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AFR 292295



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# **FLOODPLAIN MANAGEMENT ORDINANCE**

**for**

**St. Louis County, Minnesota**

**Ordinance No. 43**

SLC Planning  
AFR # 292295  
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EFFECTUATION

**ARTICLE I TITLE**

Flood Plain Management Ordinance for St. Louis County, Minnesota, otherwise known as Ordinance Number 43.

**ARTICLE II STATUTORY AUTHORIZATION**

The Legislature of the State of Minnesota has, in Minnesota Statutes §§ 103F.101-.155, delegated the authority to local governmental units to adopt regulations designed to minimize flood losses. Minnesota Statutes further stipulates that communities subject to recurrent flooding must participate and maintain eligibility in the National Flood Insurance Program.

**ARTICLE III STATEMENT OF PURPOSE AND DISCLAIMER**

The purpose of this ordinance is to maintain the eligibility in the National Flood Insurance Program and to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruptions of commerce and governmental services, extraordinary public expenditures for flood protections and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

This ordinance does not imply that areas outside of the flood plain district or land uses permitted within such districts will be free from flooding and flood damages. This ordinance shall not create liability on the part of St. Louis County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decisions lawfully made thereunder.

**ARTICLE IV GENERAL PROVISIONS****SEC. 1**      *Adoption of Flood Insurance Rate Map.*

The Flood Insurance Rate Map for St. Louis County, dated February 19, 1992, developed by the Federal Emergency Management Agency (FEMA), is hereby adopted by reference as the Official Flood Plain Zoning District Map and made a part of this ordinance recognizing the limits of the scale of the map.

**SEC. 2**      *Lands to Which Ordinance Applies.*

This ordinance shall apply to all unorganized townships within St. Louis County, and those organized townships not administering their own township zoning regulations.

**SEC. 3**      *Interpretation.*

The boundaries of the flood plain district shall be determined by scaling distances on the Official Flood Plain Zoning District Map. Where interpretation is needed for zoning purposes as to the exact location of the

boundaries of the flood plain district, the St. Louis County Planning Director shall make the necessary interpretation based on elevations on the regional (100-year) flood profile, if available. If 100-year flood elevations are not available, the community shall: 1) Require a flood plain evaluation consistent with Article VI, Sec. 3 of this ordinance to determine a 100 - year flood elevation for the site; or 2) base its decision on available hydraulic/hydrologic or site elevation survey data which demonstrates the likelihood the site is within or outside of the flood plain. Should interpretation of the flood plain zoning district map be in question concerning whether or not a site is located within a flood plain area, assistance from the Minnesota Department of Natural Resources may be sought to make such determination. Interpretation for flood insurance purposes are the responsibility of the lender or the insurance company.

#### SEC. 4

##### *Definitions.*

- A. For the purpose of this ordinance, certain terms and words are hereby defined. The word *person* includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the present tense includes the future tense; the singular number shall include the plural and the plural the singular; the word *shall* is mandatory, and the word *may* is permissive; the word *he* includes *she*; the words *used* or *occupied* include the words *intended*, *designed*, or *arranged to be used or occupied*.

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 application.

- B. Other words or terms as used in this ordinance have the following meanings:
1. *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.
  2. *Basement* - means 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.
  3. *Flood Fringe* - that portion of the flood plain outside of the floodway.

4. *Flood Plain* - the channel or beds proper and the area adjoining a wetland, lake or watercourse which have been or hereafter may be covered by the regional flood. Flood plain areas within St. Louis County shall encompass all areas designated as Zone A on the Flood Insurance Rate Map.
5. *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. Section 209 thru 1406 of the 1972 Edition of "Flood Proofing Regulations", as developed by the Office of the Chief of Engineers, U.S. Army, Washington, D.C., is hereby incorporated by reference as a part of this ordinance. For the purpose of this ordinance, the classification of buildings or structures (FP-1 thru FP-4) shall be as defined in Section 210.1 of "Flood Proofing Regulations". Where definition of terms as set forth in Section 301 of FPR conflict in meaning with the definition of terms set for in this ordinance, the latter shall apply.

*Flood Proofing, Dry* - means sealing a building to keep flood water out or making all areas below the flood protection level watertight with waterproof coatings, impermeable membranes or supplemental layers of masonry or concrete. Doors, windows, and other openings also must have permanent or removable shields and backflow valves must be installed in sewer lines and drains.

*Flood Proofing, Wet* - means modifying the uninhabited portions of the house, such as a crawlspace under the house, so that flood waters can get in but won't cause significant damage. The pressure is equalized between the outside and inside of the house, greatly reducing the chances of the walls collapsing.

6. *Floodway* - the bed or a wetland or lake and the channel of a watercourse and those portions of the adjoining flood plain which are reasonably required to carry or store the regional flood discharge.
7. *Manufactured Home* - a structure, transportable in one or more sections, which in the traveling mode, is eight body feet or more in width or 40 body feet or more in length, or, when erected on site, is 320 or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to

the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein.

8. *Obstruction* - any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, dredged spoil, channel modification, culvert, building, wire, fence, stockpile, refuse, fill, structure, stockpile of sand or gravel or other material, or matter in, along, across, or projecting into any channel, watercourse, lake bed, or regulatory flood plain which may impede, retard, or change the direction of flow, either in itself or by catching or collecting debris carried by flood water.
9. *Regional Flood* - a flood which is representative of large floods known to have occurred generally in Minnesota and reasonably characteristics 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 Rate Map.
10. *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 flood plain that result from designation of a floodway.
11. *Structure* - anything 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, manufactured homes, travel trailers/vehicles not meeting the exemption criteria specified elsewhere in this ordinance and other similar items.
12. *Variance* - Any modification or relief from a county land use ordinance where it is determine by the Board of Adjustment that, by reason of exceptional circumstances, the strict enforcement of the provisions of such ordinance would cause unnecessary hardship as defined in Article XI, Sec. 2, E.

**ARTICLE V CONFLICT WITH PRE-EXISTING ZONING REGULATIONS AND GENERAL COMPLIANCE**

**SEC. 1**      *The Flood Plain District as Overlay Zoning District*

The flood plain zoning district shall be considered an overlay zoning district to all existing land use regulations of the county. The uses permitted in this ordinance shall be permitted only if not prohibited by any established, underlying zoning district. The requirements of this ordinance shall apply in addition to other legally established regulations of the county and where this ordinance imposes greater restrictions, the provisions of this ordinance shall apply.

**SEC. 2**      *Compliance:*

No new 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. Within the Floodway and Flood Fringe, all uses not listed as permitted uses in Article VI shall be prohibited. In addition, a caution is provided here that:

- A. New manufactured homes, replacement manufactured homes and certain travel trailers and travel vehicles are subject to the general provisions of this ordinance and specifically Articles VI and VIII.
- B. Modifications, additions, structural alterations or repair after damage to existing nonconforming structures and non-conforming uses of structures or land are regulated by the general provisions of this ordinance and specifically Article XII; and
- C. As-built elevations for elevated structures must be certified by ground surveys as stated in Article IX of this ordinance.

**ARTICLE VI PERMITTED USES, STANDARDS, AND FLOOD PLAIN EVALUATION CRITERIA**

**SEC. 1**      *Permitted Uses in the Flood Plain.*

The following uses of land are permitted uses in the flood plain district:

- A. Any use of land which does not involve a structure, an addition to the outside dimensions to an existing structure or an obstruction to flood flows such as fill, excavation, or storage of materials or equipment.

- B. Any use of land involving the construction of new structures, the placement or replacement of manufactured homes, the addition to the outside dimensions of an existing structure or obstructions such as fill or storage of materials or equipment, provided these activities are located in the flood fringe portion of the flood plain. These uses shall be subject to the development standards in Article VI, Sec. 2 of this ordinance and the flood plain evaluation criteria in Article VI, Sec. 3 of this ordinance for determining floodway and flood fringe boundaries.
- C. Travel trailers and travel vehicles are regulated by Article VIII of this ordinance.

SEC. 2      *Standards for Flood Plain Permitted Uses.*

- A. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. 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.
- B. Storage of Materials and Equipment:
  - 1. 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. Storage of petroleum products in containers up to a maximum size of 10 gallons for recreational purposes is permitted if readily removable from the area within the time available after a flood warning.
  - 2. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning or if placed on fill to the Regulatory Flood Protection Elevation.
- C. No use shall be permitted which will adversely affect the capacity of the channels or floodways of any tributary to the main stream, or of any drainage ditch, or any other drainage facility or system.



- D. All structures, including accessory structures, additions to existing structures and manufactured homes, shall be 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 must be no lower than one foot below Regulatory Flood Protection Elevation and shall extend at such elevation at least 15' beyond the limits of the structure constructed thereon.
- E. Uses that do not have vehicular access at or above an elevation not more than two feet below the Regulatory Flood Protection Elevation to lands outside of the flood plain shall not be permitted unless granted a variance by the Board of Adjustment. In granting a variance, the Board shall specify limitations on the period of use or occupancy of the use and only after determining that adequate flood warning time and local emergency response and recovery procedures exist.
- F. Commercial and Manufacturing 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 greater than two feet or be subject to flood velocities greater than four feet per second upon occurrence of the regional flood.
- G. 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 in accordance with the Minnesota Water Well Construction Code; 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 St. Louis County On-Site Sewage Treatment Ordinance shall be determined to be in compliance with this Section.
- H. 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.

- I. Accessory structures can be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classifications as adopted by reference in Article VI, Section 2, I. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classifications as adopted by reference in Article VI, Section 2, I provided the accessory structure constitutes a minimal investment, does not exceed 500 square feet in size, and for a detached garage, the detached garage must be used solely for parking of vehicles and limited storage. All flood proofed accessory structures must meet the following additional standards, as appropriate:
1. 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; and
  2. Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed.
- J. Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the Regulatory Flood Protection Elevation. These alternative methods may include the use of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas such as crawl spaces or tuck under garages. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if: 1) the enclosed area is above-grade on at least one side of the structure; 2) is designed to internally flood and is constructed with flood resistant materials; and 3) is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:
1. Design and Certification - The structures' design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards as adopted by reference in Article VI, Section 2, I, 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.
  2. 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:

- (a) The minimum area of openings in the walls where internal flooding is to be used as a flood proofing technique. When openings are placed in a structure's walls to provide for entry of flood waters to equalize pressures, the bottom of all openings shall be no higher than one-foot above grade. 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.
  - (b) That the enclosed area will be designed of flood resistant materials in accordance with the FP-3 or FP-4 classification as adopted by reference in Section Article VI, Section 2, I, and shall be used solely for building access, parking of vehicles or storage.
3. Basements, as defined by Article IV, Section 4, B, 2 of this ordinance, 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 flood proofed in accordance with this ordinance.
- K. All areas of non-residential structures, including basements to be placed below the Regulatory Flood Protection Elevation, shall be flood proofed in accordance with the structurally dry flood proofing classification as adopted by reference in Article VI, Section 2, I. Structurally dry flood proofing must meet the FP-1 or FP-2 flood proofing classifications as adopted by reference in Article VI, Section 2, I, 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 flood proofed to the FP-3 or FP-4 classification shall not be permitted.

SEC. 3 *Flood Plain Evaluation.*

- A. Upon receipt of an application for a permit, manufactured home park development or subdivision approval within the flood plain district, the Planning Director shall require the applicant to furnish sufficient site development plans and a hydrologic/hydraulic analysis by a qualified engineer or hydrologist specifying the nature of the development and whether the proposed use is located in the floodway

or flood fringe and the Regulatory Flood Protection Elevation for the site. Procedures consistent with Minnesota Rules (Technical Standards and Requirements for Floodplain Evaluation and Minimum Floodplain Management Standards for Local Ordinances) shall be followed during the technical evaluation and review of the development proposal.

- B. The Planning Director shall submit one copy of all information required by Article VI, Sec. 3, A of this ordinance to the respective Department of Natural Resources Area Hydrologist for review and comment at least 20 days prior to the granting of a permit or manufactured home park development/subdivision approval by the community. The Health Director shall notify the respective Department of Natural Resources Area Hydrologist within 10 days after a permit or manufactured home park development/subdivision approval is granted.

## **ARTICLE VII UTILITIES, RAILROADS, ROADS AND BRIDGES IN THE FLOOD PLAIN DISTRICT**

All utilities and transportation facilities, including railroad tracks, roads and bridges, shall be constructed in accordance with state flood plain management standards contained in Minnesota Rules.

## **ARTICLE VIII TRAVEL TRAILERS AND TRAVEL VEHICLES**

Travel trailers and travel vehicles that do not meet the exemption criteria specified in Section 1 below shall be subject to the provisions of this ordinance and as specifically spelled out in Article VIII, Sections 3 and 4.

SEC. 1 Exemption - Travel trailers and travel vehicles are exempt from the provisions of this ordinance if they are placed in any of the areas listed in Article VIII, Section 2, as well as 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 trailer parks and the travel trailer/travel vehicle has no permanent structural type additions to it.
- (c) The travel trailer or travel vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.

- SEC. 2** Areas Exempted For Placement of Travel/Recreational Vehicles:
- (a) Individual lots or parcels of record.
  - (b) Existing commercial recreational vehicle parks or campgrounds.
  - (c) Existing condominium type associations.
- SEC. 3** Travel trailers and travel vehicles exempted in Section 1 lose this exemption when development occurs on the parcel exceeding 500 dollars for a structural addition to the travel trailer/travel vehicle or an accessory structure such as a garage or storage building. The travel trailer/travel vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation requirements and the use of land restrictions specified in Article VI of this ordinance.
- SEC. 4** New commercial travel or trailer vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:
- (a) Any new or replacement travel trailer or travel vehicle will be allowed in the Floodway or Flood Fringe Districts provided said trailer or vehicle and its contents are placed on fill above the Regulatory Flood Protection Elevation determined in accordance with the provisions of Article VI, Sec. 3 of this ordinance and proper elevated road access to the site exists in accordance with Article VI of this ordinance. 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 travel trailers or travel vehicles not meeting the criteria of (a) above may, as an alternative, be allowed if in accordance with the following provisions:
    - (1) 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 and shall demonstrate that adequate time and personnel exist to carry out the evacuation.
    - (2) All attendant sewage and water facilities for new or replacement travel trailers or other recreational vehicles must be protected or constructed so as to not be impaired or contaminated during times of flooding in accordance with Article VI, Sec. 2, G. of this ordinance.

**ARTICLE IX SUBDIVISIONS**

- SEC. 1** No land shall be subdivided and no manufactured home park shall be developed or expanded where the site is determined to be unsuitable by St. Louis County for reason of flooding or inadequate drainage, water supply or sewage treatment facilities. Subdivision and development proposals shall be reviewed to insure that each lot or parcel contains sufficient area outside of the floodway for fill placement for elevating structures, sewage systems and related activities.
- SEC. 2** In the Flood Plain District, applicants for subdivision approval or development of a manufactured home park or park expansion shall provide the information required in Article VI, Sec. 3, A of this ordinance. The Planning Director shall evaluate the proposed subdivision or mobile home park development in accordance with the standards established in Article VI, Sec. 2 and 3 and Article VII.
- SEC. 3** For all subdivisions in the flood plain, the Floodway and Flood Fringe 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.
- SEC. 4** Removal of Special Flood Hazard Area Description: 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.

**ARTICLE X ADMINISTRATION**

- SEC. 1** Permit Required. A County Land Use Permit must be obtained from the St. Louis County Planning Director prior to the construction, addition, or alteration of any building or structure, or as otherwise required by the County Zoning Ordinance; and prior to excavation or the placement of an obstruction within the flood plain.
- SEC. 2** State and Federal Permits. Prior to granting a permit or processing an application for a variance in the flood plain, the St. Louis County Planning Director shall determine that the applicant has obtained all necessary state and federal permits.
- SEC. 3** Certification of Lowest Flood Elevations. 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 ordinance. The St. Louis County Planning Director shall maintain a record of the elevation of the lowest floor (including basement) for all new structures and alterations or additions to existing structures in the flood plain district.

## ARTICLE XI VARIANCES AND OTHER APPEALS

### SEC. 1 *General Provisions.*

- A. Applications for variances from the terms of this ordinance, or appeals from any order, requirement, decision or determination made by the Planning Director shall be made to the Board of Adjustment.
- B. Such appeals may be taken by any person aggrieved, or by any officer, department, board of a town, municipality, county or state.
- C. Such appeals shall be taken to the Board of Adjustment within 45 days of receipt of notice from the Planning Director of any order, requirement, decision, or determination made by him/her.
- D. An appeal stays all proceedings in furtherance of the action appealed from unless the Board of Adjustment certifies that by reason of the facts stated in the certificate a stay would cause imminent peril to life or property.

### SEC. 2 *Applications, Hearings, Decisions, and Criteria*

- A. Application for a variance must be done on a form as outlined within the St. Louis County Zoning Ordinance. The Planning Director shall 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 100-year or regional flood level increases risks to life and property. Such notification shall be maintained with a record of all variance actions.
- B. Hearings shall be conducted in the manner prescribed by the St. Louis County Zoning Ordinance.
- C. Decisions shall be made in the manner prescribed by the St. Louis County Zoning Ordinance.

- D. The Board of Adjustment may authorize a variance from the terms of this ordinance which will not be contrary to public interest, where owing to special conditions a practical difficulty or particular hardship would be created by carrying out the strict letter of the ordinance, and when the terms of the variance are consistent with the spirit and intent of this ordinance and with the county's land use or comprehensive plan, if any.
- E. "Hardship" as used in connection with the granting of a variance means that the property in question cannot be put to a reasonable use under the conditions allowed by this ordinance; the plight of the landowner is due to circumstances unique to his property not created by the landowner; and the variance, if granted, will not alter the essential character of the locality. Economic considerations alone shall not constitute a hardship if a reasonable use of the property exists under the terms of this ordinance. No variance may be granted that would allow any use that is prohibited in the zoning district in which the subject property is located. No variance shall permit a lower degree of flood protection than the Regulatory Flood Protection Elevation. Variances may be used to modify permissible methods of flood protection.
- F. When in the opinion of the Board of Adjustment a variance may result in a material adverse effect on the environment, the appellant may be required by the Board of Adjustment to demonstrate the nature and extent of the effect.
- G. It shall be the burden of the applicant to demonstrate sufficient hardship to sustain the need for a variance. Absent a showing of hardship as provided in Minnesota Statutes and this ordinance, the Board of Adjustment shall not approve any variance.
- H. The Board of Adjustment may impose conditions in the granting of variances to insure compliance and too protect adjacent properties and the public interest.
- I. The Planning Director 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.
- J. The Board shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variance sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing. A copy of all decisions granting a variance shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action.



## ARTICLE XII NONCONFORMITIES

Any structure or use which was lawful before the adoption of this ordinance but which is not in conformity with the provisions of this ordinance may be continued subject to the provisions within the County Zoning Ordinance, and provided it will not result in increasing the flood damage potential of that use or structure.

If any nonconforming use or structure is destroyed by any means, including floods, to an extent of 50% or more of its market value at the time of destruction, it shall not be reconstructed or reestablished except in conformity with the provisions of this ordinance and the County Zoning Ordinance. The Planning Director may issue a land use permit for reconstruction if the use is located outside the floodway and, upon reconstruction, is adequately elevated on fill, or is utilizing structural wet or dry floodproofing techniques, in conformity with the provisions of this ordinance, and the provisions of the County Zoning Ordinance.

Any 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 wet or dry flood proofing techniques allowable in this ordinance except as further restricted below.

If the cost of any structural alteration or addition equals or exceeds 50 percent of the current market value of the structure, then the alteration or addition must meet the standards of this ordinance for new structures depending upon whether the structure is in the floodway or flood fringe, respectively.

## ARTICLE XIII ENFORCEMENT

- SEC. 1           The Planning Director shall investigate all violations of this ordinance, notify the owners of violations and direct the property owner to correct violations within a reasonable period of time, and, if compliance is not obtained within a reasonable period of time, he shall report such violations to the Attorney, who shall take appropriate and immediate action on the matter.
- A.           Taxpayers within the county may institute mandamus proceedings to comply specific performance by proper officials in reference to administration or enforcement of the Flood Plain Management Ordinance.
  - B.           St. Louis County may enforce all provisions of this ordinance through such proceedings for injunctive relief as may be proper under the laws of Minnesota. The County Board, or any member thereof, upon notification from the Planning Director, may initiate action to prevent, restrain, correct or abate violations or threatened violations. The County Board may at a later date vote to discontinue proceeding.

SEC. 2 Any person, firm or corporation, or agent, employees or contractors of such, who violate, disobey, omit, neglect, refuse to comply with, or who resist enforcement of any of the provisions of this ordinance shall, upon conviction, be guilty of a misdemeanor. Each day that a violation continues to exist shall constitute a separate offense. All fines for violation shall be paid to the county and shall be credited to the General Revenue Fund.

SEC. 3 In the event that an applicant or his authorized representative violates, neglects or refuses to comply with the conditions, performance standards or dimensional requirements impose upon the proposed or established use or structure as a condition of granting the permit for said use or structure, he shall be notified by the Director in writing by mail or in person of those requirements that have not been complied with (for purposes of computation of time, notification is complete upon mailing), in which:

- A. He shall have no more than thirty days from the date of the notification to satisfy said requirements or be subject to the revocation of said permit; or
- B. He shall have no more than thirty days from the date of the notification to make appeal to the appropriate body.

#### **ARTICLE XIV AMENDMENTS**

All amendments to this ordinance, including revisions to the Official Flood Plain Zoning District Map, shall be submitted to and approved by the Commissioners of Natural Resources prior to adoption. The flood plain designation on the Official Flood Plain Zoning District Map shall not be removed unless the area is filled to an elevation at or above the Regulatory Flood Protection Elevation and is contiguous to lands outside the flood plain. The Commissioner of Natural Resources must be given 10 days written notice of all hearings to consider an amendment to this ordinance and said notice shall include a draft of the ordinance amendment or technical study under consideration.

#### **ARTICLE XV VALIDITY AND EXEMPTIONS**

SEC. 1 Should any section or provision of this ordinance be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the ordinance as a whole, or any part thereof other than the part so declared to be unconstitutional or invalid.

SEC. 2 Should this ordinance be declared unconstitutional or invalid in its application to any given property or use, such decision shall not affect the validity or constitutionality of this ordinance as applied to other properties or uses.

**ARTICLE XVI FEES**

- SEC. 1**        The County Board shall establish, by resolution, a schedule of fees applicable to all permit applications, petitions, and appeals. The fee schedule resolution shall be attached to all copies of this ordinance which are distributed to the public. The schedule of fees may be altered or amended by County Board resolution.
- SEC. 2**        No local unit of government (city, town, or special purpose district) shall be required to pay a fee for any permit or appeal.

M:\pc.02\FloodOrdChanges final with county board approved changes.wpd

**ADDENDUM  
EFFECTUATION**

Article IV, Section 4, Definitions - Flood-Proofing; Article XII, Nonconformities - Additions to Nonconforming Structures; and Ordinance administration by Planning Director of the St. Louis County Floodplain Management Ordinance Number 43 amendments shall take effect and be in full force on the 4th day of March, 2002, upon its adoption by the St. Louis County Board of Commissioners, and shall be published in the official newspaper(s) of St. Louis County as provided by Minnesota Statutes.

Public hearings were held by the St. Louis County Planning Commission on October 11, 2001, and November 8, 2001, and by the St. Louis County Board of Commissioners on February 12, 2002.

Recommended by the Planning Commission to the County Board for adoption on the 8th day of November, 2001.

Commissioner Sweeney moved the adoption of this Ordinance, and Commissioner Kron duly seconded the motion, and it was adopted on the following vote:

Yeas: Commissioners Fink, Fay, Kron, Sweeney, Plesha, Raukar, and Chair Forsman - 7

Nays: None

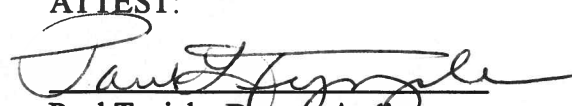
Absent: None

  
Chair, County Board

Certified as a complete and accurate copy of  
Ordinance No. 43 - St. Louis County  
Floodplain Ordinance

  
Gordon McFaul, County Auditor

**ATTEST:**

  
Paul Tynjala, Deputy Auditor  
Clerk of the County Board