Any development resulting in decreases to the water surface elevation of the base flood identified in the Flood Insurance Study requires a Letter of Map Revision (LOMR) following the procedures in Sections 11.15 and 14.0.
 - 5.24 Any development in the beds of public waters that will change the course, current or cross section is required to obtain a public waters work permit in accordance with Minnesota Statutes, section 103G.245 or a utility crossing license in accordance with Minnesota Statutes, section 84.415, from the Department of Natural Resources, or demonstrate that no permit is required, before applying for a local permit.
 - 5.25 **Any facility used by employees or the general public must be designed with a flood warning system acceptable to the Zoning Administrator that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.**
 - 5.26 Fill and other land alteration activities must offer minimal obstruction to the flow of flood waters, **and be protected from erosion and sediment entering surface waters by the use of vegetative cover, riprap or other methods as soon as possible.**
- 5.3 **Conditional Uses in Floodway.** The following uses and activities may be permitted as conditional uses, subject to the standards detailed in Sections 5.4 and 11.3, if otherwise allowed in the underlying zoning district:
- 5.31 **Commercial extractive uses, and storage and stockpiling yards.**
 - 5.32 **Structures accessory to uses detailed in Sections 5.11 and 5.31.**
- 5.4 **Standards for Conditional Uses in Floodway.** In addition to the applicable standards detailed in Sections 4.0, 5.2 and 11.3:
- 5.41 **Extractive uses and storage of materials require the completion of a site development and restoration plan, to be approved by the City of North Branch.**
 - 5.42 **Accessory Structures. Structures accessory to the uses detailed in Sections 5.11 and 5.31 must be constructed and placed so as to offer a minimal obstruction to the flow of flood waters, and are subject to the standards in Section 6.23 of this ordinance.**

SECTION 6.0 FLOOD FRINGE DISTRICT

- 6.1 **Permitted Uses in Flood Fringe.** Any uses or activities allowed in any applicable underlying zoning districts may be allowed with a permit, subject to the standards set forth in Sections 6.2, provided it does not constitute a public nuisance.
- 6.2 **Standards for Permitted Uses in Flood Fringe.** In addition to the applicable standards detailed in Section 4.0:
 - 6.21 Residential Structures.
 - A. Elevation on Fill. All structures to be erected, constructed, reconstructed, altered, or moved on fill within the Flood Fringe District shall be placed so that the lowest floor, as defined in Section 2.0 of this ordinance, is elevated at or above the Regulatory Flood Protection Elevation (RFPE). The finished fill elevation shall be at or above the elevation associated with the base flood plus any stage increases that result from designation of a floodway. Fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure. Elevations must be certified by a registered professional engineer, land surveyor or other qualified person designated by the Zoning Administrator. Elevation methods alternative to these fill standards are subject to a Conditional Use Permit, as provided in Section 6.31 of this ordinance (Figure 3).

Figure 3: Overview of fill standards for residential structures.



6.22 Nonresidential Principal Structures. Nonresidential principal structures must meet one of the following construction methods:

- A. Elevation on Fill. Structures may be elevated on fill, meeting the standards in Section 6.21.A of this ordinance. Fill for nonresidential structures is not required to be extended 15 feet beyond the outside limits of the structure.
- B. Alternative Elevation Methods. Structures may have their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) using methods alternative to the fill standards in Section 6.21.A of this ordinance. Such methods include the use of blocks, pilings (Figure 4), filled stem walls (Figure 5), or internally-flooded enclosed areas (Figure 6) such as crawl spaces, attached garages, or tuck under garages.

Figure 4. Blocks or pilings

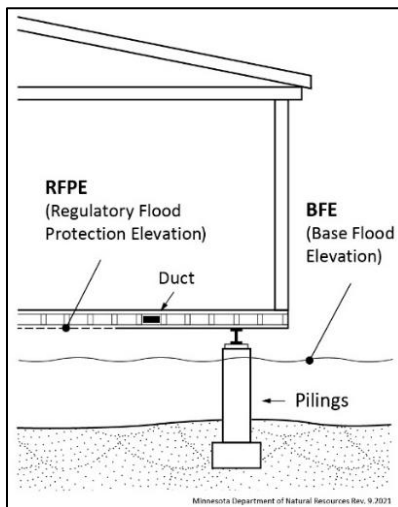


Figure 5. Filled stem wall

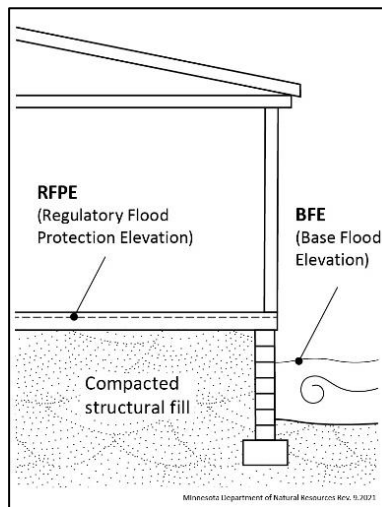
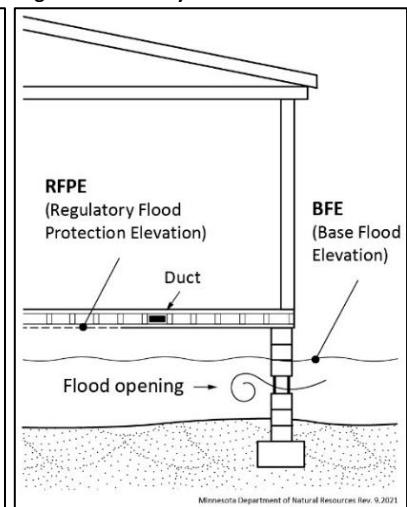


Figure 6. Internally flooded enclosed area



Designs accommodating for internally-flooded enclosed areas must be certified by a registered professional engineer or architect, or meet or exceed the standards detailed in *FEMA Technical Bulletin 1*, as amended, as well as the following standards:

- (1) The floor of the enclosed area must be at (or above) the exterior grade on at least one side of the structure.
- (2) To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings below the base flood elevation on at least two sides of the structure. The bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.
- (3) Internally flooded enclosed areas shall only be used for the parking of vehicles, building access, or storage. Such areas shall be subject to a deed-restricted non-conversion agreement or periodic inspections with the issuance of any permit.

C. Dry Floodproofing. Structures having watertight enclosed basements or spaces below the Regulatory Flood Protection Elevation (RFPE) must meet the following standards:

- (1) Walls must be substantially impermeable to the passage of water, with structural components having the capacity of resisting hydrostatic and hydrodynamic loads and effects of buoyancy, at least up to the Regulatory Flood Protection Elevation (RFPE);
- (2) Must meet the standards of FEMA Technical Bulletin 3, as amended; and
- (3) A registered professional engineer or architect shall be required to certify that the design and methods of construction meet the standards detailed in this Section.

6.23 Accessory Structures. All accessory structures must meet the following standards:

- A. Structures shall not be designed or used for human habitation.
- B. Structures will have a low flood damage potential.
- C. Structures with fewer than two rigid walls, such as carports, gazebos, and picnic pavilions, may be located at an elevation below the Regulatory Flood Protection Elevation.
- D. Structures with two or more rigid walls, must meet one of the following construction methods:
 - (1) Wet Floodproofing. Structures may be floodproofed in a way to accommodate internal flooding. Such structures shall constitute a minimal investment not to exceed 576 square feet in size, one-story in height, and shall only be used for parking and storage. To allow for the equalization of hydrostatic pressure, there shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The openings shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding, and shall allow automatic entry and exit of floodwaters without human intervention.
 - (2) Elevation on Fill. Structures may be elevated on fill, meeting the standards in Section 6.21.A of this ordinance. Fill is not required to be extended 15 feet beyond the outside limits of the structure.
 - (3) Alternative Elevation Methods. Structures may have their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) through methods alternative to the fill standards in Section 6.23.D(2), meeting the standards in Section 6.22.B of this ordinance.
 - (4) Dry Floodproofing. Structures may be dry-floodproofed, or watertight, meeting the standards in Section 6.22.C of this ordinance.

6.24 Fill. The cumulative placement of fill or other materials for any purpose, up to 1,000 cubic yards, is permitted. Additional fill over 1,000 cubic yards is only permitted if the fill is specifically intended to elevate a structure in accordance with Section 6.21 or 6.22.A of this ordinance, or for a transportation project in accordance with Section 9.1. Fill over 1,000 cubic yards for purposes other than elevating a structure requires a conditional use permit as provided in Section 6.32. Materials must be protected from erosion, discharge, and sediment entering surface waters by the use of vegetative cover or other methods as soon as possible.

6.25 **All new principal structures must provide for vehicular access no lower than one foot below the Base Flood Elevation (BFE), unless a flood warning/emergency evacuation plan has been approved by the City of North Branch.**

6.26 Any facilities used by employees or the general public must be designed with a flood warning system acceptable to the City of North Branch that provides adequate time for evacuation, or be designed to ensure that within the area inundated during the base flood event, the depth (in feet) multiplied by the velocity (in feet per second) is less than four.

6.27 Manufactured homes and recreational vehicles must meet the standards of Section 10 of this ordinance.

6.3 **Conditional Uses in Flood Fringe.** The following uses and activities may be permitted as conditional uses, subject to the standards in Sections 6.4 and 11.3, if otherwise allowed in the underlying zoning district:

6.31 Alternative Elevation Methods – Residential Structures. Residential structures with their lowest floor elevated above the Regulatory Flood Protection Elevation (RFPE) using methods alternative to the fill requirements in Section 6.21.

6.32 **Fill. The cumulative placement of more than 1,000 cubic yards of fill or other materials, when the fill is not being used to elevate a structure or for a transportation project in accordance with Section 9.1.**

6.4 **Standards for Conditional Uses in Flood Fringe.** In addition to the applicable standards detailed in Sections 4.0, 6.2 and 11.3:

- 6.41 All residential structures with lowest floors elevated through alternative elevation methods must meet the standards for nonresidential structures in Section 6.22.A or B of this ordinance.
- 6.42 **The placement of more than 1,000 cubic yards of fill or other materials (other than for the purpose of elevating a structure to the RFPE) must comply with a site development and restoration plan approved by the Zoning Administrator. The plan must detail the anticipated topographic alterations and identify actions to be taken to mitigate environmental impacts, particularly erosion.**

SECTION 7.0 GENERAL FLOODPLAIN DISTRICT

7.1 Permitted Uses in General Floodplain District

- 7.11 The uses listed in the Floodway District, Section 5.0, of this ordinance are allowed with a permit or Conditional Use Permit. Development is also subject to the standards provided in this section.
- 7.12 All other uses are subject to a floodway/flood fringe determination as provided in Section 7.4, in addition to the standards provided in this section. Permitted uses shall be determined as follows:
 - A. If the development is determined to be in the Floodway District, Section 5.0 applies.
 - B. If the development is determined to be in the Flood Fringe District, Section 6.0 applies.

7.2 Standards for Determining Flood Elevations

- 7.21 All development requires a determination of the Base Flood Elevation (BFE). Exceptions to this requirement include projects that restore the site to the previous cross-sectional area, such as shore stabilization or culvert replacement projects. Base Flood Elevations (BFE) may be found using best available data from any Federal, State, or other source (including MNDNR's Lake & Flood Elevations Online (LFEO) Viewer).
- 7.22 The Regulatory Flood Protection Elevation (RFPE) can be determined by assuming a one-half (0.5) foot stage increase to accommodate for future cumulative impacts. A stage increase does not need to be assumed along lakes, wetlands, and other basins that are not affected by velocities.

7.3 Encroachment Analysis

- 7.31 Encroachments due to development may not allow stage increases more than one-half (0.5) foot at any point. This evaluation must include the cumulative effects of previous encroachments, and must be documented with hydrologic and hydraulic analysis performed by a professional engineer, or using other standard engineering practices. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result.

7.4 Standards for the Analysis of Floodway Boundaries

- 7.41 Requirements for Detailed Studies. Any development, as requested by the Zoning Administrator, shall be subject to a detailed study to determine the Regulatory Flood Protection Elevation (RFPE) and the limits of the Floodway District. This determination must be consistent with the minimum standards for hydrologic and hydraulic mapping standards and techniques, as detailed in Minnesota Rules, part 6120.5600, Subp. 4 and *FEMA Guidelines and Standards for Flood Risk Analysis and Mapping*, as revised. Additionally:
 - A. A regulatory floodway necessary to carry the discharge of the one-percent annual chance flood must be selected without increasing the water surface elevation more than one-half (0.5) foot at any point. This determination should include the cumulative effects of previous encroachments. A lesser water surface elevation increase than one-half (0.5) foot is required if, due to the water surface level increase, increased flood damages would potentially result; and
 - B. An equal degree of encroachment on both sides of the stream within the reach must be assumed in computing floodway boundaries, unless topography, existing development patterns, and comprehensive land use plans justify a modified approach, as approved by the Department of Natural Resources.
- 7.42 Other Acceptable Methods. For areas where a detailed study is not available or required:
 - A. Development prohibited in floodways (e.g. most buildings) requires a floodway/flood fringe determination to verify the development is within the flood fringe. This determination must be done by a professional engineer

or utilize other accepted engineering practices. The Department of Natural Resources may also provide technical assistance and must approve any alternative methods used to determine floodway boundaries.

- B. **For areas where the floodway has not been determined in and along lakes, wetlands, and other basins, the following methodology may be used as an alternative to Item A above, provided these areas are not affected by velocities and the lot is able to accommodate a building site above the Regulatory Flood Protection Elevation:**
- (1) **All areas that are at or below the ordinary high water level, as defined in Minnesota Statutes, section 103G.005, Subd. 14, will be considered floodway, and all areas below the Base Flood Elevation (BFE) but above the ordinary high water level will be considered flood fringe, provided that within 25 feet of the ordinary high water level, or within the Shore Impact Zone as identified in the community's Shoreland ordinance, whichever distance is greater, land alterations shall be restricted to:**
- (a) **The minimum required to accommodate beach areas, access areas, and accessory structures as permitted, not to exceed a volume greater than 10 cubic yards; projects involving volumes exceeding 10 cubic yards require floodway/flood fringe determination in accordance with the procedures in Section 7.42, item A; and**
- (b) **The minimum required to accommodate shoreline stabilization projects to correct an identified erosion problem as verified by a qualified resource agency or the zoning administrator.**

SECTION 8.0 SUBDIVISION STANDARDS

- 8.1 **Subdivisions.** All subdivisions must meet the following requirements. Manufactured home parks and recreational vehicle parks or campgrounds are considered subdivisions under this ordinance.
- 8.11 No land may be subdivided which is unsuitable for reasons of flooding or inadequate drainage, specifically:
- 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 (RFPE); and
- B. The subdivision must be designed to provide adequate drainage to reduce exposure to flood hazards within the development and not increase runoff to adjoining areas.
- 8.12 Subdivision of lands within the floodplain districts may not be approved if the cost of providing governmental services would impose an unreasonable economic burden on the City of North Branch.
- 8.13 All subdivisions must have vehicular access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation (RFPE), unless a flood warning/emergency evacuation plan has been approved by the City of North Branch.
- 8.14 The Floodway and Flood Fringe District boundaries, the Regulatory Flood Protection Elevation (RFPE) and the required elevation of all access roads must be clearly labeled on all required subdivision drawings and platting documents.

SECTION 9.0 RAILROADS, ROADS, BRIDGES, AND PUBLIC AND PRIVATE UTILITIES AND SERVICE FACILITIES

- 9.1 **Public Transportation Facilities.** Railroad tracks, roads, and bridges must be elevated to the Regulatory Flood Protection Elevation (RFPE) where such facilities are essential to the orderly functioning of the area, or where failure or interruption would result in danger to public health or safety. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety. All public transportation facilities should be designed to minimize increases in flood elevations.
- 9.2 **Public Utilities.** All utilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated and/or floodproofed to the Regulatory Flood Protection Elevation (RFPE), be located and constructed to minimize or eliminate flood damage, and be designed to eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters. All public utilities should be designed to minimize increases in flood elevations. New solid waste management facilities, as defined in Minnesota Rules, part 7035.0300, are prohibited in the one-percent annual chance floodplain. Water supply systems are subject to the provisions in Minnesota Rules, part 4725.4350.
- 9.3 **Private On-site Water Supply, Individual Sewage Treatment Systems, and other Service Facilities.** Private facilities shall be subject to applicable provisions detailed in Section 9.2. In addition, new or replacement on-site sewage treatment

systems are to be located to avoid impairment to them or contamination from them during times of flooding, shall not be located in a designated floodway, and are subject to the provisions in Minnesota Rules, parts 7080.2270.

SECTION 10.0 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

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

10.11 New and replacement manufactured homes must be placed and elevated in compliance with Section 6.0 of this ordinance and must be securely anchored to a system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

10.12 New manufactured home parks and expansions to existing manufactured home parks must meet the appropriate standards for subdivisions in Section 8.0 of this ordinance.

10.2 Recreational Vehicles. New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Recreational vehicles placed in existing recreational vehicle parks, campgrounds or lots of record in the floodplain must either:

10.21 Meet the requirements for manufactured homes in Section 10.1, or

10.22 Be travel ready, meeting the following criteria:

A. The vehicle must be fully licensed.

B. The vehicle must be ready for highway use, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities.

C. No permanent structural type additions may be attached to the vehicle.

D. Accessory structures may be permitted in the Flood Fringe District, provided they do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Sections 4.0 and 6.23.

SECTION 11.0 ADMINISTRATION

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

11.11 Permit Application Requirements. Permit applications must be submitted to the Zoning Administrator. The permit application must include the following, as applicable:

A. A site plan showing all existing or proposed buildings, structures, service facilities, potential obstructions, and pertinent design features having an influence on the permit.

B. Location and detail of grading, fill, or storage of materials.

C. Copies of any required local, state or federal permits or approvals.

D. Other relevant information requested by the Zoning Administrator as necessary to properly evaluate the permit application.

11.12 Recordkeeping. The Zoning Administrator must maintain applicable records in perpetuity documenting:

A. All certifications for dry floodproofing and alternative elevation methods, where applicable.

B. Analysis of no-rise in the Floodway District, as detailed in Section 5.21, and encroachment analysis ensuring no more than one-half foot of rise in the General Floodplain District, as detailed in Sections 7.22 and 7.31.

C. Final elevations, as applicable, detailing the elevation to which structures and improvements to structures are constructed or floodproofed. Elevations shall be determined by an engineer, architect, surveyor or other qualified individual, as approved by the Zoning Administrator.

D. Substantial damage and substantial improvement determinations, as detailed in Section 12.13, including the cost of improvements, repairs, and market value.

E. All variance actions, including justification for their issuance, and must report such variances as requested by the Federal Emergency Management Agency.

11.13 Certificate of Zoning Compliance for a New, Altered, or Nonconforming Use. No building, land or structure may be occupied or used in any manner until a certificate of zoning compliance has been issued by the Zoning

Administrator stating that the finished fill and building floor elevations or other flood protection measures are in compliance with the requirements of this ordinance.

- 11.14 **Notifications for Watercourse Alterations.** Before authorizing any alteration or relocation of a river or stream, the Zoning Administrator must notify adjacent communities. If the applicant has applied for a permit to work in public waters in accordance with Minnesota Statutes, section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to FEMA.
- 11.15 **Notification to FEMA When Physical Changes Increase or Decrease Base Flood Elevations.** Where physical changes affecting flooding conditions may increase or decrease the water surface elevation of the base flood, the City of North Branch must notify FEMA of the changes in order to obtain a Letter of Map Revision (LOMR), by submitting a copy of the relevant technical or scientific data as soon as practicable, but no later than six months after the date such supporting information becomes available.

11.2 Variances

- 11.21 **Variance Applications.** An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with Minnesota Statutes, section [394.27, Subd. 7 (for counties) or 462.357, Subd. 6(2) (for municipalities)] and this ordinance.
- 11.22 **Adherence to State Floodplain Management Standards.** Variances must be consistent with the general purpose of these standards and the intent of applicable provisions in state and federal law. Though variances may be used to modify permissible methods of flood protection, no variance shall permit a lesser degree of flood protection than the Regulatory Flood Protection Elevation (RFPE).
- 11.23 **Additional Variance Criteria.** The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
- A. 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.
 - B. Variances may only be issued by a community upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
 - C. Variances may only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- 11.24 **Flood Insurance Notice.** The Zoning Administrator must notify the applicant for a variance in writing that:
- A. 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
 - B. Such construction below the base flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.
- 11.25 **Considerations for Approval.** The community may consider the following factors in granting variances and imposing conditions on variances and conditional uses in floodplain districts:
- A. The potential danger to life and property due to increased flood heights or velocities caused by encroachments.
 - B. The danger that materials may be swept onto other lands or downstream to the injury of others.
 - C. The safety of access to the property in times of flood for ordinary and emergency vehicles.
- 11.26 **Conditions of Approval.** The City of North Branch may attach such conditions to the granting of variances and conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
- A. Limitations on period of use, occupancy, and operation.

- B. **Imposition of operational controls, sureties, and deed restrictions.**
- C. **The prevention of soil erosion or other possible pollution of public waters, both during and after construction.**
- D. **Other conditions as deemed appropriate by the Zoning Administrator and [planning commission/city council].**

11.3 Conditional Uses.

- 11.31 Administrative Review. An application for a conditional use permit will be processed and reviewed in accordance with the provisions in this ordinance.
- 11.32 Considerations for Approval. In passing upon conditional use applications, the City of North Branch must consider all relevant factors specified in other sections of this ordinance, **including those detailed in Section 11.25.**
- 11.33 Conditions of Approval. In addition to the standards identified in Sections 5.4 and 6.4, the City of North Branch may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance, **including those detailed in Section 11.26.**

11.4 Notifications to the Department of Natural Resources.

- 11.41 All notices of public hearings to consider variances or conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist at least ten (10) days before the hearings. Notices of hearings to consider subdivisions/plats must include copies of the subdivision/plat.
- 11.42 A copy of all decisions granting variances and conditional uses under this ordinance must be sent via electronic mail to the Department of Natural Resources respective area hydrologist within ten (10) days of final action.

SECTION 12.0 NONCONFORMITIES

- 12.1 **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:
 - 12.11 Within the floodway and general floodplain districts (when a site has been determined to be located in the floodway following the procedures in Section 7.3, or when the floodway has not been delineated), expansion or enlargement of uses or structures is prohibited.
 - 12.12 Within all districts, any addition, modification, rehabilitation, repair, or alteration shall be in conformance with the provisions of this ordinance, shall not increase the flood damage potential or increase the degree of obstruction to flood flows, and where applicable, must be protected to the Regulatory Flood Protection Elevation (RFPE).
 - 12.13 If any nonconforming structure is determined to be substantially damaged or substantially improved based on the procedures in Section 12.2, it may not be reconstructed except in conformity with the provisions of this ordinance. Existing structures within the regulatory floodplain, but outside of the one-percent annual chance floodplain, as detailed in Section 3.13, are exempt from this provision.
 - 12.14 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.
- 12.2 **Substantial Improvement and Substantial Damage Determinations.** Prior to issuing any permits for additions, modifications, rehabilitations, repairs, alterations, or maintenance to nonconforming structures, the Zoning Administrator is required to determine if such work constitutes substantial improvement or repair of a substantially damaged structure. A determination must be made in accordance with the following procedures:
 - 12.21 Estimate the market value of the structure. In cases where the property has sustained damage, the market value of the structure shall be the market value before the damage occurred and before any restoration or repairs are made.
 - 12.22 Estimate the cost of the project. The property owner shall accommodate for inspection, and furnish other documentation needed by the zoning administrator to evaluate costs.
 - A. Improvement costs shall be comprised of the market rate of all materials and labor, as well as the costs of all ordinary maintenance and upkeep carried out over the past one year.

B. Costs to restore damages shall be comprised of the market rate of all materials and labor required to restore a building to its pre-damaged condition regardless of the work proposed, as well as associated improvement costs if structure is being restored beyond its pre-damaged condition.

12.23 Compare the cost of the project and/or repairs to the estimated market value of the structure, and determine whether the proposed work constitutes substantial improvement or repair of a substantially damaged structure, as defined in Section 2.0 of this ordinance.

A. **For the purposes of determining whether the proposed work would constitute substantial improvement, the evaluation shall also include all rehabilitations, additions, or other improvements completed since the community has adopted floodplain standards impacting this structure.**

B. **If any nonconforming structure experiences a repetitive loss, as defined in Section 2.0 of this ordinance, it shall be considered substantially damaged and must not be reconstructed except in conformity with the provisions of this ordinance.**

12.24 Based on this determination, the zoning administrator shall prepare a determination letter and notify the property owner accordingly. Structures determined to be substantially damaged or substantially improved may not be reconstructed except in conformity with the provisions of this ordinance.

SECTION 13.0 VIOLATIONS AND PENALTIES

13.1 **Uses in Violation of the Ordinance.** Every structure, fill, deposit, or other use placed or maintained in the floodplain in violation of this ordinance shall be considered a public nuisance.

13.2 **Civil Remedies.** The creation of a public nuisance may be enjoined and the maintenance of a public nuisance under this ordinance may be abated by an action brought by the City of North Branch or the Department of Natural Resources.

13.3 **Enforcement.** Violations of the provisions of this ordinance constitutes a misdemeanor and is punishable as defined by law. The Zoning Administrator may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance. The City of North Branch 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.

SECTION 14.0 AMENDMENTS

14.1 **Ordinance Amendments.** Any revisions to the floodplain maps by the Federal Emergency Management Agency or annexations of new map panels require an ordinance amendment to update the map references in Section 3.2 of this ordinance.

14.2 **Required Approval.** All amendments to this ordinance must be submitted to the Department of Natural Resources for review and approval prior to adoption, for compliance with state and federal rules and requirements. The floodplain ordinance shall not be considered valid until approved.

EFFECTIVE DATE: This ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law and/or charter.

Adopted by the North Branch City Council

This _____ of _____, _____
(Day) (Month) (Year)

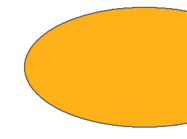
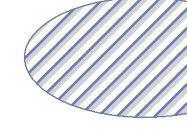
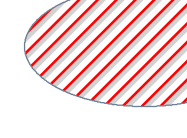

Attest: _____, Mayor
(Name of Elected Official)

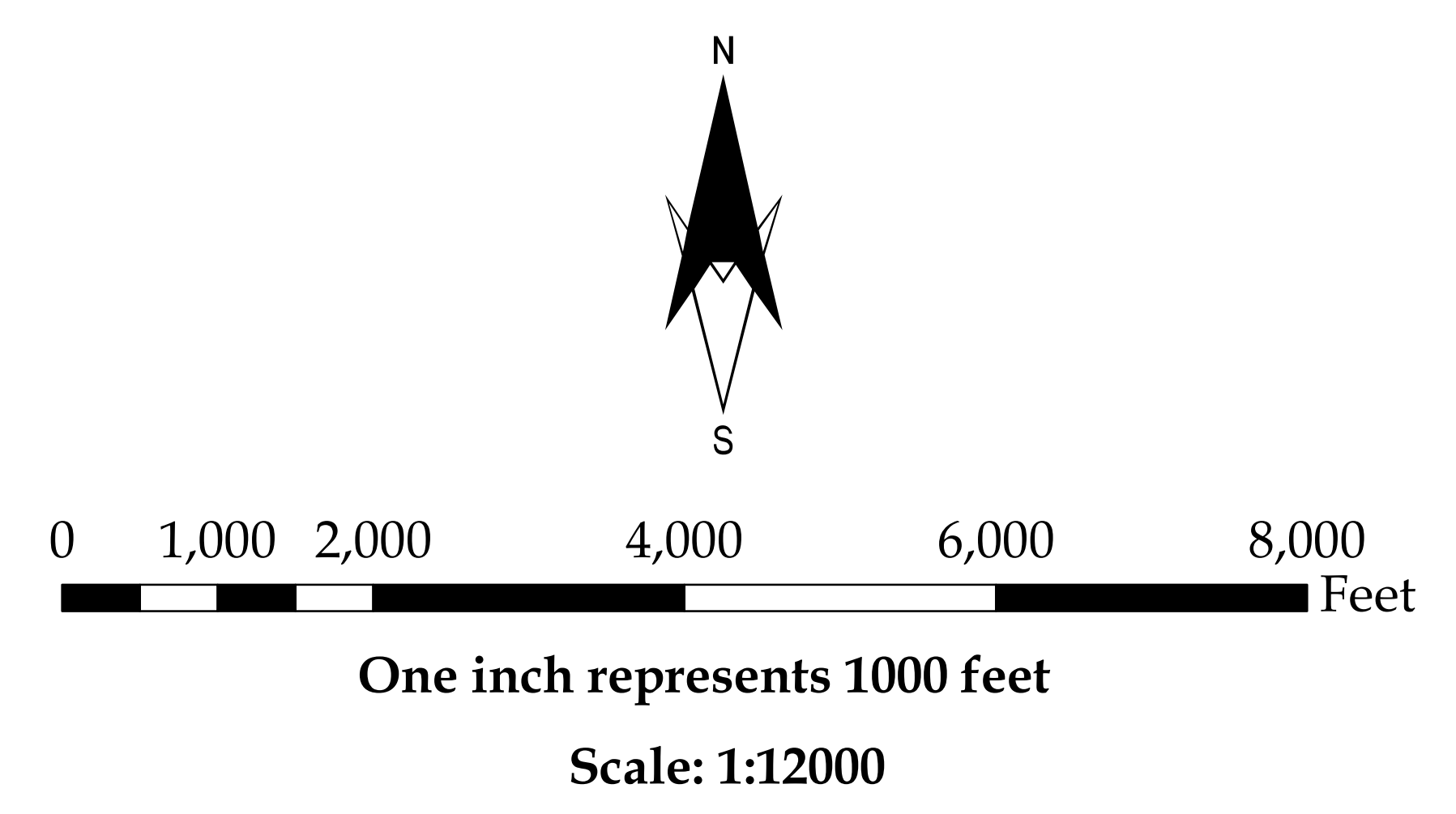
Attest: _____, City Clerk

City of North Branch

6408 Elm St - PO Box 910
 North Branch, MN 55056
 Phone: (651) 674-8113 - Fax: (651) 674-8262
 Hours: 8:00 AM - 4:30 PM (Monday - Friday)
<http://www.ci.north-branch.mn.us>

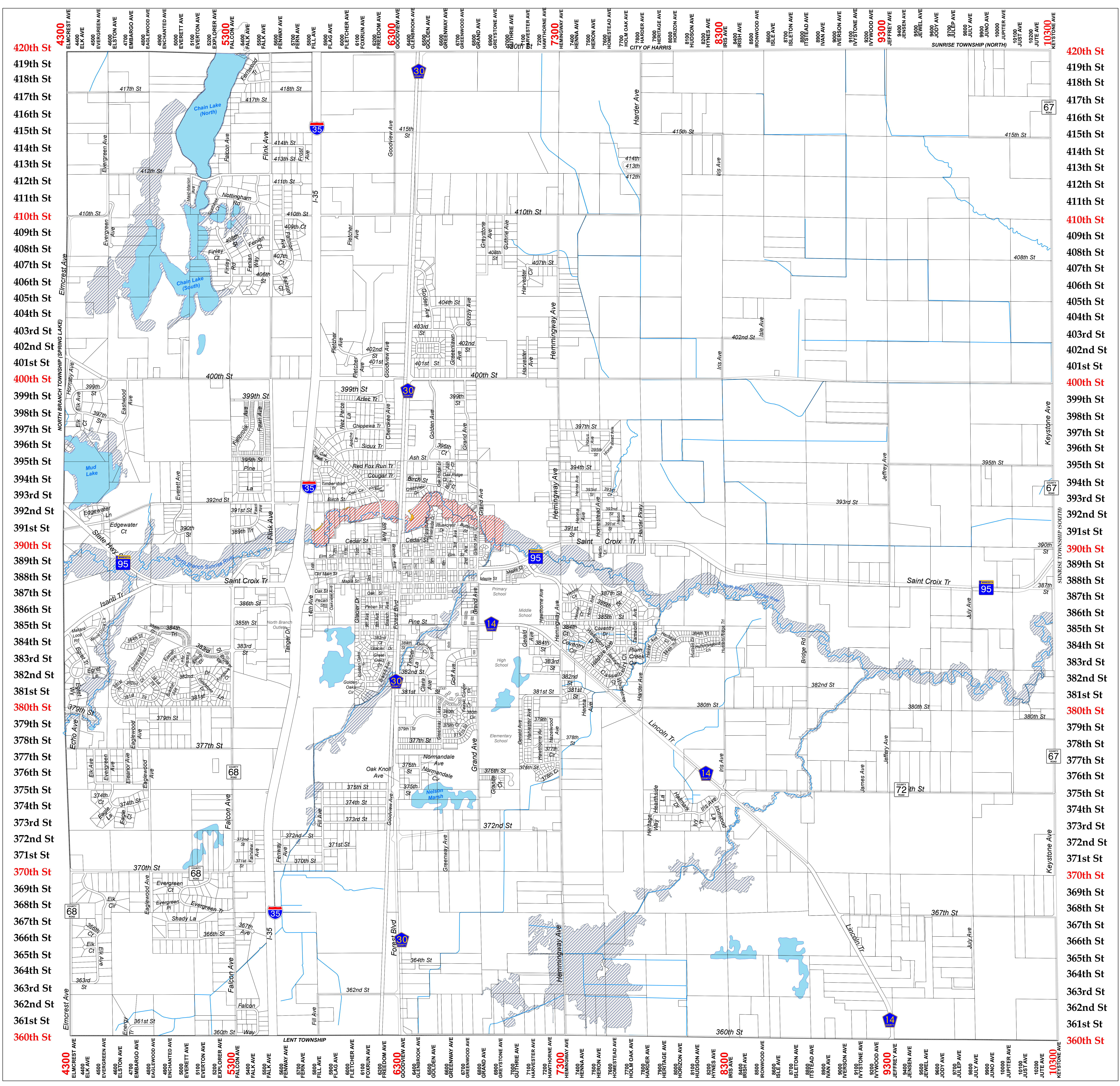
Floodplain Overlay

- Flood Zone**
-  0.2% Annual Chance
 -  A (without BFE)
 -  AE (with BFE)
 -  X



Disclaimer: The City of North Branch provides this data "as is" without warranty or any representation of accuracy, timeliness or completeness. The data does not represent a survey. No liability is assumed for the accuracy of the data delineated hereon, either expressed or implied.

Date: 28-MAR-2022



July 7, 2022

City of North Branch
Mayor Jim Swenson
6408 Elm Street
PO Box 910
North Branch, MN 55056

CONDITIONAL STATE APPROVAL OF FLOODPLAIN ORDINANCE & REQUIRED NEXT STEPS

Dear Mayor Swenson,

On behalf of the Department of Natural Resources (DNR), I am writing to conditionally approve the City of North Branch's draft floodplain management ordinance.

We received a draft of the city's floodplain management ordinance via email on June 2, 2022 from GIS/Parks Director, Nate Sondrol. The ordinance is being amended as part of an ordinance update effort.

We will provide final approval of the city's draft ordinance once the following conditions have been met:

- **Submit the following materials to the DNR:**
 - **one (1) copy each of the adopted ordinance incorporating the edits noted above (signed and stamped with the community seal),**
 - **the affidavit of publication, and**
 - **the completed "Ordinance Certification Checklist" (enclosed).**

Please forward the documents listed above to Ceil Strauss, the DNR's State NFIP Coordinator in St. Paul via email. Upon receipt and verification, Ms. Strauss will transmit a copy of these materials to Mr. Brian Killen at FEMA's Chicago Regional Office.

Be advised that any future amendments of this ordinance or change in the designation of flood prone areas require prior DNR approval. In addition, you are required to send copies of hearing notices and final decisions pertaining to variances, conditional uses, and ordinance amendments to this agency. Those notices may also be sent to State NFIP Coordinator Ceil Strauss at the address below. Should you have any questions on this ordinance or related matters, please contact Ms. Strauss at (651) 259-5713 or ceil.strauss@state.mn.us.

While our office in St. Paul will continue to be the main contact for the ordinance update, your DNR Area Hydrologist will continue to be your main contact for day-to-day assistance with administering your floodplain management ordinance and questions about other DNR water-related programs and permits. Your Area Hydrologist is Craig Wills, who can be contacted at (763) 284-7221, or craig.wills@state.mn.us.

The DNR greatly appreciates your community's cooperation and initiative in providing for the reduction of flood damages through the adoption and administration of this ordinance.

Sincerely,



Jennifer Shillcox
Land Use Unit Supervisor

Enclosures: Ordinance Processing Checklist

c: Nate Sondrol, GIS/Parks Director – City of North Branch
Dan Lais, DNR Eco-Waters' Regional Manager
Tim Crocker, DNR Eco-Waters' District Manager
Craig Wills, Area Hydrologist
Matt Bauman, Floodplain and Shoreland Planner

ORDINANCE PROCESSING CHECKLIST

Please return the checklist and all required documents to the DNR Floodplain Program when completed. Transmittal by email of all documents in PDF format is preferred.

1. 5/13/22 Date(s) of published hearing notice(s).

2. 6/7/22 Date(s) of public hearing

3. _____ Date of ordinance adoption. Include a copy of the adopted ordinance in its entirety with signature of the chief elected official.
4. _____ Date of newspaper publication of adopted ordinance. Publication of an ordinance summary is consistent with statute. Include a copy of the affidavit of publication.
5. _____ Date of official filing of adopted ordinance with County Recorder. If filing of an adopted ordinance with the county auditor is not a standard practice, please indicate "N/A." Ordinance is valid and enforceable whether recorded or not.

Name of Community

Prepared by