

SECTION 6. OVERLAY DISTRICTS (MINERAL RESOURCES, FLOOD PLAIN AND AIRPORT ZONING)

SUBDIVISION 1. PURPOSE

- A. The overlay districts shall be considered an overlay zoning district to all existing zoning districts of the County.
- B. Each overlay district shall specify what uses are permitted in the overlay. All other uses may be permitted only if allowed by the established underlying zoning district.
- C. The requirements of this Section shall apply in addition to other legally established regulations of the County.
- D. Two (2) overlay districts may occur in the same area. Where two (2) overlay districts occupy the same area, the requirements that impose greater restrictions shall apply.
- E. The overlay districts consist of the following:
 - 1. Mineral Resources (MR) Overlay District.
 - 2. Flood Plain (FP) Overlay District.
 - 3. Airport Zoning (AZ) Overlay District.

SECTION 6.1 MINERAL RESOURCES (MR) OVERLAY DISTRICT

SUBDIVISION 1. PURPOSE

- A. The Mineral Resources Overlay District is intended to protect areas with existing significant mineral resources including sand, gravel, limestone and sandstone deposits, as shown in the Le Sueur County Aggregate Resources Inventory completed pursuant to Minnesota Statutes Chapter 84.94.
- B. This Mineral Resources Overlay District shall not prohibit mining in other areas of the County not identified within the Mineral Resources Overlay District boundaries as shown on the Official Zoning Map.

SUBDIVISION 2. SPECIFIC STANDARDS

- A. The following specific standards shall apply in the Mineral Resources Overlay District and shall preempt any conflicting standards for any base district underlying the Mineral Resources Overlay district:
 - 1. The maximum number of dwellings allowed per quarter-quarter section shall be one (1), provided the following conditions are met:
 - a. The minimum lot size shall be five (5) acres of which forty thousand (40,000) square feet shall be buildable area.
 - b. New improvements including structures, wells, and subsurface sewage treatment systems (SSTS) shall be set back at least one hundred fifty (150) feet from the property boundary adjacent to any existing or permitted mining parcel.
 - c. New improvements on parcels adjacent to existing or permitted mining parcels shall prevent all surface water runoff from entering the mining parcel.
 - 2. Prior to submittal of any conditional use permit applications and/or proposed subdivisions, significant site determination is required in the Mineral Resources Overlay District to determine the quality of those potential resources. Information shall be submitted to the County during the informational stage of the development process, prior to any application submitted.

SUBDIVISION 3. SIGNIFICANT MINERAL RESOURCE DETERMINATION

- 1. To determine an area within the Mineral Resources Overlay District, the following information shall be provided by the Applicant and/or Landowner and considered:

- a. Soil borings shall be conducted at a rate of one (1) boring per five (5) acres distributed proportionately throughout the proposed project site, or by methods comparable in order to accurately identify material quantity and quality.
 - b. Information may consist of laboratory test data or the determination of a certified, licensed or registered geologist, or other person deemed qualified by the County.
 - c. A survey map and legal description that identifies the location and boundary of the determination.
 - d. The Applicant and/or Landowner of the site shall submit evidence showing the parcel or area of the proposed project is not a significant site.
2. The information must demonstrate that the resource meets the following considerations for determination, and is considered a significant site:
- a. The textural characteristics of the deposit must be greater than ‘moderately poor’ to ‘poor’ determined through a sieve analysis, with the quality ranging from greater than low to moderate determined through soundness and durability analysis, as determined by the Minnesota Department of Natural Resources (DNR), Division of Lands & Minerals.
 - b. The percent composition of the mineral contains mostly greater than finer material that meets MNDOT specifications.
 - c. Deposit thickness averages more than five (5) feet.
 - d. Overburden depth averages less than fifty (50) feet.
3. Based on the analysis of boring and information relating to the location, quality and quantity of the mineral resource, the County shall determine the status of the resource site. The following determination shall be made:
- a. If the resource site meets the definition of a significant site, the County shall include the site within the Mineral Resources Overlay District.
 - b. If information provided determines the site of the proposed project is not significant, the County shall exclude the site from the Mineral Resources Protection Overlay District.
4. The Mineral Resources Overlay District shall be removed from a site when the mineral resource site has been reclaimed in accordance with this Ordinance and the Applicant and/or Landowner submits the required information to be removed from the Mineral Resources Overlay District.

C. LAND USE NOTIFICATION

1. No permit for the construction of, or addition to, a dwelling unit located within the Mineral Resources Overlay District shall be issued until the Applicant and/or Landowner signs a “Mineral Resources Land Use Notification Form” provided by the Department. These Forms shall inform the applicant and /or landowner of the following:
 - a. The land that is the subject of the permit or development is located within the Mineral Resources Overlay District, where Le Sueur County and the DNR have determined mineral resources are an important resource in this area.
 - b. Mineral extraction operations may be accompanied by noise, dust, odor, light, and other off-site impacts.
 - c. Mineral extraction is given preference over residential uses within the Mineral Resources Overlay District.
 - d. Residents have a right to live in the Mineral Resources Overlay District, however; residents shall be prepared to accept that mineral extraction operations and accompanying impacts associated with this use are a normal and necessary aspect of living in the Mineral Resources Overlay District.
2. Said form shall be filed with the Le Sueur County Recorder at the expense of the Applicant and/or Landowner and shall include the legal description of the property involved.

SECTION 6.2 FLOOD PLAIN (FP) OVERLAY DISTRICT

SUBDIVISION 1. STATUTORY AUTHORIZATION, FINDINGS OF FACT AND PURPOSE

A. STATUTORY AUTHORIZATION

The legislature of the State of Minnesota has, in Minnesota Statutes Chapter 103F and 394, delegated the authority to local government units to adopt regulations designed to minimize flood losses. Minnesota Statute Chapter 103F further stipulates that communities subject to recurrent flooding must participate and maintain eligibility in the National Flood Insurance Program. Therefore, the Board of Commissioners of Le Sueur County, Minnesota does ordain as follows:

B. FINDINGS OF FACT

1. The flood hazard areas of Le Sueur County, Minnesota, are subject to periodic inundation which results in potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.
2. Methods Used to Analyze Flood Hazards. This Ordinance is based upon a reasonable method of analyzing flood hazards which is consistent with the standards established by the Minnesota Department of Natural Resources.
3. National Flood Insurance Program Compliance. 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.

C. PURPOSE

It is the purpose of this Section to designate an overlay district that will maintain the County's eligibility in the National Flood Insurance Program and to minimize potential loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare of the County.

D. SEVERABILITY

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

SUBDIVISION 2. GENERAL PROVISIONS

A. ADOPTION OF FLOOD INSURANCE RATE MAPS AND STUDY.

The Official Zoning Map together with all materials attached thereto is hereby adopted by reference and declared to be part of this Section. The attached material shall include the Flood Insurance Study and the Flood Insurance Rate Map (FIRM) panels for Le Sueur County, Minnesota And Incorporated Areas prepared by the Federal Emergency Management Agency (FEMA) dated July 21, 1999 therein indicated on the FIRM Index for Le Sueur County dated July 21, 1999, as well as the Letter of Map Revisions-(LOMR) dated October 16, 1999.

B. LANDS TO WHICH THIS SECTION APPLIES

This Section shall apply to all lands within the jurisdiction of Le Sueur County and to all lands designated as within the Flood Plain Overlay District.

C. REGULATORY FLOOD PROTECTION ELEVATION

The Regulatory Flood Protection Elevation (RFPE) shall be an elevation no lower than one (1) foot above the elevation of the regional flood, plus any increases in flood elevation caused by encroachments on the flood plain that result from designation of a floodway.

D. INTERPRETATION

1. In their interpretation and application, the provisions of this Section shall be held to be minimum requirements and shall be liberally construed in favor of the Governing Body and shall not be deemed a limitation or repeal of any other powers granted by state statutes.
2. The boundaries of the Flood Plain Overlay District shall be determined by scaling distances on the Official Zoning Map. Where interpretation is needed as to the exact location of the boundaries of the Flood Plain District, the Department shall make the necessary interpretations based on elevations on the regional (100-year) flood profile, if available. If 100-year flood elevations are not available, the County shall require one (1) of the following:
 - a. A flood plain evaluation consistent with Subdivision 3 of this Section to determine a 100-year flood elevation for the site.
 - b. Base its decision on available hydraulic/hydrologic or site elevation survey data which demonstrates the likelihood the site is within or outside of the flood plain.
 - c. Set the 100-year flood elevation on outletted lakes at three (3) feet above the ordinary high water level (OHWL) provided available supporting data include an extensive water level history or documentation of high water levels associated with a severe hydrologic event (e.g., a 100-year event or larger).

E. ABROGATION AND GREATER RESTRICTIONS

The Flood Plain Overlay District shall be considered a zoning district overlaying and superseding all existing land use regulations of Le Sueur County. It is not intended by this Section to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Section imposes greater restrictions, the provisions of this Section shall prevail. All other Sections of this Ordinance inconsistent with this Section, are hereby repealed to the extent of the inconsistencies only.

F. WARNING AND DISCLAIMER OF LIABILITY

This Section does not imply that areas outside the flood plain districts or land uses permitted within such districts will be free from flooding or flood damages. This Section shall not create liability on the part of Le Sueur County or any officer or employee thereof for Le Sueur County any flood damages that result from reliance on this Section or any administrative decision lawfully made thereunder.

G. DETACHMENTS

The Flood Insurance Rate Map panels adopted in this Section include floodplain areas that currently lie within the corporate boundaries of cities in Le Sueur County at the time of adoption of this Ordinance. If any of these floodplain lands are detached from a city after the date of adoption of this Ordinance and come under the jurisdiction of Le Sueur County, the newly detached floodplain lands shall be subject to the provisions of this Ordinance immediately upon the date of detachment from the city

SUBDIVISION 3. ESTABLISHMENT OF ZONING DISTRICTS AND EVALUATION PROCEDURE

A. FLOOD PLAIN OVERLAY DISTRICT

1. The Flood Plain Overlay district shall be considered an overlay zoning district to all existing zoning districts of the County. The requirements of this Section shall apply in addition to other legally established regulations of the County.
2. The Flood Plain Overlay District shall include those areas designated as Zone A and Zone AE on the Flood Insurance Rate Map adopted in this Section.

B. PERMITTED USES IN THE FLOOD PLAIN OVERLAY DISTRICT

1. The uses listed in Subdivision 4.A.1 of this Section shall be permitted uses.
2. All other uses shall be subject to the floodway/flood fringe evaluation criteria pursuant to this Section. Subdivision 4.0 shall apply if the proposed use is in the Floodway District and Subdivision 5.0 shall apply if the proposed use is in the Flood Fringe District.

C. PROCEDURES FOR FLOODWAY AND FLOOD FRINGE DETERMINATIONS
WITHIN THE FLOOD PLAIN OVERLAY DISTRICT

1. **Floodway (FW) District:** Shall include those areas designated as floodway on the Flood Insurance Rate Map (FIRM) panels adopted in this Section. For lakes, wetlands and other basins, the Floodway District shall include those areas designated as Zone A and Zone AE (that do not have a floodway designated) on the Flood Insurance Rate Map panels adopted in this Section that are at or below the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14, as amended from time to time.
2. **Flood Fringe (FF) District:** The Flood Fringe District shall include those areas designated as floodway fringe, which shall include the areas shown on the Flood Insurance Rate Map, adopted in this Section as being within Zone AE but being located outside of the floodway. For lakes, wetlands and other basins (that do not have a floodway designated), the Flood Fringe District shall include those areas designated as Zone A and Zone AE on the Flood Insurance Rate Map panels adopted in this Section that are below the one percent (1%) annual chance flood elevation (100-year flood elevation) but above the ordinary high water level as defined in Minnesota Statutes, Section 103G.005, subdivision 14, as amended from time to time.
3. Upon receipt of an application for a permit or other approval for a use within the Flood Plain Overlay District and the floodway and flood fringe boundaries are not able to be determined in accordance with this Subdivision, the applicant shall be required to furnish such of the following information as is deemed necessary by the Department for the determination of the regulatory flood protection elevation and whether the proposed use is within the Floodway or Flood Fringe District.
 - a. A typical valley cross-section(s) showing the channel of the stream, elevation of land areas adjoining each side of the channel, cross-sectional areas to be occupied by the proposed development, and high water information.
 - b. Plan (surface view) showing elevations or contours of the ground, pertinent structure, fill, or storage elevations, the size, location, and spatial arrangement of all proposed and existing structures on the site, and the location and elevations of streets.
 - c. Photographs showing existing land uses, vegetation upstream and downstream, and soil types.
 - d. Profile showing the slope of the bottom of the channel or flow line of the stream for at least five hundred (500) feet in either direction from the proposed development.

4. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining whether the proposed use is in the Floodway or Flood Fringe District and to determine the regulatory flood protection elevation. If a 100-year flood elevation is provided in the Flood Insurance Study adopt in Subdivision 2, then this elevation must be used in calculating the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations 1983, Parts 6120.5000 - 6120.6200, as amended from time to time, and 44 Code of Federal Regulations Part 65, as amended from time to time, shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis. The designated engineer or expert shall:
 - a. Estimate the peak discharge of the regional flood.
 - b. Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - c. Compute the floodway necessary to convey or store the regional flood without increasing flood stages more than 0.5 foot. A lesser stage increase than .5' shall be required if, as a result of the additional stage increase, increased flood damages would result. An equal degree of encroachment on both sides of the stream within the reach shall be assumed in computing floodway boundaries.
5. The Department shall present the technical evaluation and findings of the designated engineer or expert to the Board of County Commissioners. The Board of County Commissioners must formally accept the technical evaluation and the recommended Floodway and/or Flood Fringe District boundary or deny the permit application. The Board of County Commissioners, prior to official action, may submit the application and all supporting data and analyses to the Federal Emergency Management Agency, the Department of Natural Resources or the Planning Commission for review and comment. Once the Floodway and Flood Fringe District Boundaries have been determined, the Board of County Commissioners shall refer the matter back to the Department who shall process the permit application consistent with the applicable provisions of this Section.
6. Procedures for Determining one percent (1%) Annual Chance Flood Elevations (100-Year Flood Elevations) for Lakes, Wetlands and Other Basins Located in Zone A:
 - a. Upon receipt of an application for a permit or other approval within a Zone A for a lake, wetland, or other basin, the Department will use the one percent (1%) annual chance flood elevation for that basin that has previously been determined in accordance with approved FEMA methods, if available. If the one percent (1%) annual chance flood elevation has not been previously determined, the applicant shall be required to furnish all necessary information as deemed necessary by the Department for the determination for the one percent (1%) annual chance flood elevation in accordance with approved FEMA methods.

- b. The applicant shall be responsible to submit one copy of the above information to a designated engineer or other expert person or agency for technical assistance in determining the one percent (1%) annual chance flood elevation (100-year flood elevation). Procedures consistent with Minnesota Regulations, Parts 6120.5000 - 6120.6200, as amended from time to time, and 44 Code of Federal Regulations Part 65, as amended from time to time, shall be followed in this expert evaluation. The designated engineer or expert is strongly encouraged to discuss the proposed technical evaluation methodology with the respective Department of Natural Resources' Area Hydrologist prior to commencing the analysis.
- c. Once the one percent (1%) annual chance flood elevation (100-year flood elevation) has been determined, the Department shall process the permit application consistent with the applicable provisions of this Section.

D. COMPLIANCE

- 1. No new structure or land shall hereafter be used and no structure shall be constructed, located, extended, converted, or structurally altered without full compliance with the terms of this Section and other applicable regulations which apply to uses within the jurisdiction of this Section. Within the Flood Plain Overlay District, all uses not listed as permitted uses or conditional uses shall be prohibited. In addition, a caution is provided here that:
 - a. New manufactured homes, replacement manufactured homes and certain campers and recreational vehicles are subject to the general provisions of this Section.
 - b. Modifications, additions, structural alterations, normal maintenance and repair, or repair after damage to existing non-conformities are regulated by the general provisions of this Section.
 - c. As-Built elevations for elevated structures must be certified with elevation surveys and must be designed and certified by a licensed professional engineer or surveyor as specified in this Section.

E. PROHIBITED USES WITHIN THE FLOOD PLAIN OVERLAY DISTRICT

- 1. The placement of Wind Energy Conversion Systems (WECS) shall be specifically prohibited within the Flood Plain Overlay District.
- 2. The placement of Large Solar Energy Systems shall be specifically prohibited within the Flood Plain Overlay District.

SUBDIVISION 4. FLOODWAY DISTRICT(FW)

The following are uses permitted within the Floodway (FW)District if not prohibited in the underlying zoning district and are in compliance with the provisions of this Section:

A. PERMITTED USES

1. Any use of land which does not involve a structure, an addition to the outside dimension of an existing structure or an obstruction to flood flows such as fill, excavation, or storage of materials or equipment. This may include the following:
 - a. General farming, pasture, grazing, outdoor plant nurseries, horticulture, truck farming, forestry, sod farming, and wild crop harvesting,
 - b. Industrial-commercial loading areas, parking areas, and airport landing strips.
 - c. Private and public golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, and single or multiple purpose recreational trails.
 - d. Residential lawns, gardens, parking areas, and play areas.

B. STANDARDS FOR FLOODWAY PERMITTED USES

1. The use shall have a low flood damage potential.
2. The use shall be permissible in the underlying zoning district.
3. The use shall not obstruct flood flows or increase flood elevations and shall not involve structures, fill, obstructions, excavations, or storage of materials or equipment.

C. CONDITIONAL USES

1. Mineral Extraction including the extraction and storage of sand, gravel, and other materials.
2. Marinas, boat rentals, docks, piers, wharves, and water control structures.
3. Storage yards for equipment, machinery, or materials.
4. Placement of fill and construction of fences.
5. Recreational vehicles either on individual lots of record or in existing subdivisions or commercial campgrounds, subject to the exemptions and provisions of this Section.
6. Structural works for flood control such as levees, dikes and floodwalls constructed to any height where the intent is to protect individual structures and levees or dikes where the intent is to protect agricultural crops for a frequency flood event equal to or less than the ten (10) year frequency flood event.

7. All Utilities including transmission lines and pipelines, and transportation infrastructure, including railroad tracks, roads, bridges and associated fill, shall be subject to minimum state flood plain management standards set by the DNR and the Minnesota Department of Transportation (MNDOT) contained in MN Rules 6120.500-6120.6200, as amended from time to time, as well as this Section.

D. STANDARDS FOR FLOODWAY CONDITIONAL USES

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

6. Structural works for flood control that will change the course, current or cross section of protected wetlands or public waters shall be subject to the provisions of Minnesota Statute, Chapter 103G, as amended from time to time. Community-wide structural works for flood control intended to remove areas from the regulatory flood plain shall not be allowed in the floodway.
7. A levee, dike or floodwall constructed in the floodway shall not cause an increase to the 100-year or regional flood and the technical analysis must assume equal conveyance or storage loss on both sides of a stream.

SUBDIVISION 5. FLOOD FRINGE DISTRICT (FF)

The following are uses permitted within the Flood Fringe (FF) portion of the Flood Plain Overlay District if not prohibited in the underlying zoning district and are in compliance with the provisions of this Section.

A. PERMITTED USES

1. The permitted uses shall be those uses of land or structures listed as permitted uses in the underlying zoning use district(s).
2. All permitted uses shall comply with the standards for Flood Fringe "Permitted Uses" listed and the "Standards for all Flood Fringe Uses" listed below.

B. STANDARDS FOR FLOOD FRINGE PERMITTED USES

1. Any use of land involving the construction of new structures, the placement or replacement of manufactured homes, the addition to the outside dimension of an existing structure or obstruction such as fill or storage of materials or equipment are subject to the flood plain evaluation criteria of this Section for determining Floodway and Flood Fringe Districts.
2. All structures, including accessory structures, must be elevated on fill so that the lowest floor including basement floor is at or above the regulatory flood protection elevation. The finished fill elevation for structures shall be no lower than one (1) foot below the regulatory flood protection elevation and the fill shall extend at such elevation at least fifteen (15) feet beyond the outside limits of the structure erected thereon.
 - a. Any proposed fill shall be designed following the guidelines on pages 5-12 in the FEMA Technical Bulletin 'Ensuring that Structures Build on Fill In or Near Special Flood Hazard Areas are Reasonably Safe From Flooding (FIA-TB-10), as amended from time to time.
 - b. Any proposed fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover, or other acceptable methods.

3. The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation.
4. For times of flooding, the storage or processing of materials that are flammable, explosive, toxic or potentially injurious to human, animal, or plant life is prohibited.
5. All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

C. CONDITIONAL USES

1. Any structure that is not elevated on fill and or any use of land that does not comply with the standards for permitted uses in this Section shall only be allowable as a conditional use.
2. The provisions listed below under ‘Standards for All Flood Fringe Conditional Uses’ shall also apply.

D. STANDARDS FOR ALL FLOOD FRINGE CONDITIONAL USES

1. The conditional use shall be subject to the procedures and standards contained in this Ordinance.
2. The conditional uses shall be those uses of land or structures listed as conditional uses in the underlying zoning use district(s) and are in compliance with the provisions of this Section.
3. 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. These alternative methods may include the use of stilts, pilings, parallel walls, etc. and they shall not create an enclosed area such as a tuck under garage, walkout basement, crawl space, or enclosed stairwell, The above-noted alternative elevation methods are subject to the following additional standards:
 - a. Comply with FEMA Standards.
 - b. Design and Certification - The structure's design and as-built condition must be certified by a registered professional engineer or architect as being in compliance with the general design standards as regulated by FEMA. This specifically includes 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.

4. Storage of Materials and Equipment:

- a. The storage or processing of materials that are, in time of flooding, flammable, explosive, or potentially injurious to human, animal, or plant life is prohibited.
- b. Storage of other materials or equipment may be allowed if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Governing Body.

5. All new principal structures must have vehicular access at or above an elevation not more than two (2) feet below the regulatory flood protection elevation. If a variance to this requirement is granted, the Board of Adjustment must specify limitations on the period of use or occupancy of the structure for times of flooding and only after determining that adequate flood warning time and local flood emergency response procedures exist.

E. STANDARDS FOR ALL FLOOD FRINGE USES

1. Commercial, Manufacturing, and Industrial Uses

- a. Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the RFPE.
- b. Measures shall be taken to minimize interference with normal business operations, especially along streams having protracted flood durations.
- c. A permit for such facilities to be used by the employees or the general public shall not be granted in the absence of a flood warning system that provides adequate time for evacuation if the area would be inundated to a depth greater than two (2) feet or be subject to flood velocities greater than four (4) feet per second upon occurrence of the regional flood.
- d. When considering applications, due consideration shall be given to needs of an industry whose business requires that it be located in flood plain areas.

2. Fill shall be properly compacted and the slopes shall be properly protected by the use of riprap, vegetative cover or other acceptable method. The Federal Emergency Management Agency (FEMA) has established criteria for removing the special flood hazard area designation for certain structures properly elevated on fill above the 100-year flood elevation - FEMA's requirements incorporate specific fill compaction and side slope protection standards for multi-structure or multi-lot developments. These standards should be investigated prior to the initiation of site preparation if a change of special flood hazard area designation will be requested.

3. Flood plain developments shall not adversely affect the hydraulic capacity of the channel and adjoining flood plain of any tributary watercourse or drainage system where a floodway or other encroachment limit has not been specified on the Official Zoning Map.
4. Standards for recreational vehicles are contained in Subdivision 7.
5. All manufactured homes 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 to be 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.
6. Certification. The applicant shall be required to submit certification by a registered professional engineer, registered architect, or registered land surveyor that the finished fill and building elevations were accomplished in compliance with the provisions of this Ordinance. Flood proofing measures shall be certified by a registered professional engineer or registered architect.
7. Record of First Floor Elevation. The Department shall maintain a record of the elevation of the lowest floor (including basement) of all new structures and alterations or additions to existing structures in the flood plain. The Department shall also maintain a record of the elevation to which structures or alterations and additions to structures are flood proofed.

SUBDIVISION 6. PUBLIC UTILITIES, RAILROADS, ROADS, AND BRIDGES

A. PUBLIC UTILITIES

All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the flood plain shall be elevated to above the regulatory flood protection elevation.

B. PUBLIC TRANSPORTATION FACILITIES

Railroad tracks, roads, and bridges to be located within the flood plain shall comply with standards listed in Subdivision 4.0 and 5.0 of this Section. Elevation to the regulatory flood protection elevation shall be provided where failure or interruption of these transportation 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.

C. ON-SITE SUBSURFACE SEWAGE TREATMENT SYSTEMS (SSTS) AND WATER SUPPLY SYSTEMS

1. For those areas in the Flood Plain Overlay District where public utilities are not provided, the following requirements shall be met:
 - a. On-site water supply systems must be designed to minimize or eliminate infiltration of flood waters into the systems; and
 - b. New or replacement individual 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 and shall not be subject to impairment or contamination during times of flooding.
 - c. Any SSTS designed in accordance with the current statewide standards for individual SSTS shall be determined to be in compliance with this Section and Section 17 of this Ordinance.

SUBDIVISION 7. MANUFACTURED HOMES AND MANUFACTURED HOME PARKS AND PLACEMENT OF RECREATIONAL VEHICLES.

A. MANUFACTURED HOME & HOME PARKS

New manufactured home parks and expansions to existing manufactured home parks are prohibited.

B. RECREATIONAL VEHICLES

1. Recreational vehicles that do not meet the exemption criteria specified in the Exemptions listed below shall be subject to the provisions of this Section.
2. Exemption - Recreational vehicles are exempt from the provisions of this Section if they are placed in any of the areas listed in below and further they meet the following criteria:
 - a. Have current licenses required for highway use.
 - b. Are highway ready meaning on wheels or the internal jacking system, are attached to the site only by quick disconnect type utilities commonly used in campgrounds and recreational vehicle parks and the recreational vehicle has no permanent structural type additions attached to it.
 - c. The recreational vehicle and associated use must be permissible in any pre-existing, underlying zoning use district.
3. Areas Exempted For Placement of Recreational Vehicles:

- a. Individual lots or parcels of record.
 - b. Existing commercial recreational vehicle parks or campgrounds.
 - c. Existing condominium type associations.
4. Recreational vehicles exempted lose this exemption when development occurs on the parcel exceeding five hundred dollars (\$500) for a structural addition to the recreational vehicle or exceeding five hundred dollars (\$500) for an accessory structure such as a garage or storage building. The recreational vehicle and all additions and accessory structures will then be treated as a new structure and shall be subject to the elevation requirements and the use of land restrictions specified in this Section. There shall be no development or improvement on the parcel or attachment to the recreational vehicle that hinders the removal of the recreational vehicle to a flood free location should flooding occur.
 5. New commercial recreational vehicle parks or campgrounds and new residential type subdivisions and condominium associations and the expansion of any existing similar use exceeding five (5) units or dwelling sites shall be subject to the following:
 - a. Any new or replacement recreational vehicle will be allowed in the Flood Plain Overlay District provided said recreational vehicle and its contents are placed on fill above the regulatory flood protection elevation and proper elevated road access to the site exists in accordance with this Section. No fill placed in the floodway to meet the requirements of this Section shall increase flood stages of the 100-year or regional flood.
 - b. All new or replacement recreational vehicles not meeting the criteria of (a) above are prohibited.

SUBDIVISION 8. NON-CONFORMING USES

- A. Any non-conformity which was lawful before July 6, 1999 which is not in conformity with the provisions of this Section may be continued subject to the following conditions:
 1. No such use shall be expanded, changed, enlarged, or altered in a way which increases its non-conformity.
 2. Any structural alteration or addition to a non-conforming structure or non-conforming use which would result in increasing the flood damage potential of that structure or use shall be in accordance with the elevation on fill standards in this Section, except as further restricted below.

3. The cost of all structural alterations or additions to any nonconforming structure over the life of the structure shall not exceed fifty (50) percent of the market value of the structure unless the conditions of this Section are satisfied. The cost of all structural alterations and additions must include all costs such as construction materials and a reasonable cost placed on all manpower or labor. If the cost of all previous and proposed alterations and additions exceeds fifty (50) percent of the market value of the structure, then the structure must meet the standards of this Section for new structures depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.
4. For any non-conformity that is discontinued or its normal operation is stopped for a period of one (1) year; the use of the same shall thereafter conform to the regulations of the district in which it is located. The Assessor shall notify the Department in writing of instances of nonconforming uses that have been discontinued for a period of one (1) year.
5. If any non-conforming use or structure, is substantially damaged as defined in Section 4 of this Ordinance, it shall be reconstructed except in conformity with the provisions of this Section. The applicable provisions for establishing new uses or new structures in this Section will apply depending upon whether the use or structure is in the Floodway or Flood Fringe District, respectively.
6. If a substantial improvement occurs, as defined in Section 4 of this Ordinance, from any combination of a building addition to the outside dimensions of the existing building or a rehabilitation, reconstruction, alteration, or other improvement to the inside dimensions of an existing nonconforming building, then the building addition and the existing nonconforming building must meet the requirements of this Section for new structures, depending upon whether the structure is in the Floodway or Flood Fringe District, respectively.

SUBDIVISION 9. ADMINISTRATION

A. NOTIFICATION FOR WATERCOURSE ALTERATIONS

The Department shall notify, in riverine situations, adjacent communities and the Commissioner of the Department of Natural Resources prior to the community authorizing any alteration or relocation of a watercourse. If the applicant has applied for a permit to work in the beds of public waters pursuant to Minnesota Statute, Chapter 103G, this shall suffice as adequate notice to the Commissioner of Natural Resources. A copy of said notification shall also be submitted to the Chicago Regional Office of the Federal Emergency Management Agency (FEMA).

B. NOTIFICATION TO FEMA WHEN PHYSICAL CHANGES INCREASE OR DECREASE THE 100-YEAR FLOOD ELEVATION

As soon as is practicable, but not later than six (6) months after the date such supporting information becomes available, the Department shall notify the Chicago Regional Office of FEMA of the changes by submitting a copy of said technical or scientific data.

C. AMENDMENTS TO FLOOD PLAIN OVERLAY DISTRICT

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

D. AMENDMENTS TO THIS SECTION

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

E. STATE AND FEDERAL PERMITS

Prior to processing or granting any land use permit the Department shall determine whether the applicant has obtained all necessary state and federal permits.

F. PERMIT REQUIRED

1. Any land use permit issued by the Department in conformity with the provisions of this ordinance shall be required prior to:
 - a. The erection, addition, modification, rehabilitation (including normal maintenance and repair), or alteration of any structure, or portion thereof.
 - b. The use or change of use of a structure, or land.
 - c. The construction of a dam, fence, or on-site septic system.
 - d. The change or extension of a nonconforming use.
 - e. The repair of a structure that has been damaged by flood, fire, or tornado, or any other source.
 - f. The placement of fill, excavation of materials, or the storage of materials or equipment.

SECTION 6.3. AIRPORT ZONING (AZ) OVERLAY DISTRICT

SUBDIVISION 1. PURPOSE

The Airport Overlay District is intended to protect and recognize existing and future regulations for airports within the County which regulate the location and height of structures and vegetation around airports.

SUBDIVISION 2. ADOPT BY REFERENCE

- A. The Airport Zoning Regulations adopted by the Joint Airport Zoning Boards are hereby adopted by reference and as amended from time to time. The Joint Airport Zoning Boards consist of:
1. **Mankato Regional Airport:** Mankato, Blue Earth County, St. Peter, Nicollet County and Le Sueur County.
 2. **City of Le Sueur Municipal Airport:** City of Le Sueur, Le Sueur County, Nicollet County, and Sibley County.