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GOODHUE COUNTY FLOODPLAIN ORDINANCE

ADOPTED BY
GOODHUE COUNTY BOARD OF COMMISSIONERS
, 1978

ONE COPY HAS BEEN RECORDED WITH
THE GOODHUE COUNTY RECORDER

COPIES OF THIS ORDINANCE ARE AVAILABLE
IN THE GOODHUE COUNTY ZONING
ADMINISTRATOR'S OFFICE

GOODHUE COUNTY COURT HOUSE,
RED WING, MN

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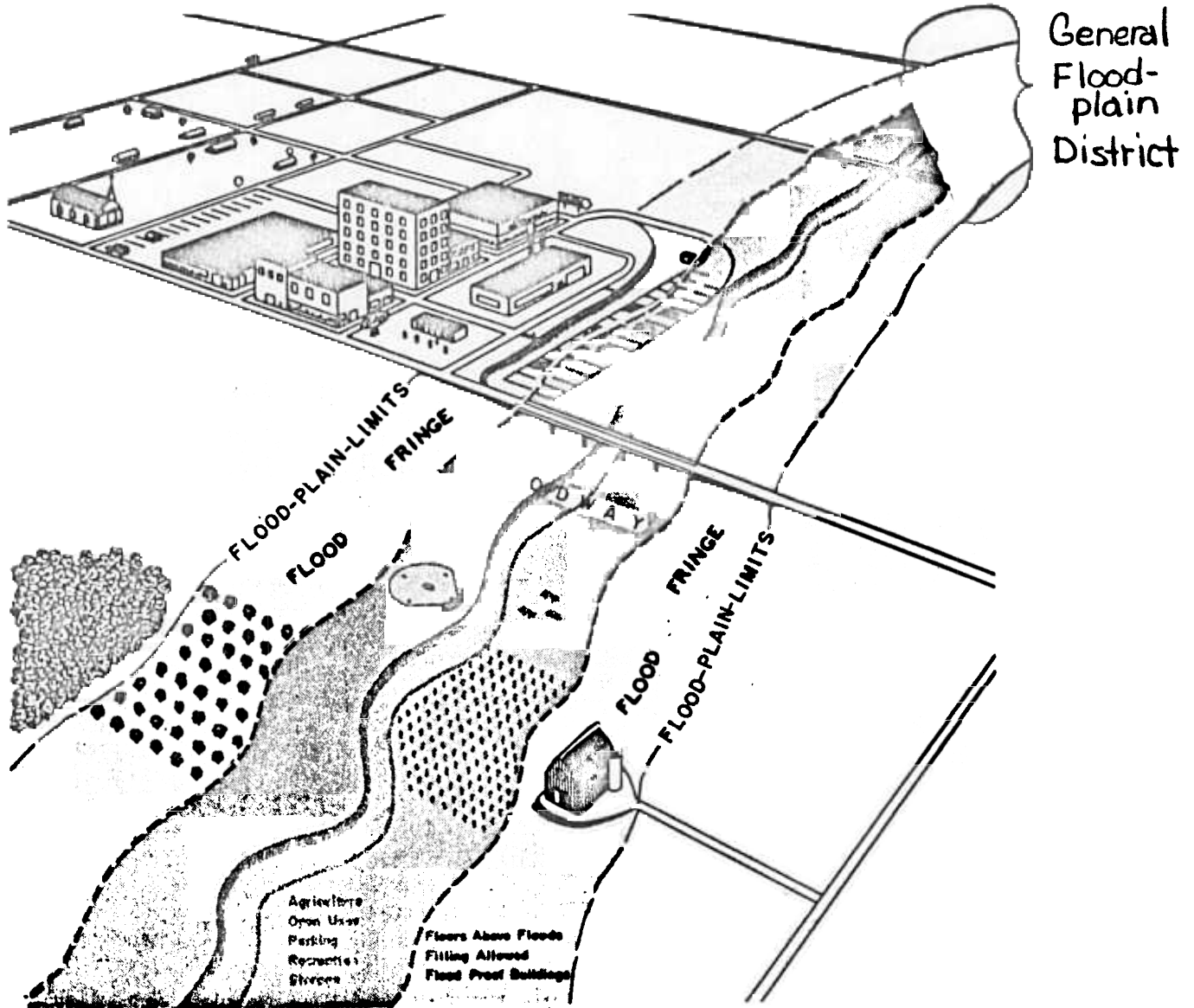
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Illustrations of the Following Terms

Used in this Ordinance

"FLOOD PLAIN" "FLOOD FRINGE" "FLOODWAY"

"FLOOD PROTECTION LEVEL"



County of Goodhue, Minnesota

FLOODPLAIN ORDINANCE

An ordinance for the purpose of promoting the health, safety, and general welfare by regulating the use of land, the locations and the use of buildings, and other structures to reduce future periodic flooding, which may cause loss of life, property, disruption of commerce and governmental services, and extraordinary public expenditures for flood protection and relief.

The County Board of Commissioners of the County of Goodhue does hereby ordain:

SECTION 1

Title

- 1.1 Short title. This Ordinance shall be known, cited, and referred to as the County of Goodhue's Floodplain Ordinance; except as herein referred to, where it shall be known as, "This Ordinance".

SECTION 2

Intent and Purpose

- 2.1 Purpose. This Ordinance is adopted for the purposes of:
- (1) Protecting the public health, safety, morals, comfort, convenience, and general welfare.
 - (2) Protecting and guiding development along streams and rivers within the community.
 - (3) Reducing public flood control costs.
 - (4) Reducing public flood relief costs.
 - (5) Reducing costly flood damage to the tax base.
 - (6) Protecting the natural resources and water quality within the community.

SECTION 3

Definitions

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

Accessory Use or Structure - a use or structure which is clearly incidental to, customarily found in connection with, and (except in the case of accessory off-street parking spaces or loading) located on the same buildable lot as, the principal use to which it is related.

Certificate of Occupancy - A statement signed by the building inspector or enforcement officer, setting forth that either a structure, land, or both may lawfully be employed for specific uses. Such structure(s) and use shall conform to the provisions of this Ordinance. Such structure or land shall not be occupied or used until said certificate of occupancy is granted.

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

Regulatory Flood Protection Elevation - An elevation no lower than one foot above the elevation of the regional flood plus any increases in flood elevation caused by encroachment on the floodplain.

Structure - Anything constructed or erected, the use of which requires location on the ground or attachment to something having location on the ground, including, but not limited to buildings, factories, sheds, cabins, mobile homes, and other similar items. Structure is not meant to include fences and utility facilities, except as specified under J. Exemptions of Section V General Requirements of the Goodhue County Zoning Ordinance.

Variance - Shall mean and shall be defined as stated in M.S.A. 394.22, subdivision 10, and as that term is used in Article VI, Section F of the Zoning Ordinance of the County of Goodhue and M.S.A. 394.27, subdivision 7.

Flood - A temporary rise in stream flow or stage that results in inundation of the areas adjacent to the channel.

Flood Frequency - The average frequency, statistically determined, for which it is expected that a specific flood state or discharge may be equalled or exceeded.

Flood Fringe - That portion of the floodplain outside of the floodway. Flood fringe is synonymous with the term floodway fringe used in the Flood Insurance Study.

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

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

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

Obstruction - Any dam, wall, wharf, embankment, levee, dike, pile, abutment, projection, excavation, channel rectification, culvert, building, wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or projecting into any channel, watercourse, or regulated floodplain area 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, or that is placed where the flow of water might carry the same downstream to the damage of life or property.

Reach - A hydraulic engineering term to describe a longitudinal segment of a stream or river influenced by a natural or manmade obstruction. In an urban area, the segment of a stream or river between two consecutive bridge crossings would most typically constitute a reach.

SECTION 4
General Provisions

Lands to Which Ordinance Applies. This Ordinance shall apply to all lands within the jurisdiction of the County of Goodhue shown on the Official Floodplain Overlay Map as being located within the boundaries of the Floodway, Flood Fringe, or General Floodplain areas.

Establishment of Official Floodplain Zoning Map. The Official Floodplain ~~Overlay~~ Map together with all explanatory materials thereon, and attached thereto are hereby established and declared to be a part of this Ordinance. The explanatory material shall include the Flood Insurance Study for the County of Goodhue, prepared by the Federal Insurance Administration dated July 7, 1977, and the Flood Boundary and Floodway Maps and Flood Insurance Rate Maps therein. The Official Floodplain Overlay Map shall be on file in the Office of the Goodhue County Auditor and the County of Goodhue's zoning administration. *whenever the term "official Flood Plain Map" is used in this Ordinance it shall be deemed to refer to these maps included in the above referenced Flood Insurance study.*

Boundary Uncertainty. The boundaries of the Floodplain Overlay Map and districts within the map shall be determined by scaling distances on the Official Overlay Map. Where a conflict between a mapped boundary and actual field conditions exists, the County of Goodhue's Board of Adjustment shall make the necessary interpretation based on elevations on the regional (100 year) flood profile. The person contesting the location of the boundary shall be given a reasonable opportunity to present his case to the Board and to submit technical evidence if he so desires.

Burden of Proof. The burden of proof to establish a use or vary a requirement in this Ordinance shall be the applicants.

Establishment of Regulatory Flood Protection Elevation. The regulatory flood protection elevation within the Floodway and Flood Fringe Districts shall be established by adding one foot to the Base Flood Water Surface Elevations with Floodway listed in the Floodway Data Table contained in the Flood Insurance Study.

The regulatory flood protection elevation within the general Floodplain District shall be as calculated by the D.N.R., based upon data submitted by a qualified registered professional engineer in accordance with the procedures of this Ordinance.

Applicability of More Restrictive Regulations. The provisions of this Ordinance shall be the minimum requirements and shall not be construed as a limitation or repeal of any other more restrictive regulations or powers adopted by the community. In case of two conflicting regulations in this Ordinance and another community regulation, the most restrictive shall prevail.

Compliance. No structure or land shall hereafter be used and no structure shall be located, extended, converted, or structurally altered without full compliance with the terms of this Ordinance and other applicable regulations.

Warning and Disclaimer of Liability. This Ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the County of Goodhue or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder.

SECTION 5
Establishment of Floodplain Districts

The floodplain areas within the jurisdiction of this Ordinance are hereby divided into three Districts: Floodway (F-1), Flood Fringe District (F-2), and General Floodplain District (F-3).

Floodway District. The Floodway District shall include those areas designated as floodway in the Flood Insurance Study.

Flood Fringe District. The Flood Fringe District shall include those areas designated as floodway fringe in the Flood Insurance Study.

General Floodplain District. The General Floodplain District shall include those areas designated as unnumbered A Zones by the Flood Insurance Rate Map.

The boundaries of these districts shall be shown on the Official Floodplain Overlay Map. Within these districts all uses not allowed as Permitted Uses or permitted as Conditional Uses, shall be prohibited.

SECTION 6
Floodway District (F-1)

Permitted Uses. The following uses have a low flood damage potential and do not obstruct flood flows. These uses shall be permitted within the Floodway District to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill or storage of materials or equipment. In addition, no use shall adversely affect the capacity of the channels or floodways or any tributary to the main stream or of any drainage ditch, or any other drainage facility or system.

- 6.11 Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting.
- 6.12 Industrial-Commercial uses such as loading areas, parking areas, and airport landing strips.
- 6.13 Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and hiking and horseback riding trails.
- 6.14 Residential uses such as lawns, gardens, parking areas, and play areas.

Conditional Uses. The following open space uses require accessory structures (temporary or permanent), or fill or storage of materials or equipment. These uses may be permitted in the Floodway District only after the issuance of a Conditional Use Permit as provided in Section 9 of this Ordinance. These uses are also subject to the provisions of Section 6.3, which applies to all floodway Conditional Uses.

- 6.21 Structures accessory to open space.
- 6.22 Placement of fill.
- 6.23 Extraction of sand, gravel, and other materials.
- 6.24 Marinas, boat rentals, docks, piers, wharves, and water control structures.
- 6.25 Railroads, streets, and bridges.

- 6.26 Storage yards for equipment, machinery, or materials.
 6.27 Other uses similar in nature to uses described in Sections 6.1 and 6.2 which are consistent with the provisions set out in Sections 2 and 6 of this Ordinance.

Standards for Floodway Conditional Uses.

- 6.31 All uses. No structure (temporary or permanent), fill (including fill for roads and levees), deposit, obstruction, storage of materials, or equipment, or other uses may be allowed as Conditional Uses which, acting alone or in combination with existing or reasonably anticipated future uses, adversely affects the capacity of the floodway or increases flood heights. In addition, all Floodway Conditional Uses shall be subject to the standards contained in Section 9 and the following standards (Sections 6.32 - 6.35).
- 6.32 Fill
- (1) Any fill deposited in the Floodway shall be no more than the minimal amount necessary to conduct a Conditional Use listed in Section 6.2. Generally fill shall be limited to that needed to grade or landscape for that use and shall not in any way further obstruct the flow of flood waters.
 - (2) Spoil from dredging or sand and gravel operations shall not be deposited in the Floodway unless it can be done in accordance with (1) of this Section.
 - (3) Fill shall be protected from erosion by vegetative cover, or rip-rap.
- 6.33 Accessory structures (temporary or permanent) permitted as Conditional Uses by Section 6.21.
- (1) Accessory structures shall not be designed for human habitation.
 - (2) Accessory structures shall have a low flood damage potential.
 - (3) Accessory structures, if permitted, shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of flood waters.
 - (4) Accessory structures shall be floodproofed in accordance with the State Building Code.
- 6.34 Storage of Materials and Equipment.
- (1) The storage or processing of materials that are in time of flooding buoyant, flammable, explosive, or could be injurious to human, animal, or plant life is prohibited.
 - (2) Storage of other materials or equipment may be allowed if readily removable from the area within the time available after flood warning.
- 6.35 Structural Work for Flood Control. Structural works for flood control such as dams, levees, dikes, and floodwalls shall be allowed only upon issuance of a Conditional Use Permit. In addition, any proposed work in the beds of public waters which will change the course, current, or cross-section of the waters shall be subject to the provisions of Minnesota Statutes 1976, c. 105, and other applicable statutes.

SECTION 7

Flood Fringe District (F-2)

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

- 7.11 Any use permitted in Section 6.1.
 7.12 Accessory structures provided they comply with the provision of Section 6.1 of this Ordinance.

- 7.13 Residence and other structures constructed on fill so that the basement floor or first floor, if there is no basement, is at or above the regulatory flood protection elevation. The finished fill elevation shall be no lower than one (1) foot below the regulatory flood protection elevation and shall extend at such elevation at least fifteen (15) feet beyond the limits of any structure or building erected thereon. Fill shall be compacted and the slopes shall be protected by rip rap or vegetative covering.

No use shall be permitted which will adversely affect the capacity of channels or floodways of any tributary to the main stream, or of any drainage ditch, or any other drainage facility or system.

Conditional Uses. Other uses are permitted only upon application to the Zoning Administrator and the issuance of a Conditional Use Permit as provided in Section 9 of this Ordinance and subject to the following provisions:

- 7.21 Residences. Where existing streets, utilities, and small lot sizes preclude the use of fill, other methods of elevating the first floor (including basements) above the regulatory flood protection elevation may be authorized provided that the residence is floodproofed in accordance with the State Building Code.
- 7.22 Residential Basements. Residential basements are not permitted.
- 7.23 Other Structures. Commercial, manufacturing, and industrial structures shall ordinarily be elevated on fill so that their first floor (including basement) is above the regulatory flood protection elevation but may in special circumstances be floodproofed in accordance with the State Building Code. Structures that are not elevated to above the regulatory flood protection elevation shall be floodproofed to FP-1 or FP-2 classification as defined by the State Building Code. Structures floodproofed to FP-3 or FP-4 classification shall not be permitted.
- 7.24 Railroads, streets and bridges.

7.3 Standards for Flood Fringe Uses.

- 7.31 Residential Uses. Residences that do not have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation 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 residence.
- 7.32 Commercial Uses. Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, a permit for such facilities to be used by the general public shall not be granted, in the absence of a flood warning system that provides adequate time for evacuation if the area is inundated to a depth greater than two feet or subject to flood velocities greater than four feet per second upon the occurrence of the regional flood.
- 7.33 Manufacturing and Industrial Uses. Measures shall be taken to minimize interference with normal plant operations especially for streams having protracted flood durations. In considering permit applications, due consideration shall be given to needs of an industry whose business requires that it be located in floodplain areas.

SECTION 8

General Floodplain District (F-3)

Permitted Uses. Permitted uses shall include those uses permitted by Section 6.1 of this Ordinance.

Conditional Uses. All other uses are Conditional Uses and are permitted only

upon the issuance of a Conditional Use Permit as provided in Section 9. The General Floodplain District includes both Floodway and Flood Fringe areas. Based on procedures in Section 9.13, the Zoning Administrator shall determine whether the proposed use is in the Floodway or Flood Fringe. If it is determined that the use lies in the Floodway the provisions of Section 6 of this Ordinance shall apply. If it is determined the proposed use lies in the Flood Fringe the provisions of Section 7 of this Ordinance shall apply.

SECTION 9
Permit Process Summary

Permit	Required Actions
Building	ZA
Conditional Use Permit	PC, PH, WR, GBA, FD
Variance	BA, PH, WR, FD
Certificate of Occupancy	BI or ZA
Amendment to Ordinance	PC, PH, CA, GBA

BA = Board of Adjustment shall decide on all variances.

BI = Permit issued by the Building Inspector in accordance with this Ordinance and all other applicable ordinances.

CA = Commissioner of Natural Resources Approval required.

FD = Zoning Administrator forwards any decisions to the Department of Natural Resources within 10 days after taking final action.

GBA = Governing Body makes final decision.

PC = Proposal presented to Planning Commission.

PH = A public hearing shall be held by the designated body. Fifteen days notice of the hearing shall be given to the Department of Natural Resources and other agencies on all variances, amendments and conditional uses.

WR = The Minnesota D.N.R. shall submit a written review after receiving notice of public hearing and before the governing body gives its final approval.

ZA = Permit issued by the Zoning Administrator in accordance with this Ordinance and all other local ordinances.

Permits, Amendments, Appeals and Variances

9.1 Conditional Use Permits

9.11 The standards, criteria, and procedures designated in Article VI, Section D(3) of the Zoning Ordinance of Goodhue County applicable to Conditional Use Permit applications generally, shall apply to any Conditional Use Permit applications for proposed uses within the F-1, F-2, or F-3 Districts. In addition, the County Board shall make written findings of fact that the following conditions have been complied with:

- (1) The use or development conforms to the comprehensive land use plan of the community;

- (2) The proposed use or development does not pose an unreasonable danger to life and property due to increased flood heights or velocities caused by encroachments created by it;
- (3) The proposed use or development does not pose an unreasonable danger that materials may be swept onto other lands or downstream to the injury of others;
- (4) The proposed water supply sanitation systems are adequate to prevent disease, contamination, and unsanitary conditions;
- (5) The proposed construction or placement of the facility or use does not subject it or its contents to an unreasonable risk of significant flood damage;
- (6) Reasonable alternative locations which are not subject to flooding are unavailable;
- (7) The proposed use or development is compatible with existing neighboring development and development anticipated in the foreseeable future;
- (8) The proposed use or development is consistent with the Floodplain Management Program for the area;
- (9) Safe and adequate access to the property for ordinary and emergency vehicles is available in times of flood;
- (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters anticipatable at the site of the proposed use or development does not pose an unreasonable risk of danger to life and property therein or thereon.

The reasonableness of any condition outlined above shall be determined with reference to the necessity of a waterfront location for the proposed use or development, and with reference to the importance to the community of the services provided by the proposed use or development.

9.12 The Zoning Administrator shall maintain a record of all applications for and all Conditional Use Permits issued including information of the use, location, conditions imposed by the governing body, time limits, review dates, and such other information as may be appropriate.

9.13 Application. Application for Conditional Use Permit shall be filed with the Zoning Administrator. The application shall be accompanied by development plans for the proposed use showing such information as may be reasonably required by the Administrator, including but not limited to those things listed below. Such plans shall contain sufficient information as listed below for the governing body to determine whether the proposed development will meet all applicable development standards and whether said project is subject to a mandatory or an optional environmental assessment statement as stipulated in the Minnesota Environmental Quality Board regulations.

- (1) Site plan in duplicate drawn to scale showing parcel and building elevations, the legal description of the property in question, and the location and cross sections of the channel as prepared and calculated by a qualified professional engineer or surveyor.
- (2) Location of all buildings and their size, including square footage.
- (3) Curb cuts, driveways, access roads, parking spaces, off-street loading areas, and sidewalks.
- (4) Fill or storage of materials.
- (5) Finished grading and drainage plan sufficient to drain and dispose of all surface water accumulated within the area.
- (6) Type of business or activity and proposed number of employees.
- (7) Proposed floor plan and elevations of any building with use indicated.

- (8) Sanitary sewer and water plan with estimated daily flow rates, including source and/or proposed placements.
- (9) Soil type and soil limitations for the intended use. If severe soil limitations for the intended use are noted, a plan or statement indicating the soil conservation practice or practices to be used to overcome said limitation shall be made part of the application.
- (10) A location map showing the general location of the proposed use within the community.
- (11) For properties lying within the F-3 Districts, profiles showing slope of bottom of channel for at least 500 feet in either direction from the proposed development and such additional slope information as required by the Minnesota Department of Natural Resources or the Zoning Administrator.

The application form shall be accompanied by an accurate list showing the names and the mailing addresses of the record owners of all the property within a minimum of five hundred (500) feet of the affected property in incorporated areas and one-half mile in unincorporated areas, verified as to accuracy by the applicant.

For properties lying within the F-3 District, an application for a Conditional Use Permit shall not be considered completed and no public hearing date shall be established until the regulatory flood protection elevation and the designation of whether the property lies within the Floodway or Flood Fringe has been established by the Minnesota Department of Natural Resources.

- 9.14 Upon receiving a completed application for a Conditional Use Permit, the Zoning Administrator shall submit to the Minnesota Department of Natural Resources (Rochester Office) a copy of the application and notice of public hearing at least 15 days prior to the scheduled public hearing. The Zoning Administrator shall request a D.N.R. review of the proposal. If no review is received by the Zoning Administrator before the public hearing, the Planning Commission shall assume the Department of Natural Resources unconditionally approves of the proposed use if the provisions of this Ordinance are complied with.
- 9.15 Hearing. The Zoning Administrator shall refer the application to the Planning Commission for consideration at its next regular meeting, provided, however, if the next regular meeting of the Planning Commission is within seven (7) days of the date of filing, then such consideration may be at the second regular meeting after said filing. At that meeting, the Planning Commission shall set a date for a public hearing on said application.
- 9.16 Planning Commission Report. The Zoning Administrator shall mail to the applicant a copy of the Planning Commission's report and a notice of the time and place of the meeting at which the report will be considered by the governing body. If the Planning Commission fails to file a report with the governing body within the time provided, the application shall be referred to the governing body as herein provided, without report, after the time for filing the report has expired.
- 9.17 Forwarding Decision. A copy of all decisions granting Conditional Use Permits shall be forwarded to the Department of Natural Resources by the Zoning Administrator within ten (10) days of such action.
- 9.18 Reapplication. No application for a Conditional Use Permit shall be resubmitted for a period of six (6) months from the date of the denial of a previous application.
- 9.19 Periodic Review. If a periodic review is imposed as a condition of the granting of a Conditional Use Permit, the Conditional Use Permit shall be reviewed by the Planning Commission at a public hearing at least

thirty (30) days prior to the expiration date of the permit, with notice of the review. It shall be the responsibility of the Zoning Administrator to schedule such public hearing and notify the permit holder, by certified mail, at least ten (10) days prior to the hearing.

- 9.191 Compliance with Permit; Violation of Conditions. Any use permitted under the terms of a Conditional Use Permit shall be established and conducted in accordance with all of the terms, conditions, and restrictions of such permit. The violation of any term, condition, or restriction of a Conditional Use Permit shall be a violation of this Ordinance, and any subsequent use in violation thereof shall be deemed a continuing violation of this Ordinance, and each day of such violation may be considered an additional violation.
- 9.192 In the event of the violation of any term, condition, or restriction of a Conditional Use Permit, the City may institute an appropriate action or proceeding in District Court for such equitable relief as may be appropriate including cancellation of the permit or appropriate orders preventing, restraining, correcting, or abating such violations or threatened violations.

Certification of Occupancy. A certificate of occupancy shall be required for all uses and structures, or both, or part thereof hereafter created, erected, changed, converted, or wholly or partly altered or enlarged. No use or occupancy of such structure or use shall occur after completion of construction until such time as the Building Inspector or Zoning Administrator has inspected said use or structure to determine compliance with this Ordinance and issued a certificate of compliance.

Where a nonconforming use or structure is extended or substantially altered, the certificate of occupancy shall specifically state the manner in which the nonconforming structure or use differs from the provisions of this Ordinance. The Zoning Administrator shall maintain a record of the elevation of the first floor (including basement) of all new structures or additions to existing structures in the floodplain districts and maintain a record of the elevations to which structures or additions to structures are floodproofed.

State and Federal Permits. Prior to granting any building permit or processing an application for conditional use permit or variance, the Zoning Administrator shall determine that the applicant has obtained all necessary State and Federal permits.

Amendment Process. Amendments to this Ordinance shall follow the existing County of Goodhue process for notification, publication, hearing, and legislative approval as specified in the existing Zoning Ordinance of the County of Goodhue.

- 9.41 The floodplain designation on the Official Floodplain Overlay Map shall not be removed from floodplain areas unless it can be shown that the designation is in error or that the area has been legally filled to, at, or above the elevation of the regional flood and is contiguous to lands outside the floodplain. Such an amendment must be approved by the Commissioner of Natural Resources, prior to final approval by the governing body.
- 9.42 Notification and Hearing. In addition to the specified hearing procedure in the existing community zoning ordinance, the Commissioner of Natural Resources shall be officially notified of any amendment hearing and proposed project at least 15 days in advance of said hearing.
- 9.43 All amendments to this Ordinance including amendments to the Official Floodplain Overlay Map must be submitted to and approved by the Commissioner of Natural Resources prior to adoption. Changes in the Official Floodplain Overlay Map also require prior approval by the Federal Insurance Administration.

- 9.5 Appeals and Variances. Unless otherwise provided herein, and to the extent consistent with the procedures outlined below, the procedures specified in Article VI, Section F(6) and (7) of the Goodhue County Zoning Ordinance as applying generally to procedures for appeals and variances shall apply to all appeals and variances pertaining to areas lying within the F-1, F-2 and F-3 Districts.
- 9.51 Variances. In all cases, the application should include all information as specified in Section 9.13 of this Ordinance.
- 9.52 Hearing Procedure. The Zoning Administrator, shall, upon the filing of a Notice of Appeal or an application for a variance refer the matter to the Board of Adjustment and establish a time for the hearing thereof by said Board no less than fifteen (15) days after the filing of the said notice or application and the public hearing shall be held no more than forty-five (45) days after the filing thereof. The Zoning Administrator shall notify the appellant or applicant, the Chairman of the Planning Commission, the Building Inspector and in the case of an appeal, the officer from whom the appeal is taken, of the time and place of the hearing.
- 9.53 Reference and Hearing. Action by the Board of Adjustment shall be only after a public hearing, notice of the time and place and purpose of which shall be published in the official newspaper of the County at least ten (10) days prior to the date of the hearing. Written notice of said meeting shall be sent to owners of property wholly or partly within 500 feet of the affected property in the case of incorporated areas and one-half mile in unincorporated areas. Written notice of said meeting also shall be sent to the Department of Natural Resources (Rochester Office). For the purpose of giving mailed notice, the person responsible for mailing the notice may use any appropriate records to determine the names and addresses of owners. A copy of the notice and a list of the owners and addresses to which the notice was sent shall be attested to by the responsible person and shall be made a part of the records of the proceedings. The failure to give mailed notice to individual property owners, or defects in the notice shall not invalidate the proceedings, provided a bona-fide attempt to comply with this subsection has been made. All hearings conducted by the Board shall be open to the public.
- 9.54 Forwarding Decision. A copy of all decisions by the Board of Adjustment shall be forwarded to the Department of Natural Resources (Rochester Office) within ten (10) days of such action.
- 9.6 Reconsideration. If an application for zoning change is denied by the governing body, another application for the same zoning change shall not be filed within period of one (1) year from the date of denial, except upon the initiative of governing body or upon the recommendation of the Planning Commission after a showing of a change of circumstances which would warrant reconsideration.

SECTION 10
Administration

Unless otherwise provided herein, the provisions of Article VI of the Zoning Ordinance of the County of Goodhue shall apply.

SECTION 11
Subdivisions

No land shall be subdivided which is held unsuitable by the Goodhue County Board for reason of flooding, inadequate drainage, or inadequate water supply or sewage treatment facilities. All lots within the floodplain districts shall contain a building site at or above the regulatory flood protection elevation. All subdivisions shall have water and sewage disposal facilities that comply with the provisions of this Ordinance and have road access no lower than two feet below the regulatory flood protection elevation. In the General Floodplain District applicants shall provide the information required in Section 9 and the subdivision shall be evaluated in accordance with procedures therein and the Goodhue County Subdivision Controls Ordinance.

SECTION 12
Mobile Homes and Mobile Home Parks

New mobile home parks and expansions to existing mobile home parks shall be subject to the provisions placed on subdivisions by Section 11.

- 12.2 Mobile homes in existing mobile home parks that are located in floodplain districts may be replaced only if in compliance with the following conditions:
- (1) The mobile home lies in the Flood Fringe District.
 - (2) The mobile home park owner develops a flood emergency plan consistent with the time available after a flood warning or the mobile home is anchored with tie downs.
 - (3) The mobile home owner or renter is notified that the mobile home site lies in the floodplain and may be subject to flooding.

Individual mobile homes not located in mobile home parks may be permitted if allowed by other applicable ordinances.

BOARD OF COUNTY COMMISSIONERS GOODHUE COUNTY, MINNESOTA

Date 7/10/78

Resolution No. _____

Motion by Commissioner Dahling Seconded by Commissioner Vogel

It was moved by Commissioner Dahling, seconded by Commissioner Vogel and carried that the following amendments to the Goodhue County Flood Plain Ordinance be approved effective upon date of publication:

SECTION 13

13.1 Anchoring

All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.

13.2 Construction Materials and Methods

All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

SECTION 14

14.1 Utilities

All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters; and
On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

	YES
Betcher	X
Vogel	X
Dahling	X
Prigge	X
Davidson	X

	NO
Betcher	
Vogel	
Dahling	
Prigge	
Davidson	