

ORDINANCE NO. 104

A FLOOD PLAIN MANAGEMENT ORDINANCE (WHICH ALLOWS  
THE CITY TO MAINTAIN ELIGIBILITY IN THE NATIONAL FLOOD  
INSURANCE PROGRAM)

Section 1.0 STATUTORY AUTHORIZATION, FINDINGS OF FACT  
AND PURPOSE.

1.1 Statutory Authorization. The Legislature of the State of Minnesota Statutes Chapter 104 and Chapter 462, delegated the responsibility to local governmental units to adopt regulations designed to minimize flood losses. Therefore, the Council of the City of Stockton, Minnesota do ordain as follows:

- 1.2 State of Purpose. The purpose of this ordinance is to minimize potential loss due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

Section 2.0 GENERAL PROVISIONS

- 2.1 Lands to which ordinance applies. This ordinance shall apply to all lands covered by the regional (100 year) flood within the jurisdiction of the City of Stockton.
- 2.2 Adoption of Flood Insurance Study. The Flood Insurance study for the City of Stockton dated February 2, 1982 developed by the Office of Federal Insurance and Hazard Mitigation and the Floodway and Flood Boundary and Flood Insurance Rate Maps dated August 2, 1982 contained therein are hereby adopted by reference and made part of this ordinance.
- 2.3 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 increase in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- 2.4 Interpretation. The boundaries of the zoning districts shall be determined by scaling distances on the Flood Insurance Study maps. Where interpretation is needed as to the exact location of the boundaries of a district, the Board of Adjustments shall make the necessary interpretation based on elevations on the regional (100-year) flood profile and other available technical data.
- 2.5 Compliance. No structure or land shall hereafter be used and

no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.

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

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

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.

Flood Fringe - that portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance Study for Stockton.

Flood Plain - the areas adjoining a watercourse which have been or hereafter may be covered by the regional flood.

Flood Proofing - a combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

Floodway - the channel of the watercourse and those portions of the adjoining flood plain which are reasonably required to carry and discharge the regional flood.

Regional Flood - a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristic of what can be expected to occur on an average frequency in magnitude of the 100-year recurrence interval. Regional flood is synonymous with the term "base flood" used in the Flood Insurance Study.

Structure - anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, detached garages, cabins, mobile homes, and other similar items.

### Section 3.0 ESTABLISHMENT OF ZONING DISTRICTS

The flood plain areas within the jurisdiction of this ordinance are hereby

divided into three Districts: Floodway District (FW), Flood Fringe District (FF), and General Flood Plain District (GFP).

- 3.1 Floodway District. The Floodway District shall include those area designated as floodway in the Flood Insurance Study.
- 3.2 Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe in the Flood Insurance Study.
- 3.3 General Flood Plain District. The General Flood Plain District shall include those areas designated as unnumbered A Zones on the Flood Insurance Rate Map.

#### Section 4.0 FLOODWAY DISTRICT (FW)

- 4.1 Permitted Uses. The following uses have a low flood damage potential and do not obstruct flood flows. Those uses shall be permitted within the Floodway District as long as they are not prohibited by any other ordinance and provided they do not require structures, fill, or storage of materials or equipment.
- 4.11 Agricultural uses such as general farming, pasture, forestry, sod farming, and wild crop harvesting.
- 4.12 Industrial - Commercial uses such as parking areas
- 4.13 Private and public recreational uses
- 4.14 Residential uses such as lawns, gardens, parking areas, and play areas.

#### Section 5.0 FLOOD FRINGE DISTRICT (FF)

- 5.1 Permitted Uses. The following uses shall be permitted uses within the Flood Fringe District to the extent that they are not prohibited by any other ordinances.

5.11 Any use permitted in Section 4.1

5.12 Accessory structures provided:

- 1. Structures shall not be designed for human habitation.
- 2. Structures shall have a low flood damage potential and be constructed using flood resistant materials.
- 3. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures and/or restriction of bridge openings and other narrow sections

of the stream or river.

4. Service facilities such as electrical and heating equipment shall be installed at or above the regulatory flood protection elevation for the particular area or adequately flood-proofed.

5.13 Residences, including mobile homes and other structures constructed on fill so that the basement floor or first floor, if there is no basement, is at or above the Regulatory Flood Protection Elevation. The finished fill elevation shall be no lower than one (1) foot below the Regulatory Flood Protection Elevation and shall extend at such elevation at least fifteen (15) feet beyond the limits of any structure or building erected thereon. Fill shall be compacted and the slopes shall be protected by riprap or vegetative covering. Residences constructed on fill shall generally be provided with vehicular access no lower than 2 feet below the regulatory flood protection elevation.

Section 5.14 Mobile Homes and Mobile Home Parks

- (1) New mobile home parks and expansions to existing mobile home parks shall be subject to the provisions placed on subdivisions by Section 6.0 of this ordinance.
- (2) Mobile homes in existing mobile home parks that are located in flood plain districts are nonconforming uses and may be replaced only if in compliance with the following conditions:
  - a) The mobile home lies in the Flood Fringe District
  - b) The mobile home is anchored with tiedowns that comply with requirements of MN Regulations MoH 450.
  - c) The mobile home owner or renter is notified that the mobile home site lies in the flood plain and may be subject to flooding.
  - d) The mobile home park owner develops a flood emergency plan consistent with the time available after a flood warning. The plan shall be filed with and approved by the City of Stockton.

3. Individual mobile homes not located in mobile home parks may be permitted if allowed by other applicable ordinances and if they comply with the provisions of Section 5.13 of this ordinance.

#### Section 6.0 SUBDIVISIONS.

No land shall be subdivided which is held unsuitable by the City Council for reason of flooding, inadequate drainage, water supply or sewage treatment facilities. All lots within the flood plain districts shall contain a building site at or above the Regulatory Flood Protection Elevation. All subdivisions shall have water and sewage disposal facilities that comply with the provisions of this ordinance and have road access both to the subdivision and to the individual building sites no lower than two feet below the Regulatory Flood Protection Elevation.

#### Section 7.0 UTILITIES, RAILROADS, ROADS AND BRIDGES

7.1 Public Utilities. All public utilities and facilities such as gas, electrical, sewer and water supply systems to be located in the flood plain shall be elevated to at or above the Regulatory Flood Protection Elevation or flood-proofed and certified by a registered engineer or architect that the flood-proofing measures equal or exceed the provisions for flood-proofing set forth in the State Building Code.

7.2 Public Transportation Facilities Roads, Railroad tracks and bridges within the flood plain shall be designed to minimize increases in flood elevations.

7.21 Bridges, culverts, and approach fills shall comply with provisions of Minnesota Regulations 6 MCAR & 1.5025

7.22 Roads, railroad tracks, and bridges shall be elevated above the regulatory flood protection elevation if failure or interruption of transportation services would endanger the public health or safety.

7.3 Individual Sewage Treatment Systems Individual sewage treatment systems shall be designed and located so that they will not be damaged or contaminate surface waters if flooded as set forth in MN Regulations 6 MCAR & 4.8040 and as certified by a registered sanitarian or engineer.

#### SECTION 8.0 ADMINISTRATION

## 8.1 Use Permit

8.11 Use Permit Required. A use permit issued by the City Council shall be secured prior to the construction, addition, or alteration of any building, structure; prior to the use or change of use of a building, structure, or land; prior to the placement of fill or excavation materials within the flood plain.

8.12 Application for Use Permit. Application for a use permit shall be made in duplicate to the City Council and shall include plans drawn to scale showing where applicable: 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.

8.13 State and Federal Permits. Prior to granting a use permit or processing an application for a variance, the City Council shall determine that the applicant has obtained all necessary State and Federal Permits.

8.14 Certification of First Floor Elevation and Flood-Proofing. The applicant shall submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations or flood-proofing were accomplished in compliance with the provisions of this ordinance. The City Clerk shall maintain a record of these elevations or flood-proofing certifications for all new structures in the flood plain districts.

8.15 Procedures for Evaluating Proposed Uses Within the General Flood Plain District.

(1) Upon receipt of an application for a Use Permit for a use within the General Flood Plain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the City Council for the determination of the Regulatory Flood Protection Elevation and whether the proposed use is within the floodway or flood fringe.

(a) A typical valley cross-section showing the channel of the stream, elevation of land area 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 eleva-

tions; size, location, and spatial arrangement of all proposed and existing structures on the site; location and elevations of streets; photographs showing existing land uses and vegetation upstream and downstream; and soil type.

(c) 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) One copy of the above information shall be transmitted to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the floodway or flood fringe and to determine the Regulatory Flood Protection Elevation. Procedures consistent with Minnesota Regulations NR 86-87 shall be followed in this expert evaluation. The designated engineer or expert shall:

- flood.
- (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 the regional flood without increasing flood stages more than 0.5 feet. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.

(3) Based upon the technical evaluation of the designated engineer or expert, the City Council shall determine whether the proposed use is in the floodway or flood fringe and the Regulatory Flood Protection Elevation at the site.

8.2 Board of Adjustment A board of adjustment is hereby established and shall consist of all members of the City Council

8.21 Variances. The Board may authorize upon appeal, variances from the provisions of this ordinance as long as they will not be contrary to the public interest, and if the spirit of the ordinance will be observed. Variances may only be granted where due to special conditions, literal enforcement of the provision of the ordinance will result in unnecessary hardship. No variance shall have the effect of al-

lowing 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.

- 8.22 Hearings. The Board of Adjustment shall fix a reasonable time for a hearing and give notice to all interested parties. The Board 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. A copy of all decisions granting Variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.