

**ROSEVILLE**  
**REQUEST FOR COUNCIL ACTION**

DATE: 5/17/2010  
ITEM NO: 9.a

Department Approval



City Manager Approval



Item Description: Requirement of the Federal Emergency Management Agency (FEMA) to adopt a floodplain ordinance in order to continue eligibility in the National Flood Insurance Program (**PROJ00-22**).

**1.0 BACKGROUND**

FEMA has required all cities to adopt floodplain regulations. In the case of Roseville, this would require the creation of a floodplain ordinance consistent with the model ordinance provided by the Minnesota Department of Natural Resources (DNR), and customized to fit our needs.

In the past, the City could opt out of the federal flood program if it did not have any floodplain, which is what Roseville has been doing since 1981. However, FEMA (after the Katrina catastrophe) has spent considerable time creating new regulations and floodplain designation throughout the United States and now since there are flood designations in Roseville, we are required to approve an ordinance in order to be eligible for the National Flood Insurance Program.

**2.0 REVIEW OF PROPOSED ORDINANCE**

The proposed ordinance follows closely with the model ordinance created for Roseville by the DNR, but has been modified to remove unnecessary requirements and to include Roseville's specific processes for variances and conditional use. This proposed ordinance has eliminated/modified all area that can be changed and supported by the DNR.

**3.0 PROPOSED DRAFT ORDINANCE**

The Planning Division has been working with its representative at the DNR to create a floodplain ordinance that meets their approval. On May 5, 2010, we received a letter from the DRC indicating the ordinance had received its conditional approval.

**4.0 STAFF RECOMMENDATION**

4.1 The Planning Division recommends approving the proposed floodplain ordinance as submitted and forwarding the document to the City Council for approval.

4.2 The Planning Staff will continue to work with the DNR on a conditionally approved version and if slight modifications are necessary, they will be added prior to the City Council meeting.

28 **5.0 PLANNING COMMISSION ACTION**  
29 At their meeting on May 5, 2010, the Roseville Planning Commission held the duly  
30 noticed public hearing. No citizens addressed the Commission and Commissioners asked  
31 only one question; where were the floodplain areas in Roseville. The Planning  
32 Commission voted (6-0) to recommend approval of the proposed draft floodplain  
33 ordinance.

34 **6.0 SUGGESTED ACTION**  
35 **Adopt the Floodplain Ordinance for the City of Roseville** based on the information  
36 contained in Section 1, 2, and 3 of this report.

37 **Approve an Ordinance Summary** adopting a floodplain ordinance for Roseville.

**Prepared by:** City Planner Thomas Paschke

Attachments: A: Draft Ordinance

B: Summary Ordinance

C: Conditional DNR Approval Letter

1  
2 **City of Roseville**  
3 **ORDINANCE NO.**

4  
5 **AN ORDINANCE ADDING**  
6 **TITLE 10 SECTION, CHAPTER 1021**

7  
8 **AN ORDINANCE ESTABLISHING**  
9 **FLOODPLAIN REGULATIONS**  
10 **IN ACCORDANCE WITH THE**  
11 **FEDERAL EMERGENCY MANAGEMENT AGENCY**

12  
13 THE CITY OF ROSEVILLE ORDAINS:

14  
15 SECTION 1: Title 10 Section 1021 is hereby added to the Roseville City  
16 Code:  
17

18 SECTION:

- 19 1021.01: Statutory Authorization, Findings of Fact and Purpose
- 20 1021.02: General Provisions
- 21 1021.03: Establishment of Zoning Districts
- 22 1021.04: Floodway District (FW)
- 23 1021.05: Floodfringe District (FF)
- 24 1021.06: Procedures for Determining 1% Annual Chance Flood Elevations
- 25 (100-YR flood elevations) in Zone A
- 26 1021.07: Subdivisions
- 27 1021.08: Public Utilities, Railroads, and Bridges
- 28 1021.09: Placement of Recreation Vehicles
- 29 1021.10: Administration
- 30 1021.11: Nonconformities
- 31 1021.12 : Penalties for Violation
- 32 1021.13: Amendments

33 **1021.01: STATUTORY AUTHORIZATION, FINDINGS OF FACT**  
34 **AND PURPOSE**

35 **A. Statutory Authorization:** The legislature of the State of Minnesota has, in  
36 Minnesota Statutes Chapter 103F and Chapter 462 delegated the responsibility to  
37 local government units to adopt regulations designed to minimize flood losses.  
38 Therefore, the City Council of the City of Roseville, Minnesota does ordain as  
39 follows:

40 **B. Findings of Fact:**

- 41 1. The flood hazard areas of the City of Roseville, Minnesota, are subject  
42 to periodic inundation which results in potential loss of life, loss of  
43 property, health and safety hazards, disruption of commerce and  
44 governmental services, extraordinary public expenditures or flood  
45 protection and relief, and impairment of the tax base, all of which  
46 adversely affect the public health, safety, and general welfare.
- 47 2. Methods Used to Analyze Flood Hazards. This Ordinance is based  
48 upon a reasonable method of analyzing flood hazards which is  
49 consistent with the standards established by the Minnesota Department  
50 of Natural Resources.
- 51 3. National Flood Insurance Program Compliance. This Ordinance is  
52 adopted to comply with the rules and regulations of the National Flood  
53 Insurance Program codified as 44 Code of Federal Regulations Parts 59  
54 -78, as amended, so as to maintain the community's eligibility in the  
55 National Flood Insurance Program.

56 **C. Statement of Purpose:** It is the purpose of this Ordinance to promote the  
57 public health, safety, and general welfare and to minimize those losses described  
58 in Section B-1 by provisions contained herein.

59 **1021.02: GENERAL PROVISIONS**

60 **A. Lands to Which Ordinance Applies:** This Ordinance shall apply to all lands  
61 within the jurisdiction of the City of Roseville shown on the Official Zoning Map  
62 and/or the attachments thereto as being located within the boundaries of the  
63 Floodway, Flood Fringe, or General Flood Plain Districts.

64 **B. Establishment of Official Zoning Map:** The Official Zoning Map together  
65 with all materials attached thereto is hereby adopted by reference and declared to  
66 be a part of this Ordinance. The attached material shall include the Flood  
67 Insurance Study for the Ramsey County, Minnesota (All Jurisdictions); Flood  
68 Insurance Rate Map panels therein numbered 27123C0012G, 27123C0015G,  
69 27123C0016G, 27123C0020G, 27123C0036G, 27123C0038G, 27123C0080G,  
70 27123C0085G and 27123C0101G; and the Flood Insurance Rate Map Index (Map  
71 Number 27123CIND0B), all dated June 4, 2010 and prepared by the Federal  
72 Emergency Management Agency. The Official Zoning Map shall be on file in the  
73 Office of Community Development

74 *(Note: For future annexation of floodplain lands, it is a requirement of the National*  
75 *Flood Insurance Program that a community legally apply the provisions of its floodplain*  
76 *ordinance to the annexed land on the date of annexation (see Section I that follows). The*  
77 *flood insurance rate map panels adopted into Section B above must be inclusive enough*  
78 *so that they encompass all of the unincorporated area of the county that may be annexed*  
79 *into the city into the foreseeable future. This may mean that a city will need to adopt*

80 *flood insurance rate map panels in addition to those flood map panels that contain the*  
81 *current corporate boundaries of the city.)*

82  
83 **C. Regulatory Flood Protection Elevation:** The regulatory flood protection  
84 elevation shall be an elevation no lower than one foot above the elevation of the  
85 regional flood plus any increases in flood elevation caused by encroachments on  
86 the flood plain that result from designation of a floodway.

87 **D. Interpretation:**

- 88 1. In their interpretation and application, the provisions of this Ordinance  
89 shall be held to be minimum requirements and shall be liberally  
90 construed in favor of the Governing Body and shall not be deemed a  
91 limitation or repeal of any other powers granted by state statutes.
- 92 2. The boundaries of the zoning districts shall be determined by scaling distances  
93 on the Official Zoning Map. Where interpretation is needed as to the exact  
94 location of the boundaries of the district as shown on the Official Zoning Map,  
95 as for example where there appears to be a conflict between a mapped  
96 boundary and actual field conditions and there is a formal appeal of the  
97 decision of the Zoning Administrator, the Board of Adjustment shall make the  
98 necessary interpretation. All decisions will be based on elevations on the  
99 regional (100-year) flood profile, the ground elevations that existed on the site  
100 at the time the Community adopted its initial floodplain ordinance or on the  
101 date of the first National Flood Insurance Program map showing the area  
102 within the 100-year floodplain if earlier, and other available technical data.  
103 Persons contesting the location of the district boundaries shall be given a  
104 reasonable opportunity to present their case to the Board of Adjustment and to  
105 submit technical evidence.

106 **E. Abrogation and Greater Restrictions:** It is not intended by this Ordinance to  
107 repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.  
108 However, where this Ordinance imposes greater restrictions, the provisions of this  
109 Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby  
110 repealed to the extent of the inconsistency only.

111 **F. Warning and Disclaimer of Liability:** This Ordinance does not imply that  
112 areas outside the flood plain districts or land uses permitted within such districts  
113 will be free from flooding or flood damages. This Ordinance shall not create  
114 liability on the part of the City of Roseville or any officer or employee thereof for  
115 any flood damages that result from reliance on this Ordinance or any  
116 administrative decision lawfully made thereunder.

117 **G. Severability:** If any section, clause, provision, or portion of this Ordinance is  
118 adjudged unconstitutional or invalid by a court of competent jurisdiction, the  
119 remainder of this Ordinance shall not be affected thereby.

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

- 123 1. Accessory Use or Structure - a use or structure on the same lot with, and of a  
124 nature customarily incidental and subordinate to, the principal use or  
125 structure.
- 126 2. Basement - means any area of a structure, including crawl spaces, having its  
127 floor or base subgrade (below ground level) on all four sides, regardless of  
128 the depth of excavation below ground level.
- 129 3. Conditional Use - means a specific type of structure or land use listed in the  
130 official control that may be allowed but only after an in-depth review  
131 procedure and with appropriate conditions or restrictions as provided in the  
132 official zoning controls or building codes and upon a finding that:
  - 133 a. Certain conditions as detailed in the zoning ordinance exist.
  - 134 b. The structure and/or land use conform to the comprehensive land use  
135 plan if one exists and are compatible with the existing neighborhood.
- 136 4. Equal Degree of Encroachment - a method of determining the location of  
137 floodway boundaries so that flood plain lands on both sides of a stream are  
138 capable of conveying a proportionate share of flood flows.
- 139 5. Flood - a temporary increase in the flow or stage of a stream or in the stage  
140 of a wetland or lake that results in the inundation of normally dry areas.
- 141 6. Flood Frequency - the frequency for which it is expected that a specific  
142 flood stage or discharge may be equaled or exceeded.
- 143 7. Flood Fringe - that portion of the flood plain outside of the floodway. Flood  
144 fringe is synonymous with the term "floodway fringe" used in the Flood  
145 Insurance Study for Ramsey County, Minnesota (All Jurisdictions).
- 146 8. Flood Plain - the beds proper and the areas adjoining a wetland, lake or  
147 watercourse which have been or hereafter may be covered by the regional  
148 flood.
- 149 9. Flood Proofing - a combination of structural provisions, changes, or  
150 adjustments to properties and structures subject to flooding, primarily for the  
151 reduction or elimination of flood damages.
- 152 10. Floodway - the bed of a wetland or lake and the channel of a watercourse  
153 and those portions of the adjoining flood plain which are reasonably  
154 required to carry or store the regional flood discharge.
- 155 11. Lowest Floor - the lowest floor of the lowest enclosed area (including  
156 basement). An unfinished or flood resistant enclosure, used solely for

- 157 parking of vehicles, building access, or storage in an area other than a  
158 basement area, is not considered a building's lowest floor.
- 159 12. Manufactured Home - a structure, transportable in one or more sections,  
160 which is built on a permanent chassis and is designed for use with or without  
161 a permanent foundation when attached to the required utilities. The term  
162 "manufactured home" does not include the term "recreational vehicle."
- 163 13. Obstruction - any dam, wall, wharf, embankment, levee, dike, pile,  
164 abutment, projection, excavation, channel modification, culvert, building,  
165 wire, fence, stockpile, refuse, fill, structure, or matter in, along, across, or  
166 projecting into any channel, watercourse, or regulatory flood plain which  
167 may impede, retard, or change the direction of the flow of water, either in  
168 itself or by catching or collecting debris carried by such water.
- 169 14. Principal Use or Structure - means all uses or structures that are not  
170 accessory uses or structures.
- 171 15. Reach - a hydraulic engineering term to describe a longitudinal segment of a  
172 stream or river influenced by a natural or man-made obstruction. In an  
173 urban area, the segment of a stream or river between two consecutive bridge  
174 crossings would most typically constitute a reach.
- 175 16. Recreational Vehicle - a vehicle that is built on a single chassis, is 400  
176 square feet or less when measured at the largest horizontal projection, is  
177 designed to be self-propelled or permanently towable by a light duty truck,  
178 and is designed primarily not for use as a permanent dwelling but as  
179 temporary living quarters for recreational, camping, travel, or seasonal use.  
180 For the purposes of this Ordinance, the term recreational vehicle shall be  
181 synonymous with the term travel trailer/travel vehicle.
- 182 17. Regional Flood - a flood which is representative of large floods known to  
183 have occurred generally in Minnesota and reasonably characteristic of what  
184 can be expected to occur on an average frequency in the magnitude of the  
185 100-year recurrence interval. Regional flood is synonymous with the term  
186 "base flood", 1-percent annual chance flood or 100-year flood elevation.
- 187 18. Regulatory Flood Protection Elevation - The regulatory flood protection  
188 elevation shall be an elevation no lower than one foot above the elevation of  
189 the regional flood plus any increases in flood elevation caused by  
190 encroachments on the flood plain that result from designation of a floodway.
- 191 19. Structure - anything constructed or erected on the ground or attached to the  
192 ground or on-site utilities, including, but not limited to, buildings, factories,  
193 sheds, detached garages, cabins, manufactured homes, recreational vehicles  
194 not meeting the exemption criteria specified in Section 1021.09A1 of this  
195 Ordinance and other similar items.

- 196 20. Substantial Damage - means damage of any origin sustained by a structure  
197 where the cost of restoring the structure to its before damaged condition  
198 would equal or exceed 50 percent of the market value of the structure before  
199 the damage occurred.
- 200 21. Substantial Improvement - within any consecutive 365-day period, any  
201 reconstruction, rehabilitation (including normal maintenance and repair),  
202 repair after damage, addition, or other improvement of a structure, the cost  
203 of which equals or exceeds 50 percent of the market value of the structure  
204 before the “start of construction” of the improvement. This term includes  
205 structures that have incurred “substantial damage,” regardless of the actual  
206 repair work performed. The term does not, however, include either:
- 207 a. Any project for improvement of a structure to correct existing violations  
208 of state or local health, sanitary, or safety code specifications which have  
209 been identified by the local code enforcement official and which are the  
210 minimum necessary to assure safe living conditions.
- 211 b. Any alteration of an “historic structure,” provided that the alteration will  
212 not preclude the structure’s continued designation as an “historic  
213 structure.” For the purpose of this Ordinance, “historic structure” shall  
214 be as defined in 44 Code of Federal Regulations, Part 59.1.
- 215 22. Variance - means a modification of a specific permitted development  
216 standard required in an official control including this Ordinance to allow  
217 an alternative development standard not stated as acceptable in the official  
218 control, but only as applied to a particular property for the purpose of  
219 alleviating a hardship, practical difficulty or unique circumstance as  
220 defined and elaborated upon in a community's respective planning and  
221 zoning enabling legislation.

222 **I. Annexations:** The Flood Insurance Rate Map panels adopted by reference into  
223 Section B above may include floodplain areas that lie outside of the corporate  
224 boundaries of the City of Roseville at the time of adoption of this ordinance. If  
225 any of these floodplain land areas are annexed into the City of Roseville after the  
226 date of adoption of this ordinance, the newly annexed floodplain lands shall be  
227 subject to the provisions of this ordinance immediately upon the date of  
228 annexation into the City of Roseville.

## 229 **1021.03: ESTABLISHMENT OF ZONING DISTRICTS**

### 230 **A. Districts:**

- 231 1. Floodway District: The Floodway District shall include those areas  
232 designated as Zone AE and Zone A on the Flood Insurance Rate Map  
233 panels adopted in Section B that are below the ordinary high water level as  
234 defined in Minnesota Statutes, Section 103G.005, subdivision 14.



235 2. Flood Fringe District: The Flood Fringe District shall include those areas  
236 designated as Zone AE and Zone A on the Flood Insurance Rate Map  
237 panels adopted in Section B that are below the 1% annual chance flood  
238 elevation (100-year flood elevation) but above the ordinary high water  
239 level as defined in Minnesota Statutes, Section 103G.005, subdivision 14.  
240 See Section 1021.06 for procedures to determine the 1% annual chance  
241 flood elevation (100-year flood elevation).

242 **B. Compliance:** No new structure or land shall hereafter be used and no structure shall  
243 be constructed, located, extended, converted, or structurally altered without full  
244 compliance with the terms of this Ordinance and other applicable regulations which apply  
245 to uses within the jurisdiction of this Ordinance. Within the Floodway, Flood Fringe and  
246 General Flood Plain Districts, all uses not listed as permitted uses or conditional uses in  
247 Sections 1021.04 and 1021.05 that follow, respectively, shall be prohibited. In addition,  
248 a caution is provided here that:

- 249 1. Modifications, additions, structural alterations, normal maintenance and  
250 repair, or repair after damage to existing nonconforming structures and  
251 nonconforming uses of structures or land are regulated by the general  
252 provisions of this Ordinance and specifically Section 1021.11.
- 253 2. As-built elevations for elevated or flood proofed structures must be  
254 certified by ground surveys and flood proofing techniques must be  
255 designed and certified by a registered professional engineer or architect as  
256 specified in the general provisions of this Ordinance and specifically as  
257 stated in Section 1021.10 of this Ordinance.

#### 258 **1021.04: FLOODWAY DISTRICT (FW)**

259 The permitted and conditional uses listed below are only allowable in the  
260 floodway if not prohibited by any other underlying zoning district classifications  
261 of the City of Roseville and if not prohibited by any applicable state or federal  
262 law.

263

##### 264 **A. Permitted Uses:**

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- 266 1. General farming, pasture, grazing, outdoor plant nurseries, horticulture, and wild  
267 crop harvesting.
- 268 2. Boat launching ramps, swimming areas, parks, wildlife and nature  
269 preserves, and fishing areas.
- 270 3. Residential lawns, gardens and play areas.

##### 271 **B. Standards for Floodway Permitted Uses:**

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1. The use shall have a low flood damage potential.
2. The use shall be permissible in the underlying zoning district if one exists.

274 3. The use shall not obstruct flood flows or increase flood elevations and shall not  
275 involve structures, fill, obstructions, excavations or storage of materials or  
276 equipment.

277 **C. Conditional Uses:**

- 278 1. Extraction and storage of sand, gravel, and other materials.  
279 2. Marinas, boat rentals, docks, piers, wharves, and water control structures.  
280 3. Railroads, streets, bridges, utility transmission lines, and pipelines.  
281 4. Placement of fill.

282 **D. Standards for Floodway Conditional Uses:**

- 283 1. All Uses. No fill (including fill for roads and levees), deposit, obstruction,  
284 or other use may be allowed as a conditional use that will cause any  
285 increase in the stage of the 100-year or regional flood or cause an increase  
286 in flood damages in the reach or reaches affected.
- 287 2. All floodway conditional uses shall be subject to the procedures and  
288 standards contained in Section 1021.10D of this Ordinance.
- 289 3. The conditional use shall be permissible in the underlying zoning district if  
290 one exists.
- 291 4. Fill:
- 292 a. Fill, dredge spoil, and all other similar materials deposited or stored in the  
293 flood plain shall be protected from erosion by vegetative cover, mulching,  
294 riprap or other acceptable method.
- 295 b. Dredge spoil sites and sand and gravel operations shall not be allowed in the  
296 floodway unless a long-term site development plan is submitted which  
297 includes an erosion/sedimentation prevention element to the plan.
- 298 c. As an alternative, and consistent with Subsection (b) immediately above,  
299 dredge spoil disposal and sand and gravel operations may allow temporary,  
300 on-site storage of fill or other materials which would have caused an  
301 increase to the stage of the 100-year or regional flood but only after the  
302 Governing Body has received an appropriate plan which assures the removal  
303 of the materials from the floodway based upon the flood warning time  
304 available. The conditional use permit must be title registered with the  
305 property in the Office of the County Recorder.
- 306 5. Storage of Materials and Equipment. Storage of other materials or  
307 equipment may be allowed if readily removable from the area within the  
308 time available after a flood warning and in accordance with a plan  
309 approved by the Governing Body. The storage or processing of materials  
310 that are, in time of flooding, flammable, explosive, or potentially injurious  
311 to human, animal, or plant life is prohibited.

312 6. Community-wide structural works for flood control intended to remove  
313 areas from the regulatory flood plain shall not be allowed in the floodway.

314 **1021.05: FLOOD FRINGE DISTRICT (FF)**

315 **A. Permitted Uses:** Permitted uses shall be those uses of land or structures  
316 listed as permitted uses in the underlying zoning use district(s). If no pre-existing,  
317 underlying zoning use districts exist, then any residential or non residential  
318 structure or use of a structure or land shall be a permitted use in the Flood Fringe  
319 District provided such use does not constitute a public nuisance. All permitted  
320 uses shall comply with the standards for Flood Fringe District “Permitted Uses”  
321 listed in Section 1021.05B.

322 **B. Standards for Flood Fringe Permitted Uses:**

323 1. All structures, including accessory structures, must be elevated on fill so  
324 that the lowest floor including basement floor is at or above the regulatory  
325 flood protection elevation. The finished fill elevation for structures shall  
326 be no lower than one (1) foot below the regulatory flood protection  
327 elevation and the fill shall extend at such elevation at least fifteen (15) feet  
328 beyond the outside limits of the structure erected thereon.

329 2. As an alternative to elevation on fill, accessory structures that constitute a  
330 minimal investment and that do not exceed 500 square feet at its largest  
331 projection may be flood proofed in accordance with the following  
332 standards:

333 a. Accessory structures shall not be designed for human habitation.

334 b. Accessory structures shall be elevated on fill or structurally dry flood  
335 proofed in accordance with the FP-1 or FP-2 flood proofing classifications  
336 in the State Building Code. As an alternative, an accessory structure may be  
337 flood proofed to the FP-3 or FP-4 flood proofing classification in the State  
338 Building Code and, for a detached garage, the detached garage must be used  
339 solely for parking of vehicles and limited storage. Flood proofed accessory  
340 structures must meet the following additional standards:

341 (1) The structure must be adequately anchored to prevent flotation,  
342 collapse or lateral movement of the structure and shall be  
343 designed to equalize hydrostatic flood forces on exterior walls;

344 (2) Any mechanical and utility equipment in a structure must be  
345 elevated to or above the regulatory flood protection elevation or  
346 properly flood proofed; and

347 (3) To allow for the equalization of hydrostatic pressure, there must  
348 be a minimum of two “automatic” openings in the outside walls  
349 of the structure having a total net area of not less than one square  
350 inch for every square foot of enclosed area subject to flooding.

351                    There must be openings on at least two sides of the structure and  
352                    the bottom of all openings must be no higher than one foot above  
353                    the lowest adjacent grade to the structure. Using human  
354                    intervention to open a garage door prior to flooding will not  
355                    satisfy this requirement for automatic openings.

356            3. The storage of any materials or equipment shall be elevated on fill to the  
357            regulatory flood protection elevation.

358    **C. Conditional Uses:** Any structure that is not elevated on fill or flood proofed  
359    in accordance with Section 1021.05B1-B2 and or any use of land that does not  
360    comply with the standards in Section 1021.05B3 shall only be allowable as a  
361    conditional use. An application for a conditional use shall be subject to the  
362    standards and criteria and evaluation procedures specified in Sections 1021.05D-E  
363    and 1021.10D of this Ordinance.

364            1. Standards for Flood Fringe Conditional Uses:

365            a. Alternative elevation methods other than the use of fill may be utilized  
366            to elevate a structure's lowest floor above the regulatory flood  
367            protection elevation. These alternative methods may include the use  
368            of stilts, pilings, parallel walls, etc., or above-grade, enclosed areas  
369            such as crawl spaces or tuck under garages. The base or floor of an  
370            enclosed area shall be considered above-grade and not a structure's  
371            basement or lowest floor if: 1) the enclosed area is above-grade on at  
372            least one side of the structure; 2) it is designed to internally flood and  
373            is constructed with flood resistant materials; and 3) it is used solely for  
374            parking of vehicles, building access or storage. The above-noted  
375            alternative elevation methods are subject to the following additional  
376            standards:

377            (1) Design and Certification - The structure's design and as-built condition  
378            must be certified by a registered professional engineer or architect as  
379            being in compliance with the general design standards of the State  
380            Building Code and, specifically, that all electrical, heating, ventilation,  
381            plumbing and air conditioning equipment and other service facilities  
382            must be at or above the regulatory flood protection elevation or be  
383            designed to prevent flood water from entering or accumulating within  
384            these components during times of flooding.

385            (2) Specific Standards for Above-grade, Enclosed Areas - Above-  
386            grade, fully enclosed areas such as crawl spaces or tuck under  
387            garages must be designed to internally flood and the design plans  
388            must stipulate:

389            (a). A minimum area of openings in the walls where internal  
390            flooding is to be used as a flood proofing technique. There  
391            shall be a minimum of two openings on at least two sides of

392 the structure and the bottom of all openings shall be no higher  
393 than one-foot above grade. The automatic openings shall  
394 have a minimum net area of not less than one square inch for  
395 every square foot of enclosed area subject to flooding unless a  
396 registered professional engineer or architect certifies that a  
397 smaller net area would suffice. The automatic openings may  
398 be equipped with screens, louvers, valves, or other coverings  
399 or devices provided that they permit the automatic entry and  
400 exit of flood waters without any form of human intervention;  
401 and

402 (b). That the enclosed area will be designed of flood resistant  
403 materials in accordance with the FP-3 or FP-4 classifications  
404 in the State Building Code and shall be used solely for  
405 building access, parking of vehicles or storage.

406 b. Basements, as defined by Section 1021.02H2 of this Ordinance, shall  
407 be subject to the following:

408 1. Residential basement construction shall not be allowed below the  
409 regulatory flood protection elevation.

410 2. Non-residential basements may be allowed below the regulatory flood  
411 protection elevation provided the basement is structurally dry flood  
412 proofed in accordance with Section 1021.05C1c of this Ordinance.

413 c. All areas of non residential structures including basements to be placed  
414 below the regulatory flood protection elevation shall be flood proofed  
415 in accordance with the structurally dry flood proofing classifications  
416 in the State Building Code. Structurally dry flood proofing must meet  
417 the FP-1 or FP-2 flood proofing classification in the State Building  
418 Code and this shall require making the structure watertight with the  
419 walls substantially impermeable to the passage of water and with  
420 structural components having the capability of resisting hydrostatic  
421 and hydrodynamic loads and the effects of buoyancy. Structures flood  
422 proofed to the FP-3 or FP-4 classification shall not be permitted.

423 d. Storage of Materials and Equipment:

424 1. The storage or processing of materials that are, in time of flooding,  
425 flammable, explosive, or potentially injurious to human, animal, or plant  
426 life is prohibited.

427 2. Storage of other materials or equipment may be allowed if readily  
428 removable from the area within the time available after a flood warning  
429 and in accordance with a plan approved by the Governing Body.

430 e. The provisions of Section 1021.05C2 of this Ordinance shall also  
431 apply.

- 432 2. Standards for All Flood Fringe Uses:
- 433 a. Commercial Uses - accessory land uses, such as yards, railroad  
434 tracks, and parking lots may be at elevations lower than the  
435 regulatory flood protection elevation. However, a permit for such  
436 facilities to be used by the employees or the general public shall not  
437 be granted in the absence of a flood warning system that provides  
438 adequate time for evacuation if the area would be inundated to a  
439 depth and velocity such that when multiplying the depth (in feet)  
440 times velocity (in feet per second) the product number exceeds four  
441 (4) upon occurrence of the regional flood.
- 442 b. Manufacturing and Industrial Uses - measures shall be taken to  
443 minimize interference with normal plant operations especially along  
444 streams having protracted flood durations. Certain accessory land  
445 uses such as yards and parking lots may be at lower elevations  
446 subject to requirements set out in Section 1021.05C2a above. In  
447 considering permit applications, due consideration shall be given to  
448 needs of an industry whose business requires that it be located in  
449 flood plain areas.
- 450 c. Fill shall be properly compacted and the slopes shall be properly  
451 protected by the use of riprap, vegetative cover or other acceptable  
452 method. The Federal Emergency Management Agency (FEMA) has  
453 established criteria for removing the special flood hazard area  
454 designation for certain structures properly elevated on fill above the  
455 100-year flood elevation - FEMA's requirements incorporate specific  
456 fill compaction and side slope protection standards for multi-structure  
457 or multi-lot developments. These standards should be investigated  
458 prior to the initiation of site preparation if a change of special flood  
459 hazard area designation will be requested.
- 460 d. Flood plain developments shall not adversely affect the hydraulic  
461 capacity of the channel and adjoining flood plain of any tributary  
462 watercourse or drainage system where a floodway or other  
463 encroachment limit has not been specified on the Official Zoning  
464 Map.
- 465 e. Standards for recreational vehicles are contained in Section 1021.09A.
- 466 f. All manufactured homes must be securely anchored to an adequately  
467 anchored foundation system that resists flotation, collapse and lateral  
468 movement. Methods of anchoring may include, but are not to be  
469 limited to, use of over-the-top or frame ties to ground anchors. This  
470 requirement is in addition to applicable state or local anchoring  
471 requirements for resisting wind forces.

472 **1021.06: Procedures for determining 1% annual chance flood elevations (100-**  
473 **YR flood elevations) in Zone A**

474 **A. Reserved for Future Use**

475 **B. Procedures for determining 1% annual chance flood elevations (100-YR**  
476 **flood elevations) in Zone A:**

- 477 1. Upon receipt of an application for a permit or other approval within a Zone  
478 A, the Zoning Administrator will use the 1% annual chance flood elevation  
479 for that basin that has previously been determined in accordance with  
480 approved FEMA methods, if available. If the 1% annual chance flood  
481 elevation has not been previously determined, the applicant shall be  
482 required to furnish all necessary information as deemed necessary by the  
483 Zoning Administrator for the determination for the 1% annual chance  
484 flood elevation in accordance with approved FEMA methods.
- 485 2. The applicant shall be responsible to submit one copy of the above  
486 information to a designated engineer or other expert person or agency for  
487 technical assistance in determining whether the proposed use is in the  
488 Floodway or Flood Fringe District and to determine the 1% annual chance  
489 flood elevation (100-year flood elevation). Procedures consistent with  
490 Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200 and 44 Code of  
491 Federal Regulations Part 65 shall be followed in this expert evaluation.  
492 The designated engineer or expert is strongly encouraged to discuss the  
493 proposed technical evaluation methodology with the respective  
494 Department of Natural Resources' Area Hydrologist prior to commencing  
495 the analysis.
- 496 3. Once the 1% annual chance flood elevation (100-year flood elevation)  
497 has been determined, the Zoning Administrator shall process the permit  
498 application consistent with the applicable provisions of Section 1021.04  
499 and 1021.05 of this Ordinance.

500 **1021.07: SUBDIVISIONS**

501 **A. Review Criteria:** No land shall be subdivided which is unsuitable for the  
502 reason of flooding, inadequate drainage, water supply or sewage treatment  
503 facilities. All lots within the flood plain districts shall be able to contain a building  
504 site outside of the Floodway District at or above the regulatory flood protection  
505 elevation. All subdivisions shall have water and sewage treatment facilities that  
506 comply with the provisions of this Ordinance and have road access both to the  
507 subdivision and to the individual building sites no lower than two feet below the  
508 regulatory flood protection elevation. For all subdivisions in the flood plain, the  
509 Floodway and Flood Fringe District boundaries, the regulatory flood protection

510 elevation and the required elevation of all access roads shall be clearly labeled on  
511 all required subdivision drawings and platting documents.

512 **B. Procedures for determining 1% annual chance flood elevation (100-YR**  
513 **flood elevation) in Zone A:** In a designated Zone-A area, applicants shall provide  
514 the information required in Section 1021.06B of this Ordinance to determine the  
515 1% annual chance flood elevation (100-year flood elevation) and the regulatory  
516 flood protection elevation for the subdivision site.

517 **C. Removal of Special Flood Hazard Area Designation:** The Federal  
518 Emergency Management Agency (FEMA) has established criteria for removing  
519 the special flood hazard area designation for certain structures properly elevated  
520 on fill above the 1% annual chance flood elevation (100-year flood elevation).  
521 FEMA's requirements incorporate specific fill compaction and side slope  
522 protection standards for multi-structure or multi-lot developments. These  
523 standards should be investigated prior to the initiation of site preparation if a  
524 change of special flood hazard area designation will be requested.

## 525 **1021.08: PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES**

526 **A. Public Utilities:** All public utilities and facilities such as gas, electrical,  
527 sewer, and water supply systems to be located in the flood plain shall be flood  
528 proofed in accordance with the State Building Code or elevated to above the  
529 regulatory flood protection elevation.

530 **B. Public Transportation Facilities:** Railroad tracks, roads, and bridges to be  
531 located within the flood plain shall comply with Sections 1021.04 and 1021.05 of  
532 this Ordinance. Elevation to the regulatory flood protection elevation shall be  
533 provided where failure or interruption of these transportation facilities would  
534 result in danger to the public health or safety or where such facilities are essential  
535 to the orderly functioning of the area. Minor or auxiliary roads or railroads may  
536 be constructed at a lower elevation where failure or interruption of transportation  
537 services would not endanger the public health or safety.

538

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



548 **1021.09: PLACEMENT OF RECREATIONAL VEHICLES.**

549 **A. Recreational vehicles that do not meet the exemption criteria specified in**  
550 **Section 1021.09A1 below shall be subject to the provisions of this Ordinance**  
551 **and as specifically spelled out in Sections 1021.09A3 and A4 below.**

- 552 1. Exemption - Recreational vehicles are exempt from the provisions of this  
553 Ordinance if they are placed in any of the areas listed in Section  
554 1021.09A2 below and further they meet the following criteria:
- 555 a. Have current licenses required for highway use.
  - 556 b. Are highway ready meaning on wheels or the internal jacking system, are  
557 attached to the site only by quick disconnect type utilities commonly used  
558 in campgrounds and recreational vehicle parks and the recreational vehicle  
559 has no permanent structural type additions attached to it.
  - 560 c. The recreational vehicle and associated use must be permissible in any pre-  
561 existing, underlying zoning use district.
- 562 2. Areas Exempted For Placement of Recreational Vehicles:
- 563 a. Individual lots or parcels of record.
  - 564 b. Existing commercial recreational vehicle parks or campgrounds.
  - 565 c. Existing condominium type associations.
- 566 3. Recreational vehicles exempted in Section 1021.09A1 lose this exemption  
567 when development occurs on the parcel exceeding \$500 for a structural  
568 addition to the recreational vehicle or exceeding \$500 for an accessory  
569 structure such as a garage or storage building. The recreational vehicle  
570 and all additions and accessory structures will then be treated as a new  
571 structure and shall be subject to the elevation/flood proofing requirements  
572 and the use of land restrictions specified in Sections 1021.04 and 1021.05  
573 of this Ordinance. There shall be no development or improvement on the  
574 parcel or attachment to the recreational vehicle that hinders the removal  
575 of the recreational vehicle to a flood free location should flooding occur.
- 576 4. New commercial recreational vehicle parks or campgrounds and new  
577 residential type subdivisions and condominium associations and the  
578 expansion of any existing similar use exceeding five (5) units or dwelling  
579 sites shall be subject to the following:
- 580 a. All new or replacement vehicles and related contents that are not  
581 elevated above the regulatory flood protection elevation or are not  
582 placed over properly elevated road access in the Floodway or Flood  
583 Fringe District, as an alternative, be allowed as a conditional use if in  
584 accordance with the following provisions and the provisions of 1021.10D  
585 of the Ordinance. The applicant must submit an emergency plan for the

586 safe evacuation of all vehicles and people during the 100 year flood. Said  
587 plan shall be prepared by a registered engineer or other qualified  
588 individual, shall demonstrate that adequate time and personnel exist to  
589 carry out the evacuation, and shall demonstrate the provisions of Section  
590 1021.09A1 (a) and (b) of this Ordinance will be met. All attendant sewage  
591 and water facilities for new or replacement recreational vehicles must be  
592 protected or constructed so as to not be impaired or contaminated during  
593 times of flooding in accordance with Section 1021.08C of this Ordinance.

594 **1021.10: ADMINISTRATION**

595 **A. Community Development Department:** The Community Development Department  
596 shall administer and enforce this Ordinance. If the Community Development Department  
597 finds a violation of the provisions of this Ordinance the Community Development  
598 Department shall notify the person responsible for such violation in accordance with the  
599 procedures stated in Section 1021.12 of the Ordinance.

600 **B. Permit Requirements:**

- 601 1. **Permit Required.** A Permit issued by the Community Development  
602 Department in conformity with the provisions of this Ordinance shall be  
603 secured prior to the erection, addition, modification, rehabilitation  
604 (including normal maintenance and repair), or alteration of any building,  
605 structure, or portion thereof; prior to the use or change of use of a building,  
606 structure, or land; prior to the construction of a dam, fence, or on-site  
607 septic system; prior to the change or extension of a nonconforming use;  
608 prior to the repair of a structure that has been damaged by flood, fire,  
609 tornado, or any other source; and prior to the placement of fill, excavation  
610 of materials, or the storage of materials or equipment within the flood  
611 plain.
- 612 2. **Application for Permit.** Application for a permit shall be made in  
613 duplicate to the Community Development Department and shall include  
614 the following where applicable: plans in duplicate drawn to scale,  
615 showing the nature, location, dimensions, and elevations of the lot;  
616 existing or proposed structures, fill, or storage of materials; and the  
617 location of the foregoing in relation to the stream channel.
- 618 3. **State and Federal Permits.** Prior to granting a permit or processing an  
619 application for a conditional use permit or variance, the Community  
620 Development Department shall determine that the applicant has obtained  
621 all necessary state and federal permits.
- 622 4. **Certificate of Zoning Compliance for a New, Altered, or Nonconforming**  
623 **Use.** It shall be unlawful to use, occupy, or permit the use or occupancy  
624 of any building or premises or part thereof hereafter created, erected,  
625 changed, converted, altered, or enlarged in its use or structure until a

- 626 certificate of zoning compliance shall have been issued by the  
627 Community Development Department stating that the use of the building  
628 or land conforms to the requirements of this Ordinance.
- 629 5. Construction and Use to be as Provided on Applications, Plans, Permits,  
630 Variances and Certificates of Zoning Compliance. Permits, conditional  
631 use permits, or certificates of zoning compliance issued on the basis of  
632 approved plans and applications authorize only the use, arrangement, and  
633 construction set forth in such approved plans and applications, and no  
634 other use, arrangement, or construction. Any use, arrangement, or  
635 construction at variance with that authorized shall be deemed a violation  
636 of this Ordinance, and punishable as provided by Section 1021.12 of this  
637 Ordinance.
- 638 6. Certification. The applicant shall be required to submit certification by a  
639 registered professional engineer, registered architect, or registered land  
640 surveyor that the finished fill and building elevations were accomplished  
641 in compliance with the provisions of this Ordinance. Flood proofing  
642 measures shall be certified by a registered professional engineer or  
643 registered architect.
- 644 7. Record of First Floor Elevation. The Community Development  
645 Department shall maintain a record of the elevation of the lowest floor  
646 (including basement) of all new structures and alterations or additions to  
647 existing structures in the flood plain. The Community Development  
648 Department shall also maintain a record of the elevation to which  
649 structures or alterations and additions to structures are flood proofed.
- 650 8. Notifications for Watercourse Alterations. The Community Development  
651 Department shall notify, in riverine situations, adjacent communities and  
652 the Commissioner of the Department of Natural Resources prior to the  
653 community authorizing any alteration or relocation of a watercourse. If  
654 the applicant has applied for a permit to work in the beds of public waters  
655 pursuant to Minnesota Statute, Chapter 103G, this shall suffice as  
656 adequate notice to the Commissioner of Natural Resources. A copy of  
657 said notification shall also be submitted to the Chicago Regional Office of  
658 the Federal Emergency Management Agency (FEMA).
- 659 9. Notification to FEMA When Physical Changes Increase or Decrease the  
660 100-year Flood Elevation. As soon as is practicable, but not later than six  
661 (6) months after the date such supporting information becomes available,  
662 the Community Development Department shall notify the Chicago  
663 Regional Office of FEMA of the changes by submitting a copy of said  
664 technical or scientific data.

665 **C. Variance Board:**

- 666 1. Overview: Variance applications will be reviewed by City staff and  
667 discussed in a public hearing by the Variance Board, which meets on the  
668 first Wednesday of each month, as necessary. Minnesota State Law  
669 requires that a decision be issued for each application within 60 days of the  
670 application submission date. Sixty-day extensions may be obtained if more  
671 time is needed to resolve outstanding issues.
- 672 2. Application Deadline: Applications must be received by the close-of-  
673 business on *the first Friday of each month*; applications received after this  
674 date cannot be heard at the Variance Board meeting of the following  
675 month. The Variance process takes about 6 weeks from the application  
676 deadline.
- 677 3. Submission Requirements: The attached application form must be  
678 completed and submitted with all requested materials. Failure to submit all  
679 application materials may delay the review process described below.
- 680 4. Initial Review: Applications will be reviewed for completeness by  
681 Community Development Department staff, and a determination of  
682 completeness will be provided to the applicant in the form of a letter  
683 within about 10 days of the application submittal date. A letter in response  
684 to an *incomplete* application will identify the materials that are needed in  
685 order to complete the application; once all of the outstanding application  
686 materials are received, the 60-day action timeline will restart. A letter in  
687 response to a complete application will outline the schedule for the formal  
688 review and approval process described below.
- 689 5. Formal Review: Variance applications may be discussed by a panel of City  
690 staff representing various departments. The members of this panel will  
691 address points of concern based on their respective professional  
692 experience; a summary of these comments will be provided to the  
693 applicant and will be reflected in the staff report presented to the Variance  
694 Board.
- 695 6. Staff Report: Community Development staff will prepare a report  
696 summarizing the application, reviewing it against the City's Codes,  
697 Ordinances, and policies, and providing a recommendation for the  
698 Variance Board. A copy of this report, along with the relevant meeting  
699 agenda, will be provided to the applicant prior to the public hearing at the  
700 Variance Board meeting.
- 701 7. Notice of Public Hearing:
- 702 a. Published and Mailed Notices: Minnesota State Law requires  
703 published notice in a City's legal newspaper a minimum of ten (10)  
704 days prior to a public hearing. City policy further requires that notices  
705 be mailed to property owners within 500 feet of the affected property.  
706 Both of these notices are prepared and sent by the City of Roseville.

707 A copy of the proposed variance application shall be mailed  
708 sufficiently in advance so that the Commissioner of Natural Resources  
709 will receive at least 10-days notice of the public hearing.

710 b. Posted Signs: Variance applications also require a “Notice of Land  
711 Use Application” sign to be posted on the subject property by the  
712 applicant/property owner at least ten (10) days prior to the date of the  
713 public hearing; larger sites may require additional signs. These signs  
714 may be obtained at the Community Development counter in City Hall;  
715 to ensure that it is ready, please call 651-792-7005 to arrange a time to  
716 pick up the sign.

717 8. Variance Board Meeting: Applicants are encouraged to attend and  
718 participate in the public hearing in order to respond to questions from the  
719 Variance Board and/or members of the public. The public hearing will be  
720 held in the City Hall Council Chambers, which is equipped to display  
721 drawings, photographs, video, or other proposed variance application  
722 Because the hearing will be televised and recorded, applicants should be  
723 prepared to speak into the microphone at the presentation table.

724 9. At the Public Hearing: The Variance Board Chairperson will call the  
725 meeting to order at the appointed time, Commissioners and representatives  
726 of the City in attendance will be introduced, and the minutes of the  
727 previous meeting will be reviewed. Items requiring public hearings are  
728 next. The Chairperson will introduce the application and City staff will  
729 review the issues and recommendations detailed in the staff report.  
730 Members of the Variance Board may ask questions about the application  
731 to be answered by City staff and the applicant. Then members of the public  
732 will be invited to ask questions about the application and to make  
733 comments about the proposal. Once the public comment period has  
734 concluded, the Chairperson will close the public hearing, and the Board  
735 Members will discuss the application and take action.

736 10. Variance Board Action: The Variance Board has the authority to approve  
737 or deny an application and its decision is final. The Variance Board will  
738 provide the rationale for its decision and adopt a motion approving or  
739 denying the variance request. If the decision is not appealed within the  
740 time allowed, the variance becomes effective, and any necessary building  
741 permits may be issued; at this time the Variance Board resolution will be  
742 sent to Ramsey County to be recorded against the property. The Variance  
743 Board decision shall not be contrary to the public interest and only for  
744 those circumstances such as hardship, practical difficulties or  
745 circumstances unique to the property under consideration, as provided for  
746 in the respective enabling legislation for planning and zoning for cities or  
747 counties as appropriate. A copy of all decisions granting variances shall  
748 be forwarded to the Commissioner of Natural Resources, within 10-days  
749 of such action. No variance shall have the effect of allowing in any district  
750 uses prohibited in that district, permit a lower degree of flood protection

751 than the regulatory flood protection elevation for the particular area, or  
752 permit standards lower than those required by state law. The following  
753 additional variance criteria of the Federal Emergency Management  
754 Agency must be satisfied:

- 755 a. Variances shall not be issued by a community within any designated  
756 regulatory floodway if any increase in flood levels during the base  
757 flood discharge would result.
- 758 b. Variances shall only be issued by a community upon (i) a showing of  
759 good and sufficient cause, (ii) a determination that failure to grant the  
760 variance would result in exceptional hardship to the applicant, and (iii)  
761 a determination that the granting of a variance will not result in  
762 increased flood heights, additional threats to public safety,  
763 extraordinary public expense, create nuisances, cause fraud on or  
764 victimization of the public, or conflict with existing local laws or  
765 ordinances.
- 766 c. Variances shall only be issued upon a determination that the variance  
767 is the minimum necessary, considering the flood hazard, to afford  
768 relief.

769 11. Appeals: The decision of the Variance Board may be appealed by the  
770 applicant or by any other Roseville property owner *within 10 days of the*  
771 *decision*. Appeals are heard by the City Council which acts as the Board of  
772 Zoning Adjustments and Appeals. An appeal is a matter of public record,  
773 but it does not require a public hearing and no new information will be  
774 reviewed as part of the appeal; the Board of Zoning Adjustments and  
775 Appeals will simply review the Variance Board's decision-making process  
776 to determine whether it complied with City Ordinances and State Statutes.

777 12. Flood Insurance Notice and Record Keeping. The Community  
778 Development Department shall notify the applicant for a variance that: 1)  
779 The issuance of a variance to construct a structure below the base flood  
780 level will result in increased premium rates for flood insurance up to  
781 amounts as high as \$25 for \$100 of insurance coverage and 2) Such  
782 construction below the 100-year or regional flood level increases risks to  
783 life and property. Such notification shall be maintained with a record of  
784 all variance actions. A community shall maintain a record of all variance  
785 actions, including justification for their issuance, and report such variances  
786 issued in its annual or biennial report submitted to the Administrator of the  
787 National Flood Insurance Program.

788 **D. Conditional Use:**

789 1. Overview: Conditional Use applications will be reviewed by City staff and  
790 discussed in a public hearing by the Planning Commission, which meets  
791 on the first Wednesday of each month, before a decision to approve or

- 792 deny the application is made by the City Council at its regular meeting on  
793 the fourth Monday later that month.
- 794 2. Application Deadline: Applications must be received by the close-of-  
795 business on the *first Friday of each month*; applications received after this  
796 date cannot be heard at the Planning Commission meeting of the following  
797 month. Minnesota State Law requires that a decision be issued for each  
798 application within 60 days of the submission of a complete application
- 799 3. Submission Requirements: The attached application form must be  
800 completed and submitted with all requested materials. Failure to submit all  
801 application materials may delay the review process described below.
- 802 4. Escrow Deposit: Because commercial uses can involve a significant  
803 amount of research and analysis by staff and/or outside consultants, the  
804 applicant must deposit \$1,000 in escrow in addition to the commercial  
805 application fee for a Conditional Use. If the escrow is drawn down to  
806 \$500, the applicant will be required to replenish the account; unused  
807 escrow funds will be returned to the applicant at the conclusion of the  
808 Conditional Use process.
- 809 5. Formal Review: Conditional Use applications may be discussed by a panel  
810 of City staff representing various departments. The members of this panel  
811 will address points of concern based on their respective professional  
812 experience; a summary of these comments will be provided to the  
813 applicant and will be reflected in the staff report presented to the Planning  
814 Commission.
- 815 6. Staff Report: Community Development staff will prepare a report  
816 summarizing the application, reviewing it against the City's Codes,  
817 Ordinances, and policies, and providing a recommendation for the  
818 Planning Commission. A copy of this report, along with the relevant  
819 meeting agenda, will be provided to the applicant prior to the public  
820 hearing at the Planning Commission meeting.
- 821 7. Notice of Public Hearing:
- 822 a. Published and Mailed Notices: Minnesota State Law requires  
823 published notice in a City's legal newspaper a minimum of ten (10)  
824 days prior to a public hearing. City policy further requires that notices  
825 be mailed to property owners within 500 feet of the affected property.  
826 Both of these notices are prepared and sent by the City of Roseville.  
827 A copy of the proposed conditional use application shall be mailed  
828 sufficiently in advance so that the Commissioner of Natural Resources  
829 will receive at least 10-days notice of the public hearing.
- 830 b. Posted Signs: Conditional Use applications also require a "Notice of  
831 Land Use Application" sign to be posted on the subject property by  
832 the applicant/property owner at least ten (10) days prior to the date of

- 833 the public hearing; larger sites may require additional signs. These  
834 signs may be obtained at the Community Development counter in City  
835 Hall; to ensure that it is ready, please call 651-792-7005 to arrange a  
836 time to pick up the sign.
- 837 8. Planning Commission Meeting: Applicants are encouraged to attend and  
838 participate in the public hearing in order to respond to questions from the  
839 Planning Commission and/or members of the public. The public hearing  
840 will be held in the City Hall Council Chambers, which is equipped to  
841 display drawings, photographs, video, or other materials. Because the  
842 hearing will be televised and recorded, applicants should be prepared to  
843 speak into the microphone at the presentation table.
- 844 9. At the Public Hearing: The Planning Commission Chairperson will call the  
845 meeting to order at the appointed time, Commissioners and representatives  
846 of the City in attendance will be introduced, and the minutes of the  
847 previous meeting will be reviewed. Items requiring public hearings are  
848 next. The Chairperson will introduce the application and City staff will  
849 review the issues and recommendations detailed in the staff report.  
850 Members of the Planning Commission may ask questions about the  
851 application to be answered by City staff and the applicant. Then members  
852 of the public will be invited to ask questions about the application and to  
853 make comments about the proposal. Once the public comment period has  
854 concluded, the Chairperson will close the public hearing, and the  
855 Commissioners will discuss the application and take action.
- 856 10. Planning Commission Action: The Planning Commission does not approve  
857 or deny an application; instead, it makes a recommendation of approval or  
858 denial to the City Council and provides the rationale for its  
859 recommendation. The application, along with the recommendation of the  
860 Planning Commission, is then brought to the City Council which has  
861 authority to approve or deny the application.
- 862 11. City Council: At the scheduled time, the Mayor will call the meeting to  
863 order and it will progress similar to the Planning Commission meeting.  
864 Based on the recommendation from the Planning Commission in addition  
865 to its own review, the City Council will approve or deny the proposed  
866 Conditional Use as an item on the "Consent Agenda". At their discretion,  
867 however, the City Council may choose to review the application in greater  
868 detail and take public comment, similar to the public hearing, before  
869 ultimately approving or denying the request. A copy of all decisions  
870 granting conditional use permits shall be forwarded by mail to the  
871 Commissioner of Natural Resources within ten (10) days of such action.
- 872 12. Procedures for Approving a Conditional Use: The following procedures  
873 shall be followed when considering/approving a Conditional Use within all  
874 Flood Plain Districts.



- 875 a. Require the applicant to furnish such of the following information and  
876 additional information as deemed necessary by the Roseville Community  
877 Development Department for determining the suitability of the particular  
878 site for the proposed use:
- 879 (1). Plans in triplicate drawn to scale showing the nature, location,  
880 dimensions, and elevation of the lot, existing or proposed structures,  
881 fill, storage of materials, flood proofing measures, and the relationship  
882 of the above to the location of the stream channel; and
- 883 (2). Specifications for building construction and materials, flood proofing,  
884 filling, dredging, grading, channel improvement, storage of materials,  
885 water supply and sanitary facilities.
- 886 b. Transmit one copy of the information described in subsection “a” to a  
887 designated engineer or other expert person or agency for technical  
888 assistance, where necessary, in evaluating the proposed project in relation to  
889 flood heights and velocities, the seriousness of flood damage to the use, the  
890 adequacy of the plans for protection, and other technical matters.
- 891 c. Based upon the technical evaluation of the designated engineer or expert,  
892 the Community Development Department shall determine the specific flood  
893 hazard at the site and evaluate the suitability of the proposed use in relation  
894 to the flood hazard.
- 895 13. Factors upon which the Conditional Use shall be based: In approving a  
896 Conditional Use the City shall consider all relevant factors specified in  
897 other sections of this Ordinance, and:
- 898 a The danger to life and property due to increased flood heights or velocities  
899 caused by encroachments.
- 900 b The danger that materials may be swept onto other lands or downstream to  
901 the injury of others or they may block bridges, culverts or other hydraulic  
902 structures.
- 903 c The proposed water supply and sanitation systems and the ability of these  
904 systems to prevent disease, contamination, and unsanitary conditions.
- 905 d The susceptibility of the proposed facility and its contents to flood damage  
906 and the effect of such damage on the individual owner.
- 907 e The importance of the services provided by the proposed facility to the  
908 community.
- 909 f The requirements of the facility for a waterfront location.
- 910 g The availability of alternative locations not subject to flooding for the  
911 proposed use.
- 912 h The compatibility of the proposed use with existing development and  
913 development anticipated in the foreseeable future.

- 914 i The relationship of the proposed use to the comprehensive plan and  
915 flood plain management program for the area.
- 916 j The safety of access to the property in times of flood for ordinary and  
917 emergency vehicles.
- 918 k The expected heights, velocity, duration, rate of rise, and sediment transport  
919 of the flood waters expected at the site.
- 920 l Such other factors which are relevant to the purposes of this Ordinance.
- 921 14. Conditions Attached to Conditional Use Permits. Upon consideration of  
922 the factors listed above and the purpose of this Ordinance, the City shall  
923 attach such conditions to the granting of conditional use permits as it  
924 deems necessary to fulfill the purposes of this Ordinance. Such conditions  
925 may include, but are not limited to, the following:
- 926 a Modification of waste treatment and water supply facilities.
- 927 b Limitations on period of use, occupancy, and operation.
- 928 c Imposition of operational controls, sureties, and deed restrictions.
- 929 d Requirements for construction of channel modifications, compensatory  
930 storage, dikes, levees, and other protective measures.
- 931 e Flood proofing measures, in accordance with the State Building Code and  
932 this Ordinance. The applicant shall submit a plan or document certified by a  
933 registered professional engineer or architect that the flood proofing  
934 measures are consistent with the regulatory flood protection elevation and  
935 associated flood factors for the particular area.

936 **1021.11: NONCONFORMITIES**

- 937 **A.** A structure or the use of a structure or premises which was lawful before the  
938 passage or amendment of this Ordinance but which is not in conformity with the  
939 provisions of this Ordinance may be continued subject to the following conditions.  
940 Historic structures, as defined in Section 1021.02H21 of this Ordinance, shall be  
941 subject to the provisions of Sections 1021.11A1 – A5 of this Ordinance.
- 942 1. No such use shall be expanded, changed, enlarged, or altered in a way that  
943 increases its nonconformity.
- 944 2. Any structural alteration or addition to a nonconforming structure or  
945 nonconforming use which would result in increasing the flood damage  
946 potential of that structure or use shall be protected to the Regulatory Flood  
947 Protection Elevation in accordance with any of the elevation on fill or  
948 flood proofing techniques (i.e., FP-1 thru FP-4 floodproofing  
949 classifications) allowable in the State Building Code, except as further  
950 restricted in 1021.11A3-A6 below.

- 951 3. The cost of all structural alterations or additions to any nonconforming  
952 structure over the life of the structure shall not exceed 50 percent of the  
953 market value of the structure unless the conditions of this Section are  
954 satisfied. The cost of all structural alterations and additions must include  
955 all costs such as construction materials and a reasonable cost placed on all  
956 manpower or labor. If the cost of all previous and proposed alterations and  
957 additions exceeds 50 percent of the market value of the structure, then the  
958 structure must meet the standards of Section 1021.04 or 1021.05 of this  
959 Ordinance for new structures depending upon whether the structure is in  
960 the Floodway or Flood Fringe District, respectively.
- 961 4. If any nonconforming use is discontinued for 12 consecutive months, any  
962 future use of the building premises shall conform to this Ordinance. The  
963 Assessor shall notify the Zoning Administrator in writing of instances of  
964 nonconforming uses that have been discontinued for a period of 12 months.
- 965 5. If any nonconforming use or structure is substantially damaged, as defined  
966 in Section 1021.02H20 of this Ordinance, it shall not be reconstructed  
967 except in conformity with the provisions of this Ordinance. The applicable  
968 provisions for establishing new uses or new structures in Sections 1021.04  
969 and 1021.05 will apply depending upon whether the use or structure is in  
970 the Floodway, Flood Fringe or General Flood Plain District, respectively.
- 971 6. If a substantial improvement occurs, as defined in Section 1021.02H21 of  
972 this Ordinance, from any combination of a building addition to the outside  
973 dimensions of the existing building or a rehabilitation, reconstruction,  
974 alteration, or other improvement to the inside dimensions of an existing  
975 nonconforming building, then the building addition and the existing  
976 nonconforming building must meet the requirements of Section 1021.04 or  
977 1021.05 of this Ordinance for new structures, depending upon whether the  
978 structure is in the Floodway or Flood Fringe District, respectively.

979 **1021.12: PENALTIES FOR VIOLATION**

980 **A.** Violation of the provisions of this Ordinance or failure to comply with any of  
981 its requirements (including violations of conditions and safeguards established in  
982 connection with grants of variances or conditional uses) shall constitute a  
983 misdemeanor and shall be punishable as defined by law.

984 **B.** Nothing herein contained shall prevent the City of Roseville from taking such  
985 other lawful action as is necessary to prevent or remedy any violation. Such  
986 actions may include but are not limited to:

- 987 1. In responding to a suspected Ordinance violation, the Zoning  
988 Administrator and Local Government may utilize the full array of  
989 enforcement actions available to it including but not limited to prosecution

990 and fines, injunctions, after-the-fact permits, orders for corrective  
991 measures or a request to the National Flood Insurance Program for denial  
992 of flood insurance availability to the guilty party. The Community must  
993 act in good faith to enforce these official controls and to correct Ordinance  
994 violations to the extent possible so as not to jeopardize its eligibility in the  
995 National Flood Insurance Program.

996 2. When an Ordinance violation is either discovered by or brought to the  
997 attention of the Zoning Administrator, the Zoning Administrator shall  
998 immediately investigate the situation and document the nature and extent  
999 of the violation of the official control. As soon as is reasonably possible,  
1000 this information will be submitted to the appropriate Department of  
1001 Natural Resources' and Federal Emergency Management Agency Regional  
1002 Office along with the Community's plan of action to correct the violation  
1003 to the degree possible.

1004 3. The Zoning Administrator shall notify the suspected party of the  
1005 requirements of this Ordinance and all other official controls and the  
1006 nature and extent of the suspected violation of these controls. If the  
1007 structure and/or use is under construction or development, the Zoning  
1008 Administrator may order the construction or development immediately  
1009 halted until a proper permit or approval is granted by the Community. If  
1010 the construction or development is already completed, then the Zoning  
1011 Administrator may either: (1) issue an order identifying the corrective  
1012 actions that must be made within a specified time period to bring the use or  
1013 structure into compliance with the official controls; or (2) notify the  
1014 responsible party to apply for an after-the-fact permit/development  
1015 approval within a specified period of time not to exceed 30-days.

1016 4. If the responsible party does not appropriately respond to the Zoning  
1017 Administrator within the specified period of time, each additional day that  
1018 lapses shall constitute an additional violation of this Ordinance and shall  
1019 be prosecuted accordingly. The Zoning Administrator shall also upon the  
1020 lapse of the specified response period notify the landowner to restore the  
1021 land to the condition which existed prior to the violation of this Ordinance.

## 1022 **1012.13: AMENDMENTS**

1023 **A.** The flood plain designation on the Official Zoning Map shall not be removed  
1024 from flood plain areas unless it can be shown that the designation is in error or that  
1025 the area has been filled to or above the elevation of the regulatory flood protection  
1026 elevation and is contiguous to lands outside the flood plain. Special exceptions to  
1027 this rule may be permitted by the Commissioner of Natural Resources if he  
1028 determines that, through other measures, lands are adequately protected for the  
1029 intended use.

1030 **B.** All amendments to this Ordinance, including amendments to the Official  
1031 Zoning Map, must be submitted to and approved by the Commissioner of Natural  
1032 Resources prior to adoption. Changes in the Official Zoning Map must meet the  
1033 Federal Emergency Management Agency's (FEMA) Technical Conditions and  
1034 Criteria and must receive prior FEMA approval before adoption. The  
1035 Commissioner of Natural Resources must be given 10-days written notice of all  
1036 hearings to consider an amendment to this Ordinance and said notice shall include  
1037 a draft of the Ordinance amendment or technical study under consideration.

1038

1039 SECTION 2: EFFECTIVE DATE: This Ordinance shall be in full force and  
1040 effect from and after its passage and approval and publication, as required by law  
1041 and/or charter.

1042 Adopted by the City Council of the City of Roseville this 17th day of May, 2010.

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Attest: \_\_\_\_\_  
Craig D. Klausning, Mayor

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Attest: \_\_\_\_\_  
William J. Malinen, City Manager/City Clerk

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City Seal

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**City of Roseville**

**ORDINANCE SUMMARY NO. \_\_\_\_\_**

**An Ordinance Summary for Amendments  
to Title 10 (Zoning Regulations) of the Roseville City Code**

The following is the official summary of Ordinance No. \_\_\_\_\_ approved by the City Council of Roseville on May 17, 2010:

The Roseville City Code has been amended to create a floodplain ordinance with specific requirements for all floodplain areas within the city limits.

A printed copy of the ordinance is available for inspection by any person during regular office hours in the office of the City Manager at the Roseville City Hall, 2660 Civic Center Drive, Roseville, Minnesota 55113. A copy of the ordinance and summary shall also be posted at the Reference Desk of the Roseville Branch of the Ramsey County Library, 2180 Hamline Avenue North, and on the Internet web page of the City of Roseville ([www.ci.roseville.mn.us](http://www.ci.roseville.mn.us)).

Attest: \_\_\_\_\_  
William J. Malinen, City Manager

# Minnesota Department of Natural Resources

DNR Waters - 1200 Warner Road, St. Paul, MN 55106-6793

Telephone: (651) 259-5845 Fax: (651) 772-7977



May 4, 2010

The Honorable Craig Klausing, Mayor  
City of Roseville, City Hall  
2660 Civic Center Drive  
Roseville, MN 55113

Dear Mayor Klausing:

## CONDITIONAL STATE APPROVAL OF DRAFT FLOODPLAIN ORDINANCE AND REQUIRED NEXT STEPS

The Department of Natural Resources (DNR) received a proposed floodplain management ordinance for the City of Roseville from Thomas Paschke, City Planner, on May 3, 2010. This proposed floodplain ordinance is being adopted to incorporate the *Flood Insurance Study, Ramsey County, Minnesota And Incorporated Areas* and the accompanying Flood Insurance Rate Map panels with an effective date of June 4, 2010. This ordinance is also being adopted to incorporate floodplain ordinance text revisions mandated by the Federal Emergency Management Agency (FEMA) for communities participating in the National Flood Insurance Program (NFIP).

I am pleased to inform you that the above-cited draft floodplain management ordinance is in compliance with *Statewide Standards and Criteria for Management of Floodplain Areas of Minnesota*, Minnesota Rules, parts 6120.5000 to 6120.6200. Therefore, in accordance with Minnesota Statutes, Chapter 103F, I hereby give conditional state approval of the above-cited draft floodplain management ordinance. To the best of my knowledge, this draft ordinance would also be in compliance with the floodplain management standards of the Federal Emergency Management Agency.

This approval is valid upon adoption of the draft ordinance by the county and receipt by this office of **three (3) certified copies of the adopted ordinance amendments along with the signed and completed "Ordinance Certification Checklist"** that I have included. We will review the ordinance to make sure it meets the conditions in this letter and forward the documents to Ceil Strauss, the DNR's State NFIP Coordinator in St. Paul. Upon receipt and verification, Ms. Strauss will transmit the adopted ordinance to Mr. John Devine at FEMA's Chicago Regional Office.

Please remember, FEMA must receive a signed, certified ordinance, and in-effect ordinance no later than June 4, 2010. To allow sufficient time for processing and transmittal, we request that you submit the ordinance to the DNR at least one week prior to the June 4, 2010 effective date. ***If FEMA has not received the documentation by the effective date, FEMA will suspend the City of Roseville from the National Flood Insurance Program.***

Please be advised that any future amendment of this draft ordinance or change in the designation of flood prone areas requires prior approval of the Commissioner. In addition, you are required to send copies of hearing notices and final decisions pertaining to variances, conditional uses, and ordinance amendments to this agency. Please send these notices directly to DNR Waters' Area Hydrologist



Page 2  
May 4, 2010  
The Honorable Klausing

Craig Wills at 1200 Warner Road, St. Paul, MN 55106. Please rely on Mr. Wills for day-to-day assistance in enforcing this ordinance.

The DNR greatly appreciates your community's cooperation and initiative in providing for the reduction of flood damages through the adoption and administration of this ordinance.

Sincerely,

A handwritten signature in black ink that reads "Dale E. Homuth". The signature is written in a cursive style with a large initial "D" and "H".

Dale E. Homuth  
Regional Hydrologist

Enclosure (Ordinance Certification Checklist)

ec: City of Roseville, Thomas Paschke  
MN DNR Floodplain Program, Ceil Strauss, Tom Lutgen, Salam Murtada  
DNR Area Hydrologist, Craig Wills  
City of Roseville File



## ORDINANCE CERTIFICATION CHECKLIST

**Please sign and return the checklist and all required documents to the DNR Waters Area Hydrologist's office when completed.**

1. \_\_\_\_\_ Date(s) of published hearing notice.  
\_\_\_\_\_
  
2. \_\_\_\_\_ Date(s) of public hearing.  
\_\_\_\_\_
  
3. \_\_\_\_\_ Date of ordinance adoption. Include 3 certified copies of the adopted ordinance text in its entirety including the signature of the chief elected official and the stamped seal of the community.
  
4. \_\_\_\_\_ Date of newspaper publication of adopted ordinance. Include 3 copies of affidavit of publication of the adopted ordinance. Publication of an ordinance summary is acceptable by statute.
  
5. \_\_\_\_\_ Date of official filing of adopted ordinance with County Recorder (\_\_\_\_\_ record book number and \_\_\_\_\_ page number). If filing of an adopted ordinance with the county auditor is not a standard practice, please indicate "N/A."
  
6. \_\_\_\_\_ Board of Adjustment/Appeals has been established (yes or no).

**Note: Cities under charter must also submit a list of any additional requirements for hearings, notices, etc. stated in their charter and not required by statute. Please specify:**

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**Signature of Clerk/Auditor**