

## Summary of Optional Provisions

(Note that optional provisions in existence within City Code already are not addressed here)

The following definitions are optional:

*Base Flood Elevation* means the elevation of the “regional flood”. The term “base flood elevation” is used in the flood insurance study.

There are multiple terms that are often interchanged when referring to floodplain regulations, including this one. It has no impact other than clarifying that it is the same as the Regional Flood, which is already defined within City Code.

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

This definition is not included in the proposed Ordinance as it would restrict these types of facilities from being constructed within any floodplain district, even those areas where fill can be used to elevate a structure to or above the Regulatory Flood Protection Elevation.

*Farm Fence* means an open type fence of posts and wire, which is permitted to accommodate agricultural activities and the raising of livestock and animals in certain zoning districts, and is not considered to be a structure with regard to floodplain regulations.

City Code does allow for barbless wire fences and fences capable of carrying an electric charge to accommodate agricultural activities and the raising of livestock. Incorporating this definition would allow for this low impact, non-flood impeding style of fence to be considered a permitted use within the Floodway District. Note that regardless of whether this definition is adopted or not, other, more typical residential style fences, such as chain link or privacy, are considered structures and are not permitted in the Floodway District without the issuance of a Conditional Use Permit.

*Flood Prone Area* means any land susceptible to being inundated by water from any source (see “Flood” definition).

This optional definition is not included in the proposed Ordinance as it would create additional regulation on lands outside the designated floodplain districts.

*Repetitive Loss* means flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of the market value of the structure before the damage occurred.

This optional definition relates to an optional provision that would require a nonconforming use or structure that experiences damage meeting this definition twice within a 10-year period to be either not reconstructed or reconstructed only in conformity with provisions within this Subdivision. This goes beyond the minimum standards and thus, Staff has not included this in the draft Ordinance.

The following provisions are optional:

This Subdivision is also intended to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

While optional, this statement reiterates the importance of preserving floodplain areas to reduce the impacts of flooding and has been included in the draft Ordinance as Sec. 117-180 (b)(3).

Annexations: The Flood Insurance Rate Map panels adopted by reference into Section 2.3 above may include floodplain areas that lie outside of the corporate boundaries of the City of Ramsey at the time of adoption of this ordinance. If any of these floodplain land areas are annexed into the City after the date of adoption of this ordinance, the newly annexed floodplain lands will be subject to the provisions of this ordinance immediately upon the date of annexation.

This language has been included in the draft Ordinance as Sec. 117-181 (i) to avoid the need to amend the Floodplain Overlay Districts Subdivision in the future, should land ever be annexed into the City.

Critical facilities, as defined above, are prohibited in all floodplain districts.

As noted above under definitions, this provision was not included in the draft Ordinance as it would restrict these types of facilities from being constructed within any floodplain district, even those areas where fill can be used to elevate a structure to or above the Regulatory Flood Protection Elevation.

The Floodway, Flood Fringe and General Floodplain districts are overlay districts that are superimposed on all existing zoning districts. The standards imposed in the overlay districts are in addition to any other requirements in the underlying zoning district. In case of a conflict, the more restrictive standards will apply.

Rather than creating separate zoning districts for each of the three floodplain designations, the City has utilized overlay districts as a way to maintain the underlying, existing zoning designation. Thus, this language has been included in the draft Ordinance as Sec. 117-181 (b)(1).

In General: Recognizing that flood prone areas may exist outside of the designated floodplain districts, the requirements of this section apply to all land within the City of Ramsey.

If a subdivision proposal or other proposed new development is in a flood prone area, any such proposal must be reviewed to assure that:

- (a) All such proposals are consistent with the need to minimize flood damage within the flood prone area,
- (b) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
- (c) Adequate drainage is provided to reduce exposure of flood hazard.

Building Sites: If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) must be:

- (a) Designed (or modified) and adequately anchored to prevent floatation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy;
- (b) Constructed with materials and utility equipment resistant to flood damage;
- (c) Constructed by methods and practices that minimize flood damage; and
- (d) Constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

These standards go beyond the designated boundaries of floodplains into any land that may be subjected to flooding. If part of a subdivision, these areas most likely may be encumbered by Drainage and Utility Easements, which would prohibit the placement of structures in these areas. As this extends beyond the minimum requirements, Staff has not included this language in the draft Ordinance.

A Farm Fence, as defined in 117-1, would require a Zoning Permit but is not considered a structure when administering this Subdivision.

City Code presently does allow for certain types of fences to be used strictly for agricultural activities and the raising of livestock. This type of a fence (generally barbless wire secured to posts with or without the capability to carry an electric charge) does not present a barrier to flood flows (unlike privacy fences or even chain link) and thus, Staff has included this language in the draft Ordinance so that it can be used within the Floodway District to enclose pasture/grazing areas.

- (1) Factors Used in Decision-Making. In passing upon conditional use applications, the City Council will consider all relevant factors specified in other sections of this Subdivision, and those factors identified in Section 117-189 (c)(5).
- (2) Conditions Attached to Conditional Use Permits. The City Council may attach such conditions to the granting of conditional use permits as it deems necessary to fulfill the purposes of this ordinance. Such conditions may include, but are not limited to, the following:
  - a. Modification of waste treatment and water supply facilities.
  - b. Limitations on period of use, occupancy, and operation.
  - c. Imposition of operational controls, sureties, and deed restrictions.
  - d. Requirements for construction of channel modifications, compensatory storage, dikes, levees, and other protective measures.
  - e. Floodproofing measures, in accordance with the MN State Building Code and this Subdivision. The applicant must submit a plan or document certified by a registered professional engineer or architect that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

While optional, these provisions help provide guidance for both the City and potential applicants when considering requests for Conditional Use Permits within a floodplain. Staff has included this language in the draft Ordinance under Sec. 117-189 (d)(2) and (3).

If any nonconforming use or structure experiences a repetitive loss, as defined above, it must not be reconstructed except in conformity with the provisions of this ordinance.

This is optional provision that would require a nonconforming use or structure that experiences damage meeting the definition of Repetitive Loss twice within a 10-year period to either not be reconstructed or be reconstructed only in conformity with provisions within this Subdivision. This goes beyond the minimum standards and thus, Staff has not included this in the draft Ordinance.