

## ORDINANCE NO. 930

### AN ORDINANCE OF THE CITY OF NORTHFIELD, MINNESOTA, AMENDING CHAPTER 34, LAND DEVELOPMENT CODE, ARTICLE 3: DEVELOPMENT STANDARDS, SECTION 3.12, DEVELOPMENT STANDARDS FOR THE FP-O DISTRICT, AND ARTICLE 6: DEFINITIONS, SECTION 6.2, DEFINITIONS

#### THE CITY COUNCIL OF THE CITY OF NORTHFIELD DOES ORDAIN THAT:

Northfield Code Chapter 34, Land Development Regulations, Article 3: Development Standards, Section 3.12, Development Standards for the FP-O District, and Article 6: Definitions, Section 6.2, Definitions is hereby amended as follows (new material is underlined, deletions are struck-out; sections and subsections not being amended are omitted):

#### CHAPTER 34. LAND DEVELOPMENT CODE ARTICLE 3: DEVELOPMENT STANDARDS SECTION 3.12. Development Standards for the FP-O District

##### 3.12.2. General Provisions

- (A) The official zoning map is incorporated herein by reference. The official zoning map shall be on file in the office of the city clerk and the city planner. The materials attached to the official zoning map shall include the following:

- ~~(1) The Flood Insurance Study, City of Northfield, Minnesota, Dakota and Rice Counties and flood insurance rate maps with panel numbers 2704060004 C, 2704060007 C, 2704060008 C, 2704060009 C, and 2704060012 C, all of these documents being prepared by the Federal Emergency Management Agency and dated April 2, 2003 (and as partially amended by the documents adopted in subsections 2) and 3) immediately below);~~
- (1) The Flood Insurance Study, Rice County, Minnesota and Incorporated Areas and the flood insurance rate maps with panel numbers 27131C0154D, 27131C0158D, 27131C0159D, 27131C0160D, 27131C0162D, 27131C0170D, all of these documents being prepared by the Federal Emergency Management Agency and dated April 3, 2012; and
- ~~(2) The Letter of Map Revision (LOMR) for the City of Northfield from the Federal Emergency Management Agency with an effective date of February 22, 2006, including all revised flood insurance rate map panels, flood profiles, tables, and floodway data tables therein;~~
- ~~(3)(2) The Flood Insurance Study, Dakota County, Minnesota and Incorporated Areas and the flood insurance rate maps with panel numbers 27037C0480E, 27037C0481E, and 27037C0482E, all of these documents being prepared by the Federal Emergency Management Agency and dated ~~June~~ December 2, 2011; and.~~
- (3) Flood insurance rate maps for the County of Rice, Minnesota (unincorporated areas) with panel numbers 270646 0100 B and 270646 0150 B, both documents being prepared by the Federal Emergency Management Agency and dated February 4, 1981, and will be applicable to areas annexed into the City of

~~Northfield and not included on the materials adopted in subsections 1) — 3) immediately above.~~

### 3.12.3. Interpretation

- (B) The boundaries of the subdistricts shall be determined by scaling distances on the official zoning map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the official zoning map, as for example, where there appears to be a conflict between a mapped boundary and actual field conditions, and there is a formal appeal of the decision of the city planner, the zoning board of appeals shall make the necessary interpretation. All decisions will be based on elevations on the regional (100-year) flood profile, the ground elevations that existed on the site at the time the city adopted its initial flood-plain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year floodplain if earlier, and other available technical data. Persons contesting the location of the subdistrict boundaries shall be given a reasonable opportunity to present their case to the zoning board of appeals and to submit technical evidence.

### 3.12.5. Development Standards for the Flood Fringe Subdistrict (FF)

**(B) Standards for flood fringe permitted uses shall be as follows:**

- (1) All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regional flood regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure erected thereon.
- (C) **Conditional Uses.** Any structure that is not elevated on fill or flood proofed in accordance with Section 3.12.5(B)(1) and Section 3.12.5(B)(2) or any use of land that does not comply with the standards in Section 3.12.5(B)(3) shall only be allowable as a conditional use, including those uses that are permitted as of right in the underlying base zoning district. An application for a conditional use shall be subject to the standards and criteria and evaluation procedures specified in paragraph (D) and (E) below, Section 3.12.10(D) and Section 5.5.9, Conditional Use Permit.

### 3.12.8. Public Utilities, Railroads, Roads, and Bridges

- (C) On-site Sewage Treatment and Water Supply Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section.

### 3.12.10 Administration

- (C) Zoning Board of Appeals.**

(1) Variances should be reviewed according to the provisions of Section 5.5.16, Variance. No variance shall permit a lower degree of flood protection than the regulatory flood protection elevation for the particular area, or permit standards lower than those required by state law. The Board of Adjustment shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten days' notice of the hearing. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action. The following additional variance criteria of the FEMA must be satisfied:

(D) **Conditional Uses.** The city council shall hear and decide applications for conditional uses permissible under this section. Applications shall be submitted to the city planner who shall forward the application to the planning commission for a public hearing pursuant to the conditional use permit review procedure established in Section 5.5.9, Conditional Use Permit. The Board of Adjustment shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed conditional use sufficiently in advance so that the Commissioner will receive at least ten days' notice of the hearing.

## ARTICLE 6: DEFINITIONS

### Section 6.2, Definitions

**Basement.** A portion of a building located partly underground but having half or more of its floor-to-ceiling height below the average grade of the adjoining ground. Also, within the FP-O District 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.

**Flood Fringe.** That portion of the flood plain outside of the floodway. Flood fringe is synonymous with the term "floodway fringe" used in the Flood Insurance ~~Study for Northfield~~ Studies as adopted in this code.

**Manufactured Home.** A dwelling unit within the FP-O District generally defined as 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." For areas outside the FP-O District ~~Manufactured home~~ Home shall be as specifically defined in Minn. Stat. § 327.31, subd. 6.

**Regulatory flood protection elevation** means:

- Along the Cannon River, upstream (southward) from the "Malt-O'Meal" dam (located between cross sections "LH" and "MI" on panel number ~~2704060008C~~27131C0158D), to the city of Dundas border, 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.
- Along the Cannon River, downstream (northward) from the "Malt-O-Meal" dam (located between cross sections "LH" and "MI" on panel number 27131C0158D~~270406000C~~) to the Dakota County border, an elevation no lower than two feet above the elevation of the regional flood plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.
- For areas in Northfield other than those described in (a) and (b), above, 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.

**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 ~~75~~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 ~~75~~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:

- 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 city planner and code enforcement official and which are the minimum necessary to assure safe living conditions.
- Any alteration of an "historic structure," provided that the alteration will not preclude the structure's continued designation as an "historic structure." For the purpose of this division, "historic structure" shall be as defined in Code of Federal Regulations, Part 59.1.

Passed by the City Council of the City of Northfield this 14<sup>th</sup> day of February 2012.

ATTEST:

Deb Little

Mary Rossing

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City Clerk

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Mayor

First Reading: 02/06/2012

Second Reading: 02/21/2012

Published: 02/25/2012

VOTE:      Y ROSSING   Y BUCKHEIT   Y GANEY   Y NAKASIAN  
                 Y POWNELL        Y IMM            Y ZWEIFEL