

**CITY OF ALBERT LEA
PLANNING COMMISSION
ADVISORY BOARD**

*4/11/2018, 5:30 p.m.
City Council Chambers*

AGENDA

- A. CALL TO ORDER AND ROLL CALL
- B. APPROVAL OF THE AGENDA
- C. APPROVAL OF MINUTES
 - 1. PC Minutes from March 15th 2018
- D. PUBLIC HEARING
 - 1. Amendments to Zoning Code Section 74-870, F-1 Floodplain District, Flood Fringe
- E. NEW BUSINESS
- F. OLD BUSINESS
- G. COMMISSIONER COMMUNICATIONS
- H. STAFF COMMUNICATIONS
- I. ADJOURNMENT

CITY OF ALBERT LEA
PLANNING COMMISSION
ADVISORY BOARD
MEETING MINUTES

March 15, 2018 - 5:30 pm
City Center – Council Chambers

Members Present

Colby Cunningham
Rick Mummert, Chair
Tim Samuelson
Pam Schmidt
Jason Willner, Vice-Chair

Members Absent

Larry Baker, Ex-Officio
Thayne Nordland

Staff in Attendance

Cierra Maras, Fire & Inspection Administrative Assistant
Molly Patterson-Lundgren, City Planner
Wayne Sorensen, Building/Zoning Administrator

Interested Parties

Janet Levine
Jane Haukoos
Darryl Flim
Paul Bertelson
Craig Hoium
Ryan Nolander

Planning Commission Chair, Rick Mummert, called the meeting to order at 5:31 p.m.

Approval of the Agenda

Cunningham made a motion to approve the agenda and Schmidt seconded the motion. The agenda was approved unanimously on a voice vote.

Approval of Minutes

Cunningham made a motion to approve the minutes from January 11, 2018. Willner seconded the motion. The minutes were approved unanimously on a voice vote.

Public Hearings

Staff report and PowerPoint prepared by Molly Patterson-Lundgren, Planner WSB & Associates, Inc. and an audio recording of this meeting become part of these minutes by reference.

1. Request for CUP – Albert Lea Inn, 700 Highway 69

Renewal Development, LLC has applied for a Conditional Use Permit (CUP) to operate a motel at 700 Highway 69. They propose to reopen the motel, originally called the Bel Aire and later renamed Hill Top, as The Albert Lea Inn. The property is located in the Multifamily Residence-Office (R-O) zoning district. The R-O district allows for hotels/motels as a permitted conditional use. While there has been a motel here in the past, there is no CUP on file for it; it was previously operating as a nonconforming use. Zoning Code indicates that if any such nonconforming use of land ceases for any reason for a period of more than 90 days, *“any subsequent use of such land shall conform to the regulations specified by this chapter for the district in which the land is located”*. The issuance of a CUP for the new motel will bring the use into conformity.

The applicant has indicated that the reopened motel will have 32 guest rooms all facing Highway 69 in the original main building and the “L” shaped annex to the south. The two additional buildings in the rear are proposed to be used as a garage and for storage. The application indicated that the property will structurally and physically remain as is, with primarily cosmetic enhancements.

Staff analysis regarding current and anticipated traffic congestion, population and density, noise, effect on adjoining land values, public health, safety & welfare, aesthetics can be found in the referenced staff report. Staff has suggested the following conditions regarding aesthetics:

- Required 25 foot buffer along Hillhaven Street including trees, shrubs and ground cover
- Update signage
- Removal of old pool equipment/lean-to
- Prohibit personal storage outside of guest room

Samuelson asked if condition #10, removal of 25’ of concrete on west side would affect the driveway. Patterson-Lundgren explained that there is an easement for the house next door and the easement would not include that drive area.

Patterson-Lundgren noted that City Staff has received four phone calls and other individuals have spoken with staff. One individual had commented on the rear building indicating that it has fallen into a sad state of disrepair. They explained they hoped that rear building would not re-open for guests to stay in. The other phone calls were from individuals living on Hillhaven Street. They had all indicated the illicit activity that had occurred in the past such as theft of outdoor furniture, lawn ornaments, bikes, etc. Mummert noted that the main activity of the hotel will be on the east side.

Mummert opened the public hearing at 5:55 p.m.

Janet Levine, neighbor, has lived in the area for 18 years. She expressed that it seems like the hotel has been going downhill. She indicated that the business has had a reputation for

inappropriate activity on site. She noted that children in the neighborhood walk past the location on their way to school and is aware of at least one situation where children witnessed indecent exposure from someone staying at the hotel. She asked if the hotel will be for homeless housing and if the government was going to help pay for it. Patterson-Lundgren explained that that has not been part of the proposal to be considered. Levine indicated that she and several other neighbors would like to see the hotel demolished and for a street to be constructed allowing access from Hillhaven Street to Highway 69. She asked what would happen with the site if the hotel were to be tore down. Mummert indicated that it would be a large expense to do so and this is not what is being proposed by the property owner or being considered by the City at this time.

Jane Haukoos, neighbor, was born and raised on the street nearby. She explained that she loves the hotel and is thrilled that someone wants to renovate and re-open it. She read a letter she wrote expressing her excitement and gratitude in the re-opening of the hotel, welcoming the new owner and business to the neighborhood, and asking City Council to approve the proposal.

Darryl Flim, neighbor on south end of hotel, explained concern of traffic coming in and out of the hotel in a driveway nearby. He noted the neighbor behind him has blocked off the driveway because of people driving through at dangerous speeds. Patterson-Lundgren explained that the driveway easement will be looked into more thoroughly for Council. Mummert noted that if there is continued traffic that causes concern, complaints can be made to the Police Department.

Mummert closed the public hearing at 6:08 p.m.

Schmidt asked if the applicant was present to speak on the concerns that have been stated.

Paul Bertelson, applicant, stated that it was found early on that the cars have a habit of using a shortcut on the north side. He said there are temporary railroad ties in place. He gave background on previous properties he as renovated and address the concern of guests; he intends to run as a motel and not an apartment. Guests will be on a nightly, possibly weekly, basis and they are not looking to engage people in long-term stays. He explained that the building on the rear of the property is the last priority. They intend to clean it up, paint it, and secure it.

Mummert commented that he appreciates the applicant moving forward with this and he appreciates the comments from the neighbors. He said there has been huge disrepair and he hopes the applicant will address all items if this CUP is approved.

Willner made a motion, seconded by Cunningham, to recommend to City Council adoption of a resolution approving a Conditional Use Permit to allow for the reopening of the hotel, The Albert Lea Inn at 700 Highway 69, Albert Lea, MN 56007 with the following conditions:

1. Maximum of 32 guest rooms allowed under this permit.
2. The hotel must acquire and maintain up to date hotel licensure through the City of Albert Lea.

3. Required hotel tax and annual report shall be submitted to the City of Albert Lea and the State of Minnesota.
4. No personal property from guests or staff shall be allowed to accumulate or be stored outside of the hotel guest rooms including but not limited to items such as grills and non-functional vehicles. The hotel may place coordinated outdoor seating outside of rooms along the front walk or other designated patio or common outdoor area if desired. Such designated area shall be shown on a landscape plan and approved by City staff.
5. There shall be no outdoor activity such as grilling, campfires or sports activity occurring on the site unless the applicant provides a space designed and designated for such use and the City Building Official/Zoning Administrator approves of such a site modification prior to installation.
6. Night time quiet hours shall be established and posted in each room and common areas of the hotel. These shall at a minimum occur within the hours of 10 p.m. to 7 a.m. (which coincides with City Code on lower decibel level times).
7. There shall be hotel management on site at all times.
8. The facility shall satisfactorily pass Fire Department hotel inspection and Building Permit review of unpermitted work done to date including all items identified at the February 16th site inspection.
9. The back annex building (indicated as "storage" on the submitted application) and the 2 stall garage is allowed to remain and be used for business storage only. The operation of a personalized storage or mini-warehouse business is specifically prohibited. These buildings shall be repaired and painted with all doors and windows and fascia being secured.
10. Landscaping improvement along the Hillhaven Street frontage is required for a depth of 25 feet from the property/right of way boundary to include a visual screening of not less than 90% opacity. This shall be completed by November 1, 2018. A letter of credit or escrow in the amount of \$5,000 is required prior to hotel license issuance which gives the City of Albert Lea authority to complete the removal after November 1, 2018 and draw from the letter of credit or escrow for this purpose.
11. There shall be no outdoor storing of vehicles, hotel furnishings or equipment on site.
12. Old/existing freestanding signs shall be removed. New signage shall meet existing standards and a sign permit is required.
13. The lean-to structure and materials located at the northeast corner of the site (near the old pool area) shall be removed with the area cleaned up, repaired and landscaped by October 1st of 2018.
14. The buried concrete from the old pool shall be removed and disposed of per MPCA requirement. This shall be completed by November 1, 2018. A letter of credit or escrow in the amount of \$10,000 is required prior to hotel license issuance which gives the City of Albert Lea authority to complete the removal after November 1, 2018 and draw from letter of credit or escrow for this purpose.

The following findings of fact support recommended approval:

- A. The property has good access to/from US 69/MN 13 and County Highway 46. Anticipated traffic volumes and ingress/egress routes will not negatively impact these or adjacent City streets.
- B. The proposed 32 guest rooms are not considered dwelling units per zoning code. Sleeping rooms are required to have a minimum of 500 square feet per room in the R-O district; the proposal meets density requirements.
- C. The proximity of the hotel to nearby residences is a historic condition of the neighborhood. Posting quiet hours for the hotel and having management staff on site at all times will reduce the likelihood of excessive noise affecting adjoining neighbors.
- D. The property has been neglected over time with lack of ongoing maintenance. New paint, landscaping and general exterior maintenance will likely help to maintain adjoining property values.
- E. With the requirements for hotel licensing and inspections, the project poses no threat to public health, welfare of safety – nor does it pose any threat directly to the environment or the surrounding areas.
- F. With the removal of the buried concrete from the old pool, public health, safety and welfare is improved with the issuance of this CUP.
- G. The removal of excessive pavement 25-feet from Hillhaven Street along that frontage and the establishment of a landscaped buffer as required under the City Code Sec. 74-1045 and 74-1096 will improve the aesthetics for adjacent residential neighbors and decrease the impervious surface of the site.

The motion was passed unanimously on a voice vote.

2. Preliminary Plat – Sky Pilot, Replat of Lots 5&6, Block 1, Bridgeport Fourth

Sky Pilot Park LLC has applied for a Preliminary & Final Plat for a commercial condominium development at the northwest corner of Hi Tec Avenue and Pilot Road. The property is one block west of Bridge Avenue and one block east of the municipal airport. The proposed plat would combine two existing platted lots (Lot 5 and Lot 6, Block 1 of Bridgeport Fourth), a total of .82 acres, and then divide that property into 11 for sale units located in two buildings. The property surrounding these buildings would be held in common ownership of the unit owners. This would be accomplished through a Common Interest Community (C.I.C.) Condominium plat. Their preliminary plat shows two phases to occur under this approval. A third phases is shown as a potential expansion at some time in the future on Lot 4, however that lot will not be included in this replat.

Steve Jahnke, Director of Public Works and City Engineer, wrote a memorandum regarding a request for stormwater treatment plan for future phases be set in place at this time. In addition, sewer and water private trunk line maintenance must be part of the CIC along with pavement and paint striping maintenance.

Mummert opened the public hearing at 6:36 p.m.

Craig Hoium, applicant, explained that the proposed project has been in the planning phases for about three years now. He said that throughout the planning process, he has been in close communication with City Staff to make sure the development and layout would be close to what he needed. He explained that the driveway access on Hi Tec Avenue was to minimize any offensive land use issues for incoming and outgoing traffic; informing that the other option would be access on Pilot Road and they wanted to minimize public effect, noting that there are two childcare businesses on the southeast and southwest side. Hoium said that both buildings would have rain gutters on both front and back sides with downspouts along with attachments to the roof. He explained that he understands and appreciates the concern of water ponding regard site drainage, however, there are minimum grade elevations that has to be met and this has been designed to be in compliance with those minimum standards. He also explained that for snow removal, the plan is to pile the snow on the west end and have the rest loaded away.

Hoium described the proposed units will be open to smaller type businesses. He said as he is in real estate, quite often people have been looking for a smaller type facility. He explained that the colors of the buildings are planned to be a softer, lighter natural color. Something that will fit in with the other commercial buildings out there. He said when phase 2 is complete, there would not be any windows on the south exterior wall. All the doors on the north building will face south, and all the doors on the south building will face north, He plans to have plantings along the wall on the curb area on the south building.

Cunningham asked if the proposed buildings are one or two story buildings and Hoium answered they are one story. He also noted that there will be fire-rated walls that separate each one of the units and each unit will be initially roughed-in for a single bathroom.

Schmidt asked what the projected date of completion is. Hoium said that the top soil on the building pad sites are up to 18" thick. They are scheduled for April 15th to be removed, filled, and compacted. Building construction is scheduled for May.

Schmidt asked if there units are priced at this time. Hoium said there is preliminary pricing and two units are presold at this time.

Schmidt asked if there will be garages for the units. Hoium explained that the front appearance of each unit appears to be a garage. It will have an overhead door and a front entry door. Schmidt also asked how many bedrooms the units will have. Hoium said the units are strictly for business with no residential use at all.

Ryan Nolander, executive director of ALEDA, thanked the applicant for their proposal. He explained that they have many people contacting them (ALEDA) looking for 1,000 – 2,000 square feet of space to use and that it is difficult for them to find. He indicated that he would appreciate any information to help the applicant fill up the proposed units.

Mummert closed the public hearing at 6:54 p.m.

Samuelson made a motion, seconded by Willner, to recommend to City Council approval of the Preliminary Plat for Sky Pilot Common Interest Community with the following condition/modification:

The applicant will provide additional information including a landscape plan, additional grading information, and information on utility connections to address the concerns on the site per the City Engineer and Director of Public Works memo dated 3-06-2018. The City Engineer and Director of Public Works in consultation with the Building Official/Zoning Administrator will have final approval of these plans prior to issuance of building permit.

The following Findings of Fact support recommended approval:

1. The proposed lot and block layout meets the minimum standards per City Code Chapters 54 and 74 for properties in the I-1 Zoning District.
2. There are no sidewalks currently in the vicinity of the property being platted and the area is not a priority for the addition of sidewalks at this time. In the opinion of the Planning Commission, sidewalks are not necessary on this property to protect the safety of pedestrians.
3. Park land dedication was submitted previously to the City when this property was platted as part of Bridgeport Fourth Subdivision in 1995.
4. High Tech Avenue and Pilot Road as previously platted provide adequate access to the site.
5. With additional stormwater plan information to be submitted to the City Engineer and Director of Public Works prior to construction, assurance will be provided that both immediate and long term stormwater management requirements will be met for the development property and adjacent sites.
6. The Comprehensive Plan identifies a policy of encouraging creative approaches to stormwater management (preserving water quality) that integrate landscaping and natural features in this area. The applicant is encouraged to provide rain gardens or similar treatment incorporated into the stormwater management plan.
7. Dedication of 3-feet added to the Pilot Road right of way will not be detrimental to the public welfare but instead will provide additional space for public utilities in a right of way which does not meet current width requirements of the Subdivision Ordinance.
8. The applicant has indicated they plan to plant buffer vegetation on the south side of the property along Pilot Avenue. Staff will verify this in landscape plans required for submittal at the time of building permit application.

The motion was passed on a 4-0 voice vote with Mummert abstaining.

New Business

1. Final Plat Recommendation to City Council – Sky Pilot

Cunningham made a motion, seconded by Schmidt, to recommend to City Council approval of the Final Plat for Sky Pilot Common Interest Community on the condition that all conditions of the Preliminary Plat have been addressed based on the following findings of fact:

1. The Final play conforms to the preliminary plat.
2. The plat conforms to the design standards set forth in chapter 54 of City Code.
3. The plat conforms to the adopted comprehensive plan.
4. The plat is in accordance with all requirements and laws of the state.

The motion was passed on a 4-0 voice vote with Mummert abstaining.

Old Business

None

Commissioner Communications

None

Staff Communications

Maras explained there is a need for one Planning Commission member to be on the Board of Appeals. If any Commissioner is interested, they are to contact Wendy Flugum in Administration.

Adjournment

The meeting was adjourned at 6:59 p.m. The motion to adjourn was made by Samuelson and seconded by Cunningham. The motion to adjourn was approved unanimously on a voice vote.

Respectfully submitted,

Cierra Maras
Planning Commission Secretary

Rick Mummert
Chair, Planning Commission

DIVISION 18. - F-2 FLOOD FRINGE DISTRICT

Sec. 74-910. - Flood fringe district.

The F-2 flood fringe district shall include those areas designated as Zone AE and outside of the floodway on the Flood Insurance Rate Map, adopted in subsection 74-3(d)(2) of this chapter. For lakes, the flood fringe district shall include those floodplain areas above the ordinary high water level. [Uses and standards contained herein pertain only to those areas of a parcel that are within the flood fringe](#)

(Ord. No. 114, 3d, § 1, 2-11-08; Ord. No. 188, 5d, § 12, 10-27-14)

Sec. 74-911. - Purpose.

It is the purpose of the F-2 flood fringe district to permit development in flood fringe areas on the basis that the development is completed in accordance with standards which will protect it from the regional flood.

(Code 1980, § 11.58, subd. 1)

Sec. 74-912. - Permitted uses.

~~In the F-2 flood fringe district, any use may be permitted in accordance with section 74-872.~~
[Permitted uses are those uses of land or structures allowed in the underlying zoning district\(s\) that comply with the standards in Sections 74-913 below.](#)

(Code 1980, § 11.58, subd. 2)

Sec. 74-913. - ~~General requirements~~[Standards for Flood Fringe Permitted Uses.](#)

- ~~— (a) *Generally.* Land within the F-2 flood fringe district is subject to all of the requirements of the underlying zoning district.~~
- ~~— (b) *Residential uses.* Residences shall have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation.~~
- ~~— (c) *Commercial and industrial accessory uses.* Uses that are accessory to commercial uses such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. Such facilities may be used by employees or the general public if there is a flood warning system that provides adequate time for evacuation of the area if, upon occurrence of the 100-year flood, it becomes inundated to a depth and velocity such that when multiplying the depth in feet times velocity in feet per second, the product number exceeds four.~~
- ~~— (d) *New recreational vehicle parks are prohibited in the flood fringe district.*~~
- ~~— (e) *Fill.* Fill placed in the floodplain shall be properly compacted and the slopes shall be properly protected by use of riprap, vegetative cover or other applicable method.~~
- ~~— (f) *Maintaining hydraulic capacity of stream channels.* Floodplain developments shall not adversely affect the hydraulic capacity of the channel and adjoining floodplain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Floodplain Zoning Map.~~
- ~~— (g) *Issuance of state and federal permits.* Prior to granting a permit or conditional use permit or processing an application for a permit or conditional use permit, the~~

~~applicant shall obtain all necessary state and federal permits and make certification to the city planner that all necessary permits have been received.~~

~~—(h) *Certification.* The applicant shall submit certification by a registered professional engineer, registered architect or registered land surveyor that the finished fill and the building elevations, if any, were accomplished in compliance with the provisions of this chapter. A registered professional engineer or architect shall certify that the floodproofing methods are adequate to withstand the flood depth, pressures, velocities, impact and uplift forces.~~

- (1) All structures, including accessory structures, must be elevated on fill so that the lowest floor, as defined, is at or above the regulatory flood protection elevation. The finished fill elevation for structures must be no lower than one foot below the regulatory flood protection elevation and the fill must extend at the same elevation at least 15 feet beyond the outside limits of the structure.
- (2) Accessory Structures. As an alternative to the fill requirements of section (1) directly above, structures accessory to the permitted uses identified in Section 74-912 may be permitted to be internally/wet floodproofed to the FP3 or FP4 floodproofing classifications in the State Building Code, provided that:
 - a. The accessory structure constitutes a minimal investment, does not exceed 576 square feet in size, and is only used for parking and storage.
 - b. All portions of floodproofed accessory structures below the Regulatory Flood Protection Elevation must be:
 - i. adequately anchored to prevent flotation, collapse or lateral movement and designed to equalize hydrostatic flood forces on exterior walls.
 - ii. be constructed with materials resistant to flood damage, and
 - iii. must have all service utilities be water-tight or elevated to above the regulatory flood protection elevation
 - c. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following criteria:
 - i. To allow for the equalization of hydrostatic pressure, there must be a minimum of two “automatic” openings in the outside walls of the structure, with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding; and
 - ii. There must be openings on at least two sides of the structure and the bottom of all openings must be no higher than one foot above the lowest adjacent grade to the structure. Using human intervention to open a garage door prior to flooding will not satisfy this requirement for automatic openings.
- (3) The cumulative placement of fill or similar material on a parcel must not exceed 1,000 cubic yards, unless the fill is specifically intended to elevate a structure in accordance with Section 74- 913 (1) of this ordinance, or if allowed as a conditional use under Section 74- 914 below.
- (4) The storage of any materials or equipment must be elevated on fill to the regulatory flood protection elevation.

- (5) All service utilities, including ductwork, must be elevated or water-tight to prevent infiltration of floodwaters.
- (6) All fill must be properly compacted and the slopes must be properly protected by the use of riprap, vegetative cover or other acceptable method.
- (7) All new principal structures must have vehicular access at or above an elevation not more than two feet below the regulatory flood protection elevation, or must have a flood warning /emergency evacuation plan acceptable to the Albert Lea City Council.
- (8) Accessory uses such as yards, railroad tracks, and parking lots may be at an elevation lower than the regulatory flood protection elevation. However, any facilities used by employees or the general public must be designed with a flood warning system that provides adequate time for evacuation if the area is inundated to a depth and velocity such that the depth (in feet) multiplied by the velocity (in feet per second) would exceed a product of four upon occurrence of the regional (1% chance) flood.
- (9) Manufactured homes and recreational vehicles must meet the standards of Section 74- 917 of this Division.

(Code 1980, § 11.58, subd. 3; Ord. No. 114, 3d, § 1, 2-11-08; Ord. No. 188, 5d, § 13, 10-27-14)

Sec. 74-914. - Conditional use permits.

~~Prohibited uses: New construction of residential, commercial, industrial and accessory structures or manufactured home and the placement of recreational vehicles is not permitted.~~

~~The following uses may be permitted in the F-2 flood fringe district by conditional use permit:~~

~~(1) All conditional permitted uses as permitted in section 74-875.~~

The following uses and activities may be allowed as conditional uses, if allowed in the underlying zoning district(s) or any applicable overlay district.

- (1) Storage of any material or equipment below the regulatory flood protection elevation.
- (2) The cumulative placement of more than 1,000 cubic yards of fill when the fill is not being used to elevate a structure in accordance with Section 74- 913 (1) of this ordinance.
- (3) The use of methods to elevate structures above the regulatory flood protection elevation, including stilts, pilings, parallel walls, or above-grade, enclosed areas such as crawl spaces or tuck under garages, shall meet the standards in Section 74- 915(9) below.

(Code 1980, § 11.58, subd. 4; Ord. No. 114, 3d, § 1, 2-11-08)

Sec. 74-915. - Standards for review of conditional uses.

In the F-2 flood fringe district, conditional uses shall be reviewed in accordance with section 74-59 and the applicable provisions of section 74-876.

- (1) The standards listed in 74- 913 (4) through 74- 913 (9) apply to all conditional uses.

- (2) Residential basements, are not allowed below the regulatory flood protection elevation.
- (3) All areas of nonresidential structures, including basements, to be placed below the regulatory flood protection elevation must be structurally dry floodproofed, meeting the FP1 or FP2 floodproofing classification in the State Building Code, which requires making the structure watertight with the walls substantially impermeable to the passage of water and with structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy.
- (4) The placement of more than 1,000 cubic yards of fill or other similar material on a parcel (other than for the purpose of elevating a structure to the regulatory flood protection elevation) must comply with an approved erosion/sedimentation control plan.

 - a. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the regional (1% chance) flood event.
 - b. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City of Albert Lea.
 - c. The plan may incorporate alternative procedures for removal of the material from the floodplain if adequate flood warning time exists.
- (5) Storage of materials and equipment below the regulatory flood protection elevation must comply with an approved emergency plan providing for removal of such materials within the time available after a flood warning.
- (6) Alternative elevation methods other than the use of fill may be utilized to elevate a structure's lowest floor above the regulatory flood protection elevation. The base or floor of an enclosed area shall be considered above-grade and not a structure's basement or lowest floor if:

 - a. the enclosed area is above-grade on at least one side of the structure;
 - b. it is designed to internally flood and is constructed with flood resistant materials; and
 - c. it is used solely for parking of vehicles, building access or storage. The above-noted alternative elevation methods are subject to the following additional standards:

 - i. Design and Certification -The structure's design and as-built condition must be certified by a registered professional engineer as being in compliance with the general design standards of the State Building Code and, specifically, that all electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities must be at or above the regulatory flood protection elevation or be designed to prevent flood water from entering or accumulating within these components during times of flooding. Structure shall be subject to a nonconversion agreement with upon the issuance of any permit.
 - ii. Above-grade, fully enclosed areas such as crawl spaces or tuck under garages must be designed to internally flood and the design plans must stipulate:

 - 1. The minimum area of openings in the walls where internal flooding is to be used as a floodproofing technique. There shall be a minimum of two openings on at least two sides of the structure and the bottom of all openings shall be no higher than one foot above grade. The automatic openings

shall have a minimum net area of not less than one square inch for every square foot of enclosed area subject to flooding unless a registered professional engineer or architect certifies that a smaller net area would suffice. The automatic openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of flood waters without any form of human intervention; and

2. That the enclosed area will be designed of flood resistant materials in accordance with the FP3 or FP4 classifications in the State Building Code and shall be used solely for building access, parking of vehicles or storage.

(Code 1980, § 11.58, subd. 5; Ord. No. 188, 5d, § 14, 10-27-14)

~~Prohibited uses: New construction of residential, commercial, industrial and accessory structures or manufactured home and the placement of recreational vehicles is not permitted.~~

Secs. 74-916 Standards for Public Utilities, Railroads, Roads, And Bridges.

- (1) Public Utilities: All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain must be floodproofed in accordance with the State Building Code or elevated to the regulatory flood protection elevation.
- (2) Public Transportation Facilities: Railroad tracks, roads, and bridges to be located within the floodplain must comply with Sections 4.0 and 5.0 of this ordinance. These transportation facilities must be elevated to the regulatory flood protection elevation where failure or interruption of these facilities would result in danger to the public health or safety or where such facilities are essential to the orderly functioning of the area. Minor or auxiliary roads or railroads may be constructed at a lower elevation where failure or interruption of transportation services would not endanger the public health or safety.
- (3) On-site Water Supply and Sewage Treatment Systems: Where public utilities are not provided: 1) On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems and are subject to the provisions in Minnesota Rules Chapter 4725.4350, as amended; and 2) New or replacement on-site sewage treatment systems must be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters, they must not be subject to impairment or contamination during times of flooding, and are subject to the provisions in Minnesota Rules Chapter 7080.2270, as amended.

Secs. 74-917 Standards for Manufactured Homes and Recreational Vehicles in the F-2/Flood Fringe Zone.

- (4) Manufactured Homes: New manufactured home parks and expansions to existing manufactured home parks are prohibited in any floodplain district. For existing manufactured home parks or lots of record, the following requirements apply:

- (5) Placement or replacement of manufactured home units is prohibited in the Floodway District.
- (6) Placement or replacement of manufactured home units in the Flood Fringe District is subject to all other requirements of F-2 Zone and the following standards.
- a. New and replacement manufactured homes must be elevated in compliance with Sec. 74-913 (1) of this ordinance and must be securely anchored to an adequately anchored foundation system that resists flotation, collapse and lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state or local anchoring requirements for resisting wind forces.
 - b. New or replacement manufactured homes in existing manufactured home parks must meet the vehicular access requirements for subdivisions in Flood.
- (7) Recreational Vehicles: New recreational vehicle parks or campgrounds and expansions to existing recreational vehicle parks or campgrounds are prohibited in any floodplain district. Placement of recreational vehicles in existing recreational vehicle parks or campgrounds in the floodplain must meet the requirements below.
- (8) Recreational vehicles are exempt from the provisions of this ordinance if they are placed in any of the following areas and meet the criteria listed in Section 74-913 (9) below:
- a. Individual lots or parcels of record.
 - b. Existing commercial recreational vehicle parks or campgrounds.
 - c. Existing condominium-type associations.
- (9) Criteria for Exempt Recreational Vehicles:
- a. The vehicle must have a current license required for highway use.
 - b. The vehicle must be highway ready, meaning on wheels or the internal jacking system, attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks.
 - c. No permanent structural type additions may be attached to the vehicle.
 - d. Accessory structures may be permitted provided that they constitute a minimal investment, do not hinder the removal of the vehicle should flooding occur, and meet the standards outlined in 74-913 (2).