

CHAPTER 25: ZONING

ARTICLE 25. FLOODPLAIN MANAGEMENT OVERLAY DISTRICT

Sec. 25-25-100 Statutory Authorization.

The legislature of the State of Minnesota in Minnesota Statutes, Chapter 103F and Chapter 462 has delegated the responsibility to local government units to adopt regulations designed to minimize flood losses. This Ordinance is adopted to comply with the rules and regulations of the National Flood Insurance Program codified as 44 Code of Federal Regulations Parts 59 -78, as amended, so as to maintain the community's eligibility in the National Flood Insurance Program.

Sec. 25-25-200 Statement of Purpose.

The development of the flood hazard areas of the City of Oakdale could result in the potential loss of life and property, create health and safety hazards, and lead to extraordinary public expenditures for flood protection and relief. Since development of these areas is not essential to the orderly growth of the community, and since these lands are suitable for open space uses that do not require structures, fill, obstructions, or any other form of development as defined in Chapter 25, Article 2, Sec. 25-8, the City Council of the City of Oakdale does ordain as follows.

Sec. 25-25-300 Designation of the Floodplain Overlay.

The Flood Insurance Study, Washington County, Minnesota and Incorporated Areas and Flood Insurance Rate Map Panels therein numbered 27163C0329E, 27163C0330E, 27163C0330E, & 27163C0335E all dated February 3, 2010 and prepared by the Federal Emergency Management Agency, are hereby adopted by reference and declared to be part of this Ordinance. These materials shall be on file in the office of the City Clerk. The Floodplain Management Overlay District for the City of Oakdale shall include those 100 year flood areas designated as Zone AE & Zone A on the aforementioned maps.

Sec. 25-25-400 Permitted Uses in the Floodplain Overlay.

The following uses have a low flood damage potential and do not obstruct flood flows. These uses shall be permitted within the Floodplain Management Overlay District without a permit to the extent that they are not prohibited by any other ordinance and provided they do not require structures, fill, obstructions, excavations, drilling operations, storage of materials or equipment or any other form of development as defined in Chapter 25, Article 2, Sec. 25-8.

- (a) Agricultural uses such as general farming, pasture, grazing, forestry, sod farming, and wild crop harvesting.
- (b) Industrial-commercial uses such as parking areas and airport landing strips.

- (c) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.
- (d) Residential uses such as lawns, gardens, parking areas, and play areas.

All other uses and all uses that require structures, fill, obstructions, excavations, drilling operations, storage of material or equipment or any other form of development as defined in Article 2 of Chapter 25 shall be prohibited.

25-25-500 Administration

- (a) **Development Approvals.** No person shall erect, construct, enlarge, alter, repair, improve, move, or demolish any building or structure. No mining, dredging, filling, grading, paving, excavation, obstruction, drilling operation or other form of development as defined in Chapter 25, Article 2, Sec. 25-8 shall be allowed. These activities are currently not allowed within the Floodplain Management Overlay District and would only be allowed if this Ordinance is amended to allow such activities in the future with appropriate specified flood protection performance standards and the issuance of development permits.
- (b) **Interpretation of District Boundaries.** Where interpretation is needed as to the exact location of the boundaries of the Floodplain Management Overlay District as shown on the Flood Insurance Rate Map panels adopted in Section 25-25-300 of this Ordinance, as for example where there is a conflict between a mapped boundary and actual field conditions, the City Engineer shall make the necessary interpretation based on the 100-year flood elevation, if available, or by using other available technical data.
- (c) **Variances.** The Board of Adjustment shall submit by mail to the Commissioner of Natural Resources a copy of the application for proposed variances sufficiently in advance so that the Commissioner will receive at least ten days notice of the hearing. A copy of all decisions granting variances shall be forwarded by mail to the Commissioner of Natural Resources within ten (10) days of such action. No variance shall have the effect of allowing any use prohibited in the Floodplain District. The community shall maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its annual or biennial report submitted to the Administrator of the National Flood Insurance Program. The following additional variance criteria of the Federal Emergency Management Agency must be satisfied:
 - (1) Variances shall not be issued by a community within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.
 - (2) Variances shall only be issued by a community upon (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of a variance will not

result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.

- (3) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (d) **Amendments.** All amendments to this Ordinance must be submitted to and approved by the Commissioner of Natural Resources prior to adoption.
- (e) **Annexations.** The Flood Insurance Rate Map panels adopted by reference into Section 25-25-300 of this Ordinance include floodplain areas that lie outside of the corporate boundaries of the City of Oakdale on the date of adoption of this Ordinance. If any of these floodplain land areas are annexed into the City of Oakdale after the date of adoption of this Ordinance, the newly annexed floodplain lands shall be subject to the provisions of this Ordinance immediately upon the date of annexation into the City of Oakdale.

25-25-600 Warning of Disclaimer of Liability.

This Ordinance does not imply that areas outside the Floodplain Management Overlay District or land uses permitted within such districts will be free from flooding or damages. This ordinance shall not create liability on the part of the City of Oakdale or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.

25-25-700 Enforcement.

Violation of the provisions of this Ordinance or failure to comply with any of its requirements (including violations of conditions and safeguards established in connection with grants of variances) shall constitute a misdemeanor and shall be punishable as defined by law. Each additional day that lapses shall constitute an additional violation of this Ordinance and shall be prosecuted accordingly.

25-25-800 Severability.

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

25-25-900 Effective Date.

This Ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law and/or charter.