MEMORANDUM

DATE:	October 14, 2020
TO:	Chairperson Cauley, Members of the Planning Commission, and Administrator Meyer
FROM:	Cynthia Smith Strack, Community Development Director
RE:	Agenda Item 6.1: Floodplain Map Update and Resulting Code Amendment Required

GENERAL INFORMATION

FEMA has released new floodplain maps which take effect in February of 2021. The map changes require updating of the City code pertaining to floodplain districts and activities. A draft of Ordinance 20-11 repealing and replacing Section 1105.16 of the City Code is attached.

The Commission is asked to provide input on the following:

1. City must have approved floodplain regulations in effect for residents to participate in national flood insurance program, including to purchase flood insurance (see attachment).
    a. In Minnesota extreme rain events are becoming more common. The “100-year” flood is quite common.
    b. Flooding can happen anywhere, about half of flood damage occurs outside of mapped flood zones, often due to stormwater flooding during heavy rain events.
    c. Deadline to have draft Code update to DNR is mid-November. No public hearing is required prior to DNR review. Deadline to have Code update approved in February 2021.

2. Districts as stand-alone zoning classifications vs. overlay districts.
    a. The Official Zoning Map has long represented the mapped floodplain as a singular, stand-alone district, without an underlying applicable zoning classification. District narrative is overlay.
    b. Approach can be stand-alone or overlay superimposed over underlying zoning classifications (e.g. residential, commercial, industrial).
    c. Overlay allows any use in the underlying district in the flood fringe i.e. dwellings if underlying class is residential. Stand-alone uses are only those identified in the floodway and flood fringe uses.
    d. PC discussion requested.

3. Allowance for habitable structures in the floodplain.
    a. As proposed habitable residential uses are not allowed in either the floodway or flood fringe district. Non-residential structures with non-habitable spaces would be allowed for proposed uses including: critical facilities, structures accessory to park uses, and essential services. Critical facilities include the waste water treatment plant.
    b. City code can be more restrictive than Mn DNR model floodplain standards. Model standards allow accessory structures in the floodway and habitable structures in the flood fringe providing they are one foot about the regulatory flood protection elevation.
    c. Most floodplains mapped are not inhabited and are publicly owned. Privately owned areas are challenged by routine flooding, rail crossing, and public road access.
    d. Property in Provence Subd. remains undeveloped and was proposed for parkland dedication. Property external to corporate limits but within 2040 MUSA 500-year flood area could be impacted down the road. Code could be amended at that time.
    e. PC discussion requested.

4. Definitions. Where possible definitions including in the model floodplain ordinance have been adjusted to be consistent with general definitions included in Chapter 1101 of the Code. Floodplain definitions may be removed from the Chapter 1101 when that section is updated.

5. Next steps, if proposed Ordinance 20-11 is acceptable to the Planning Commission it will be scheduled for City Council work session discussion on October 19th or November 2nd. If needed the item will be back on the agenda for the November 9th PC meeting.

ACTION
This item is for discussion and direction.

EXHIBIT A
ORDINANCE 20-11

ORDINANCE 20-11
AN ORDINANCE REPEALING AND REPLACING SECTION 1105.16 OF THE CITY CODE PERTAINING TO THE FP FLOODPLAIN DISTRICT

THE CITY COUNCIL OF THE CITY OF BELLE PLAINE ORDAINS:

Section 1. The City Council of the City of Belle Plaine hereby repeals Section 1105.16 entitled 'FP Flood Plain District' and replaces it with Exhibit A as hereto attached.

Section 2. 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.

Passed and duly adopted by the City Council of the City of Belle Plaine this __th day of _____, 202_.

BY: _____
Christopher G. Meyer, Mayor

ATTEST:
_____
Dawn Meyer, City Administrator

EXHIBIT A
ORDINANCE 20-11

SECTION 1105.16 FLOODPLAIN DISTRICTS

1105.16 SUBD. 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

1. This Section 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 codified as 44 Code of Federal Regulations, Parts 59 -78; and the planning and zoning enabling legislation in Minnesota Statutes, Chapters 462.

2. Purpose.

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

   B. This Section is adopted to maintain the community's eligibility in the National Flood Insurance Program.

   C. This Section 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.

1105.16 SUBD. 2 GENERAL PROVISIONS

A. Lands to which this Section Applies. This ordinance applies to all lands within the jurisdiction of the City of Belle Plaine within the boundaries of the Floodway and Flood Fringe Districts, and further detailed in Sections 1105.16, Subd. 2(B) and 1105.16, Subd. 3(A).

   1. Floodway and Flood Fringe District standards-are in addition to any other City code 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, the base flood elevations shall be the governing factor in locating the outer boundaries of the 1-percent annual chance floodplain.

   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), defined in Section 1105.16, Subd. 2(F).

   4. Persons contesting the location of the district boundaries will be given a reasonable opportunity to present their case to the Planning Commission 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 Scott County, Minnesota, and Incorporated Areas, dated February 12, 2021 and the Flood Insurance Rate map panels enumerated below, dated February 12, 2021, all prepared by the Federal Emergency Management Agency. These materials are on file at Belle Plaine City Hall.

EXHIBIT A
ORDINANCE 20-11

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

D. Warning and Disclaimer of Liability. This Section does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This Section does not create liability on the part of the City of Belle Plaine 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 Section is adjudged unconstitutional or invalid by a court of law, the remainder of this Section shall not be affected and shall remain in full force.

F. Definitions. Unless specifically defined below, words or phrases used in this Section must be interpreted according to common usage and so as to give this Section its most reasonable application.

Accessory Use or Structure. A use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure on the same lot which is not authorized to be used for living or sleeping by human occupants.

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.

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

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

Conditional Use. A use, which because of special conditions, requires reasonable, but special, unusual and extraordinary limitations peculiar to the use for the protection of the public welfare and the integrity of the Belle Plaine Comprehensive Plan.

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

Development. Any artificial, handmade, hand-built, synthetic, manufactured, fabricated, machine-made, and constructed change to improved or unimproved real estate, including buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations, or storage of equipment or materials.

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.

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

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

Flood Frequency. The frequency for which it is expected that a specific flood stage or discharge may be equaled or exceeded.

Flood Fringe. The portion of the one - percent annual chance floodplain located outside of the floodway. Flood fringe is synonymous with the term “floodway fringe” used in the Flood Insurance Study.

Flood Insurance Rate Map. An official map on which the Federal Insurance Administrator has delineated both the special 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. The study referenced in Section 2.2, 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.

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

Floodplain. The beds and the areas adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the base flood.

Floodproofing. A combination of structural provisions, changes, or adjustments to properties and structures subject to flooding, primarily for the reduction or elimination of flood damages.

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.

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 Code of Federal Regulations, Part 60.3.

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.”

New Construction. Structures, including additions and improvements, and placement of manufactured homes, for which the start of construction commenced on or after the effective date of this Section.

Obstruction. Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure,

or matter in, along, across, or projecting into any channel, watercourse, or regulatory floodplain which may impede, retard, or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water.

Principal Use or Structure. The main use of land or buildings as distinguished from uses or structures that are subordinate or accessory.

Reach. A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or artificial, handmade, hand-built, synthetic, manufactured, fabricated, machine-made, and constructed obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

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

Regulatory Flood Protection Elevation (RFPE). An elevation not less than one foot above the elevation of the base flood plus any increases in flood elevation caused by encroachments on the floodplain that result from designation of a floodway.

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.

Special Flood Hazard Area. A term used for flood insurance purposes, and synonymous with the term base flood or 1-percent annual chance floodplain.

Start of Construction. Includes substantial improvement, and means the actual start of construction, repair, reconstruction, rehabilitation, addition, placement or other improvement that occurred before the permit’s expiration date. The actual start is 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.

Structure. Anything temporary or permanent in character constructed or erected on the ground or attached to the ground or on-site utilities, including, but not limited to, buildings, factories, sheds, detached garages, cabins, decks, manufactured homes, recreational vehicles not considered travel ready as detailed in Section 1105.16, Subd. 10(B)(2) of this ordinance and other similar items.

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.

Substantial Improvement. Within any consecutive 365-day period, any reconstruction, rehabilitation (including normal maintenance and repair), repair after damage, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the

market value of the structure before the "start of construction" of the improvement. This term includes structures that have incurred "substantial damage," regardless of the actual repair work performed. The term does not, however, include either:

1. 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

2. Any alteration of a "historic structure," provided that the alteration will not preclude the structure's continued designation as a "historic structure." For the purpose of this ordinance, "historic structure" is as defined in 44 Code of Federal Regulations, Part 59.1.

G. Annexations. The Flood Insurance Rate Map panels adopted by reference into Section 1105.16, Subd. 2(B) above may include floodplain areas that lie outside of the corporate boundaries of the City of Belle Plaine at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City of Belle Plaine after the date of adoption of this Section, the newly annexed floodplain lands will be subject to the provisions of this Section immediately upon the date of annexation.

1105.16 SUBD. 3 ESTABLISHMENT OF FLOODPLAIN DISTRICTS

A. Districts.

1. Floodway District. Those areas within Zones AE delineated within floodway areas as shown on the Flood Insurance Rate Maps adopted in Section 1105.16, Subd. 2(B).

2. Flood Fringe District. Those areas within Zones AE on the Flood Insurance Rate Maps adopted in Section 1105.16, Subd. 2(B), but located outside of the floodway.

B. Applicability. Where Floodway and Flood Fringe districts are delineated on the floodplain maps, the standards in Sections 1105.16, Subd. 5 and 1105.16, Subd. 6 will apply, depending on the location of a property. In the event Floodway and/or Flood Fringe districts delineated on the floodplain maps affect only a portion of a parcel or lot, the Floodway and Flood Fringe standards will apply only to that portion of the parcel or lot.

1105.16 SUBD. 4 REQUIREMENTS FOR ALL FLOODPLAIN DISTRICTS

A. Permit Required. A permit must be obtained from the Zoning Administrator to verify if a development meets all applicable standards outlined in this Section prior to conducting the following activities:

1. The erection, addition, modification, rehabilitation, or alteration of any building, structure, or portion thereof. Normal maintenance and repair also requires a permit if such work, separately or in conjunction with other planned work, constitutes a substantial improvement as defined in this Section or is required under other sections of the City or State codes.

2. The construction of a dam, on-site septic system, or any fence not meeting the definition of a farm fence outlined in Section 1105.16, Subd. 2(F) of this Section.

3. The change or extension 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 of materials, or the storage of materials or equipment within the floodplain.

6. Relocation or alteration of a watercourse (including stabilization projects or the construction of new or replacement culverts and bridges), unless a public waters work permit has been obtained from the Department of Natural Resources.

7. Any other type of "development" as defined in this Section.

B. Minimum Development Standards. All new development must be:

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

2. Constructed with materials and equipment resistant to flood damage;

3. Constructed by methods and practices that minimize flood damage;

4. Constructed with electrical, heating, ventilation, ductwork, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding;

5. Reasonably safe from flooding and consistent with the need to minimize flood damage within the flood-prone area;

6. Assured to provide adequate drainage to reduce exposure to flood hazards.

C. Floodplain developments must not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system.

D. 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 flood protection elevation, floodproofed, or protected by structural measures consistent with the standards set forth herein. Furthermore, storage of materials likely to cause pollution of the waters, as defined in Minnesota Statutes, Section 115.01, if subject to flooding are prohibited unless adequate safeguards approved by the state water pollution control agency are provided.

E. Critical Facilities, as defined in Section 1105.16, Subd. 2(F), are to be located, so that the lowest floor is not less than two feet above the base flood elevation, or the 0.2% annual chance flood elevation, whichever is higher.

1105.16 SUBD. 5 FLOODWAY DISTRICT (FW)

A. Permitted Uses: The following uses, subject to the standards set forth in Section 1105.16, Subd. 5(B), are permitted uses.

1. General farming, pasture, grazing, farm fences, outdoor plant nurseries, horticulture, forestry, sod farming, and wild crop harvesting.

2. Loading areas, parking areas, streets, trails, airport landing strips, railroads, bridges, culverts, utility transmission lines and pipelines.

3. Open space uses, including but not limited to private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, hunting and fishing areas, and single or multiple purpose recreational trails.

4. Residential yards, lawns, gardens, parking areas, and play areas, provided these uses do not include associated accessory structures.

5. Grading or land alterations associated with stabilization projects.

B. Standards for Floodway Permitted Uses. In addition to the applicable standards outlined in Section 1105.16, Subd. 4(B).

1. The use must have a low flood damage potential.

2. The use must not involve structures.

3. The use must not obstruct flood flows, or increase velocities, stages, or flood damages, as certified by a registered professional engineer.

4. Development that will change the course, current or cross section of protected wetlands or public waters 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 that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the base flood.

C. Conditional Uses. The following uses may be allowed as conditional uses following the standards and procedures set forth in 1105.16, Subd. 11(D) of this Section and further subject to the standards set forth in Section 1105.16, Subd. 5(D) herein and 1103.08 of the City Code (Conditional Use Permits) as may be amended.

1. Grading, extraction, fill and storage of soil, sand, gravel, and other materials for purposes other than stabilization projects.

2. Marinas, boat rentals, permanent docks, piers, wharves, water control structures, and navigational facilities.

3. Fences that have the potential to obstruct flood flows.

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

D. Standards for Floodway Conditional Uses. In addition to the applicable standards outlined in Sections 1105.16, Subd. 4(B), 1105.16, Subd. 5(B), and 1105.16, Subd. 11(D).

1. Fill.

a. Fill, dredge spoil, and other similar materials deposited or stored in the floodplain must be protected from erosion by the use of mulches or similar materials, with permanent vegetative cover established as soon as possible.

Permanent sand and gravel operations and similar uses must be covered by a long-term site development plan.

b. Temporary placement of fill, other materials, or equipment that would cause an increase to the stage of the base flood may only be allowed if the City of Belle Plaine has approved a plan that assures removal of the materials from the floodway based upon the flood warning time available.

2. A levee, dike or floodwall constructed in the floodway must not cause an increase to the base flood. The technical analysis must assume equal conveyance or storage loss on both sides of a stream.

1105.16 SUBD. 6 FLOOD FRINGE DISTRICT (FF)

A. Permitted Uses.

1. Uses allowed in Section 1105.16, Subd. 5(A) of this Section, subject to the standards of Section 1105.16, Subd. 6(B) as may be amended.

2. Structures accessory to specific uses permitted in this District (Flood Fringe), may be permitted, provided that:

a. Accessory structures are not intended for human habitation;

b. Accessory structures will have a low flood damage potential;

c. Accessory structures will be constructed and placed so as to offer a minimal obstruction to the flow of flood waters;

d. Accessory structures must be elevated on fill or structurally dry floodproofed and watertight to the regulatory flood protection elevation. Certifications consistent with Section 1105.16, Subd. 11(B)(2) shall be required.

e. As an alternative, an accessory structure may be floodproofed in a way to accommodate internal flooding. 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, 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. A floodproofing certification consistent with Section 1105.16, Subd. 11(B)(2) shall be required.

3. Essential services and critical facilities necessary to the City public health and safety, subject to Section 1105.16, Subd. 4(E).

B. Standards for Flood Fringe Permitted Uses. In addition to the applicable standards outlined in Sections 1105.16, Subd. 4(B).

1. The use must have a low flood damage potential.

2. The use must not involve habitable spaces as defined within the building code currently in effect.

3. The use must not obstruct flood flows, or increase velocities, stages, or flood damages, as certified by a registered professional engineer.

4. Development that will change the course, current or cross section of protected wetlands or public waters 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 that will be used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the base flood.

6. The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards.

7. All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.

8. Uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the base flood

9. All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation (RFPE). The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation (RFPE). Fill for residential structures 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 community.

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

C. Conditional Uses: The following uses may be allowed as conditional uses following the standards and procedures set forth in Section 1105.16, Subd. 11(D) of this Section and further subject to the standards set forth in Section 1105.16, Subd. 6(D) ~~6.4~~, if otherwise allowed in the underlying zoning district(s).

1. The cumulative placement of more than 1,000 cubic yards of fill.

2. Conditional uses allowed in Section 1105.16, Subd. 5(C) of this Section, subject to the standards of Section 1105.16, Subd. 6(D) as may be amended.

3. The placement of floodproofed nonresidential basements below the regulatory flood protection elevation.

D. Standards for Flood Fringe Conditional Uses. In addition to the applicable standards outlined in Sections 1105.16, Subd. 4(B), 1105.16, Subd. 6(B), and 1105.16, Subd. 11(D).

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

    a. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the base flood event.

    b. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City of Belle Plaine.

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

2. All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be structurally dry floodproofed, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. A floodproofing certification consistent with Section 1105.16, Subd. 11(B)(2) shall be required.

1105.16 SUBD. 7 RESERVED.

1105.16 SUBD. 8 SUBDVISION STANDARDS.

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

    1. 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.

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

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

1105.16 SUBD. 9 UTILITIES, RAILROADS, ROADS, AND BRIDGES.

A. Utilities. All utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be elevated to the regulatory flood protection elevation (RFPE) or located and constructed to minimize or eliminate flood damage.

B. Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 1105.16, Subd. 5 and 6 of this Section. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.

C. On-site Water Supply and Sewage Treatment Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules, Part 4725.4350, as amended; 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, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules, Part 7080.2270, as amended.

1105.16 SUBD. 10 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 elevated in compliance with Section 1105.16, Subd. 6 of this Section 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. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.

2. New manufactured home parks and expansions to existing manufactured home parks must meet the appropriate standards for subdivisions in Section 1105.16, Sudb. 8 of this Section. New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Section 1105.16, Subd. 8(A)(2) of this Section.

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 1105,16, Subd. 10, A, or
2. Be travel ready, meeting the following criteria:

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

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

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

d. Accessory structures may be permitted in the Flood Fringe District, provided that they constitute a minimal investment, do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in Sections 1105.16, Subd. 4(B) and 1105.16, Subd. 6(B)(2).

1105.16 SUBD. 11 ADMINISTRATION.

A. Duties. The Zoning Administrator or other official must administer and enforce Section 1105.16.

B. Permit Application Requirements:

EXHIBIT A
ORDINANCE 20-11

1. Application for Permit. Permit applications must be submitted to the Zoning Administrator on forms provided by the Zoning Administrator. The permit application must include the following as applicable:

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

    b. Location of fill or storage of materials in relation to the stream channel.

    c. Copies of any required municipal, county, state or federal permits or approvals.

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

2. Certification. The applicant is required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect as being in compliance with applicable floodproofing standards in in the State Building Code. A registered professional engineer is required to certify that any development in established floodways must not cause any increase in flood elevations.

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 use of the building or land conforms to the requirements of this ordinance.

4. Recordkeeping of Certifications and As-Built Documentation. The Zoning Administrator must maintain records in perpetuity documenting:

    a. All certifications referenced in Section 1105.16. Subd. 11(B)(2) of this Section as applicable.

    b. Elevations complying with Section 1105.16, Subd. 6(B)(9) of this ordinance. The Zoning Administrator must also maintain a record of the elevation to which structures and alterations to structures are constructed or floodproofed.

5. 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 pursuant to Minnesota Statutes, Section 103G.245, this will suffice as adequate notice. A copy of the notification must also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

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

C. Variances.

1. Variance Applications. An application for a variance to the provisions of this ordinance will be processed and reviewed in accordance with applicable State Statutes and Section 1103.05 of the City code.

EXHIBIT A
ORDINANCE 20-11

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

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 that: 1) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as $25 for $100 of insurance coverage; and 2) Such construction below the base flood level increases risks to life and property. Such notification must be maintained with a record of all variance actions.

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

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

    d. The susceptibility of any proposed use and its contents to flood damage and the effect of such damage on the individual owner;

    e. The importance of the services to be provided by the proposed use to the community;

    f. The requirements of the facility for a waterfront location;

    g. The availability of viable alternative locations for the proposed use that are not subject to flooding;

    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 Land Use Plan and flood plain 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.

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

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

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

D. Conditional Uses.

1. Administrative Review. An application for a conditional use permit under the provisions of this Section will be processed and reviewed in accordance with Section(s) 1103.08 of the City code.

2. Factors Used in Decision-Making. In passing upon conditional use applications, the City of Belle Plaine must consider all relevant factors specified in other sections of this Section, and those factors identified in Section 1105.16, Subd. 11(C)(5) of this Section.

3. Conditions Attached to Conditional Use Permits. In addition to the standards identified in Sections 1105.16, Subd. 5(D) and 1105.16, Subd. 6(D), the City of Belle Plaine may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this Section. 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. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.

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

5. Submittal of Final Decisions to the Department of Natural Resources. A copy of all decisions granting conditional uses must be forwarded to the Department of Natural

Resources within ten days of such action. The notice may be sent by electronic mail or U.S. Mail to the respective area hydrologist.

1105.16 SUBD. 12 NONCONFORMITIES.

A. Continuance of Nonconformities: A use, structure, or occupancy of land which was lawful before the passage or amendment of this Section but which is not in conformity with the provisions of this Section may be continued subject to the following conditions. Historic structures, as defined in Section 1105.16, Subd. 2(F) of this Section, are subject to the provisions below.

1. A nonconforming use, structure, or occupancy must not be expanded, changed, enlarged, or altered in a way that increases its flood damage potential or degree of obstruction to flood flows except as provided in Section 1105.16, Subd. 12(A)(2) below. Expansion or enlargement of uses, structures or occupancies within the Floodway District is prohibited.

2. Any addition or structural alteration to a nonconforming structure or nonconforming use that would result in increasing its flood damage potential must be protected to the regulatory flood protection elevation in accordance with any of the elevation on fill or floodproofing techniques (i.e., FP1 thru FP4 floodproofing classifications) allowable in the State Building Code, except as further restricted in Section 1105.16, Subd. 12(A)(4) below.

3. 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 Section.

4. If any structure experiences a substantial improvement as defined in this ordinance, then the entire structure must meet the standards of Section 1105.16, Subd. 5 or 1105.16, Subd. 6 of this Section for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively. If the proposed development, including maintenance and repair during the previous 365 days, plus the costs of any previous alterations and additions since the first Flood Insurance Rate Map exceeds 50 percent of the market value of any nonconforming structure, the entire structure must meet the standards of Section 1105.16, Subd. 5 or 1105.16, Subd. 6 of this Section.

5. If any nonconformity is substantially damaged, as defined in this Section, it may not be reconstructed except in conformity with the provisions of this Section. The applicable provisions for establishing new uses or new structures in Section 1105.16, Subd. 5 or 1105.16, Subd. 6 will apply depending upon whether the use or structure is in the Floodway or Flood Fringe, respectively.

6. If any nonconforming use or structure experiences a repetitive loss, as defined in Section 1105.16, Subd. 2(F) of this ordinance, it shall be considered substantially damaged and must not be reconstructed except in conformity with the provisions of this Section.

1105.16 SUBD. 13 VIOLATIONS AND PENALTIES

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

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

C. Enforcement. Violations of the provisions of this Section will be investigated and resolved in accordance with the provisions of Chapters Two and Four of the City code. In responding to a suspected violation of this Section, the City of Belle Plaine may utilize the full array of enforcement actions available to it including but not limited to prosecution and fines, injunctions, after-the-fact permits, orders for corrective measures or a request to the National Flood Insurance Program for denial of flood insurance availability to the guilty party. The City of Belle Plaine 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.

1105.16 SUBD. 14 AMENDMENTS

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

B. Required Approval. All amendments to this Section must be submitted to and approved by the Department of Natural Resources prior to adoption.

C. Map Revisions Require Code Amendments. The floodplain district regulations must be amended to incorporate any revisions by the Federal Emergency Management Agency to the floodplain maps adopted in Section 1105.16, Subd. 2(B) of this Section.

LEARN MORE ABOUT YOUR NFIP POLICY COVERAGE BELOW

The NFIP offers building coverage.

The following items are a sample of those covered under building coverage:

- The building and its foundation
- Electrical and plumbing systems
- Central air-conditioning, equipment, furnaces, and water heaters
- Refrigerators, stoves, and dishwashers
- Permanently installed carpeting
- Window blinds

The NFIP offers coverage for your belongings.

Whether you rent or own, make sure to ask your insurance agent about contents coverage. For most standard policies, contents coverage is not automatically included with the building coverage. Contents coverage usually covers items like:

- Personal belongings such as clothing, furniture, and electronic equipment
- Carpets
- Washers and dryers
- Food freezers and the food in them
- Portable microwave ovens and dishwashers

The NFIP offers some basement coverage.

While flood insurance does not cover basement improvements (such as finished walls, floors, or ceilings), or personal belongings kept in a basement (such as furniture and other contents), it does cover structural elements and essential equipment kept in a basement, such as hot water heaters and furnaces.

Christian White, home insurance adjuster, assesses flood damage inside of a home in East Baton Rouge Parish, Louisiana.

FEMA

NATIONAL FLOOD INSURANCE PROGRAM

For more information about the NFIP and flood insurance, contact your insurer or agent, or call **1-800-427-4661**.

If you are deaf, hard of hearing, or have a speech disability and use relay services, call **711** from your TTY.

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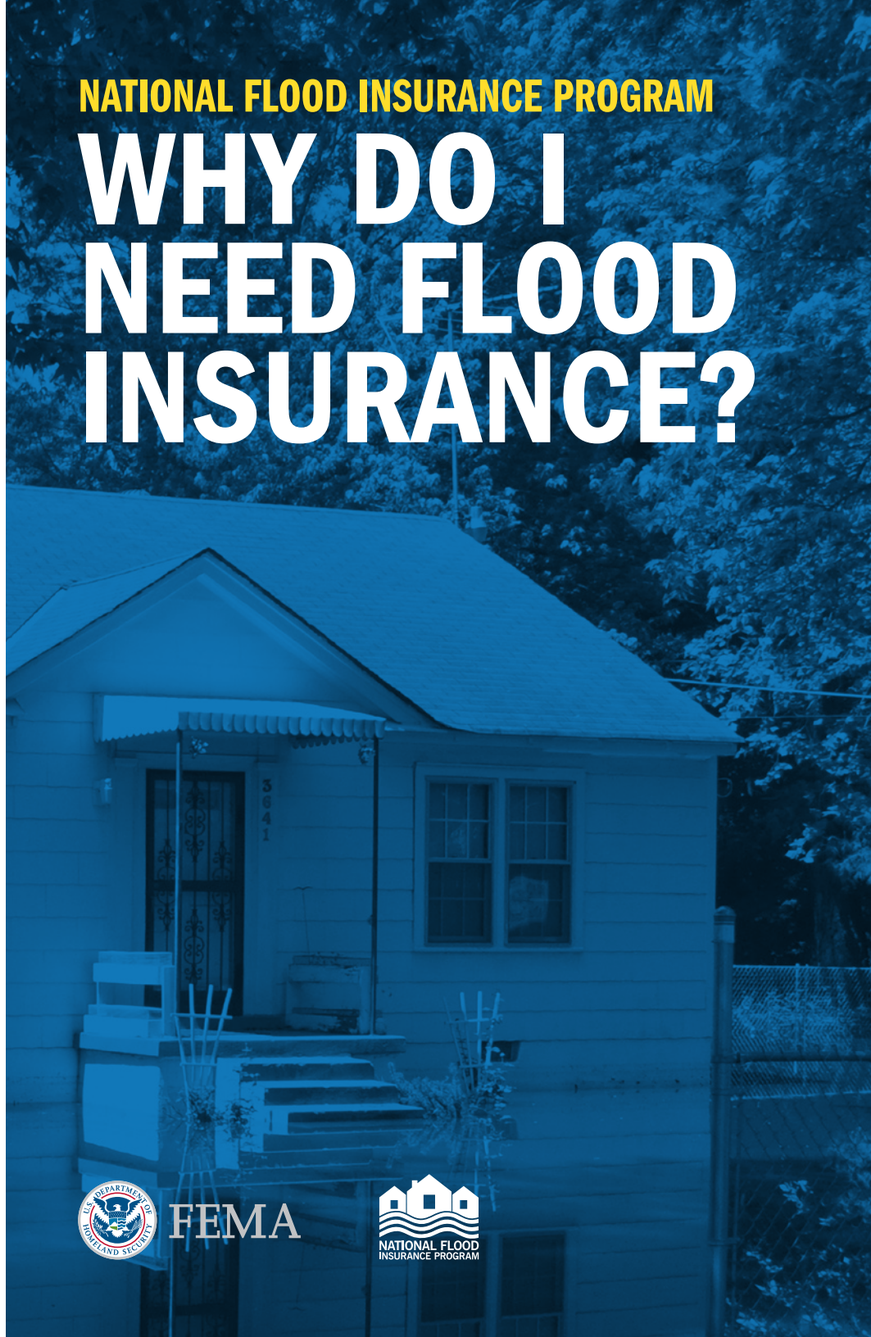
NATIONAL FLOOD INSURANCE PROGRAM

WHY DO I NEED FLOOD INSURANCE?



FEMA

NATIONAL FLOOD INSURANCE PROGRAM

Flood waters remain high in neighborhoods impacted by Hurricane Matthew in Lumberton, North Carolina.

Every property is vulnerable to flooding.

Flooding can happen anywhere, at any time. In fact, more than 20 percent of the NFIP's claims come from outside high-risk flood areas. That's why it's important to protect the life you've built with flood insurance, even if you live in an area with low-to-moderate flooding risk.

Property owners located in low-to-moderate risk areas should ask their agents if they are eligible for the Preferred Risk Policy,

which provides flood insurance protection at a lower cost than a standard policy in a high-risk area.

The low-cost Preferred Risk Policy is ideal for homes and other properties currently mapped in low-to-moderate risk areas—and it costs homeowners an average of $439 a year.

Learn more about Preferred Risk Policies here:
fema.gov/media-library/assets/documents/17576

The NFIP covers flooding resulting from hurricanes or other weather events.

The NFIP defines covered flooding as any temporary event where the surface of normally dry land is partially or completely underwater. Flooding can be caused by:

- Overflow of inland (lake or river) or coastal waters
- Pooling or runoff of surface waters from any source, such as heavy rainfall
- Mudflows
- Collapse of land along the shore of a lake or other body of water due to wave or water currents

You can purchase flood insurance at any time.

There is usually a 30-day waiting period before the policy goes into effect. There are some exceptions:

- If you initially purchased flood insurance while securing, adjusting, or renewing a loan for your property, there is no waiting period. Coverage goes into effect when the loan is closed.
- If you live in an area newly affected by a flood risk map change, review your options with your insurance agent.

Additionally, the 30-day waiting period may not apply if your property experiences flood damage caused by wildfire in your community. Learn more about the Post-Wildfire Exception at **fema.gov/wildfires-you-need-flood-insurance**.

Keeping these exceptions in mind, plan ahead so you are not caught without insurance. The policy does not cover losses caused by a flood that occurred prior to the policy becoming effective. In addition, you cannot increase your insurance coverage once a flood has begun.

DID YOU KNOW?

The government requires that homes in high-risk flood areas are protected by flood insurance if they are backed by a federally regulated lender. Lenders must notify borrowers of their flooding risk, prior to closing, if their property is in a high-risk flood area.

And remember, most homeowners insurance does NOT cover flood damage.

Unfortunately, many property owners do not find out until it's too late that their policies do not cover flooding. The NFIP offers a separate policy that protects your single most important financial asset—your home or business.

You can insure your condominium unit or home with flood insurance for up to $250,000 for the building and up to $100,000 for the contents. Property owners can insure their commercial properties for up to $500,000 for the building and $500,000 for the contents.

In the event of a flood, federal disaster assistance may be limited or unavailable.

Federal disaster assistance is available only if the president declares a disaster. Your home is covered by flood insurance even if a disaster is not declared.

Disaster assistance comes in two forms: A U.S. Small Business Administration loan, which must be paid back with interest, or a FEMA disaster grant, which is about $5,000 on average per household.

Both programs have strict eligibility requirements based on individual need and many disaster survivors may not qualify. By comparison, the average flood insurance claim is nearly $30,000 and does not have to be repaid.

Flood insurance is available for individuals in participating communities.

Today, more than 22,000 communities participate in the NFIP and most people who live in participating communities, including renters and condo unit owners, can purchase NFIP flood insurance. Flood insurance coverage is not limited to properties in a high-risk flood area. That's why it's important to secure flood insurance; because everywhere it can rain in these communities, it can flood.

Those living in Coastal Barrier Resources Systems (CBRS) or other protected areas are not eligible for NFIP coverage.

Rupi Prasad purchased flood insurance for peace of mind during her retirement years. With help from the NFIP, she's rebuilding after Hurricane Harvey.