

SECTION 300. SPECIAL DISTRICT REGULATIONS

310. Floodplain District *(Ord No 12-15-2011-1)*

The Flood Insurance Study, Stearns County, Minnesota And Incorporated Areas and Flood Insurance Rate Map panels therein numbered 27145C0285E, 27145C0287E, 27145C0290E and 27145C0291E, all dated February 16, 2012 and prepared by the Federal Emergency Management Agency are hereby adopted by reference, declared to be part of this Ordinance, and shall be incorporated in the Zoning District Map.

The Flood Insurance Study shall be on file in the Office of the City Administrator. The Floodplain District for the City shall include those areas which lie within the Zone AE and Zone A 100 year Flood Boundary on the Flood Insurance Rate Maps. This District shall function as an overlay of the other use districts designated within the City. Where interpretation is needed as to the exact location of the boundaries of the Floodplain District as shown on the Flood Insurance Rate Maps, as for example where there appears to be a conflict between a mapped boundary and actual field conditions, the Council shall make the necessary interpretation based on elevations on the regional (100 year) flood profile contained in the Flood Insurance Study, the ground elevations that existed on the site at the time the community adopted its initial floodplain ordinance or on the date of the first National Flood Insurance Program map showing the area within the 100-year floodplain if earlier and other available technical data. *(Ord No 12-15-2011-1)*

.01 General Provisions *(Ord No 12-15-2011-1)*

- (1) The intent of the Floodplain District is in recognition of significant areas of land which are located within the path of potential future urban expansion, and which are subject to periodic flooding; and in recognition of the objective to minimize potential damage to property, human suffering, and loss of life due to flooding within such land areas.
- (2) 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. *(Ord No 12-15-2011-1)*
- (3) Warning and Disclaimer of Liability. This Ordinance does not imply that areas outside the floodplain districts or land uses permitted within such districts will be free from flooding or flood damages. This Ordinance shall not create liability on the part of the City of Melrose or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made thereunder. *(Ord No 12-15-2011-1)*

- (4) 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. *(Ord No 12-15-2011-1)*
- (5) Annexations. The Flood Insurance Rate Map panels adopted by reference into Section 310 above may include floodplain areas that lie outside of the corporate boundaries of the City of Melrose at the time of adoption of this Ordinance. If any of these floodplain land areas are annexed into the City of Melrose 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 Melrose. *(Ord No 12-15-2011-1)*

.02 Permitted Uses

The following uses have a low flood damage potential and do not obstruct flood flows. These uses shall be permitted within the District to the extent that they are permitted uses in the underlying zoning district and provided they do not require structures, fill or storage of materials or equipment.

- (1) Agricultural uses such as general farming, pasture, grazing, forestry, sod farming, and wild crop harvesting
- (2) Parking and loading areas
- (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks and open park shelters, 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 *(Ord No 12-10-2015-2)*
- (4) Residential uses such as lawns, gardens, parking areas, and play areas
- (5) Recreational vehicles meeting the exemption criteria of Section 310(.05)(11) *(Ord No 12-15-2011-1)*
- (6) All other uses and all uses that require structures (including manufactured homes and manufactured home parks and placement of recreational vehicles that do not meet the exemption criteria specified in Section 310(.05)(11)), fences that obstruct flood flows, fill or the storage of materials or equipment shall be prohibited, except as allowed by uses by Conditional Use Permit. *(Ord No 12-15-2011-1)*

.03 Permitted Accessory Uses

- .04 Uses by Conditional Use Permit
- (1) Accessory structures to existing municipal parks and open space, structures accessory to public utilities such as lift stations and wastewater treatment facilities, including remodeling, additions to, and expansion of said facilities or structures and new principal structures associated with wastewater treatment facilities in the flood fringe; provided that any structures or additions are elevated on fill with the lowest floor at or above the regulatory flood protection elevation or that such structures or facilities are flood proofed in accordance with Section 310(.05)(6) and the State Building Code (*Ord No 2002-C*) (*Ord No 12-15-2011-1*)
 - (2) Structures, fill, and storage of materials or equipment accessory to permitted uses (*Ord No 2002-C*)
 - (3) Railroads, streets, bridges, utility transmission lines and pipelines (*Ord No 2002-C*)
- .05 Standards for Conditional Uses (*Ord No 2002-C*)
- (1) Accessory structures shall not be designed for human habitation
 - (2) No accessory structure (temporary or permanent), 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 if built in the floodway or cause an increase in flood damages in the reach or reaches affected (*Ord No 12-15-2011-1*)
 - (3) The conditional use shall be allowed in the underlying Zoning District if one exists
 - (4) All conditional uses shall be subject to the procedures and standards contained in Section 800 of this Ordinance
 - (5) Accessory structures shall be constructed and placed on the building site so as to offer the minimum obstruction to the flow of floodwaters. Whenever possible, structures shall be constructed with the longitudinal axis parallel to the direction of flood flow, and, so far as practicable, structures shall be placed approximately on the same flood flow lines as those of adjoining structures.
 - (6) Structures shall be elevated on fill or structurally dry flood proofed in accordance with the FP-1 or FP-2 flood proofing classification in the State Building Code. As an alternative, an accessory structure may be flood proofed to the FP-3 or FP-4 flood proofing classification in the State Building Code provided the accessory structure constitutes a minimal investment and does not exceed 500 square feet in size at its largest projection. All flood proofed structures must meet the following additional standards, as appropriate: (*Ord No 12-15-2011-1*)

- (6.1) The structure must be adequately anchored to prevent flotation, collapse or lateral movement of the structure and shall be designed to equalize hydrostatic flood forces on exterior walls;
- (6.2) Any mechanical and utility equipment in a structure must be elevated to or above the Regulatory Flood Protection Elevation or properly flood proofed; and
- (6.3) To allow for the equalization of hydrostatic pressure, when FP-3 or FP-4 flood proofing is being utilized, there must be a minimum of two “automatic” openings in the outside walls of the structure having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. 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. *(Ord No 12-15-2011-1)*
- (7) Placement of fill for the purpose of elevating structures must be protected from erosion by vegetative cover, mulching, riprap or other acceptable methods. Fill placement for purposes other than elevating structures shall be limited to the flood fringe. Fill placement within the flood fringe shall be limited to less than 1,000 cubic yards unless an erosion/sedimentation control plan is submitted. The plan must clearly specify methods to be used to stabilize the fill on site for a flood event at a minimum of the 100-year or regional event. The plan must be prepared and certified by a registered professional engineer or other qualified individual acceptable to the City. *(Ord No 12-15-2011-1)*
- (8) Public Utilities. All public utilities and facilities such as gas, electrical, sewer, and water supply systems to be located in the floodplain shall be flood proofed in accordance with the State Building Code or elevated to above the regulatory flood protection elevation. *(Ord No 12-15-2011-1)*
- (9) Public Transportation Facilities. Railroad tracks, roads, and bridges to be located within the floodplain shall comply with this Ordinance. 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. *(Ord No 12-15-2011-1)*

- (10) On-site Sewage Treatment and Water Supply 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 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 and they shall not be subject to impairment or contamination during times of flooding. Any sewage treatment system designed in accordance with the State's current statewide standards for on-site sewage treatment systems shall be determined to be in compliance with this Section. *(Ord No 12-15-2011-1)*
- (11) Recreational Vehicles *(Ord No 12-15-2011-1)*
- (11.1) Exemption recreational vehicles are exempt from the provisions of this Ordinance if they are placed in any of the areas listed in Section 310(.05)(11.2) below and further that 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.
- (11.2) Areas exempted for placement of recreational vehicles.
- (a) Individual lots or parcels of record.
 - (b) Existing recreational vehicle parks or campgrounds.
- (11.3) There shall be no development allowed on the site associated with the use of the recreational vehicle and said development shall include such things as decks, patios, gazebos, storage sheds, structural additions, garages and similar items.
- (11.4) There shall be no non-governmental recreational vehicle parks or campgrounds located in the floodplain.

- (12) Structures and Structural Additions Elevated On Fill Without Floodproofing. Structures elevated on fill such that the lowest floor is at the regulatory flood protection elevation shall have the finished fill elevation no lower than one foot below the regulatory flood protection elevation. The fill shall extend at such elevation at least 15 feet beyond the outside limits of the structure erected thereon. *(Ord No 12-15-2011-1)*
- (13) Storage of Material or Equipment. *(Ord No 12-15-2011-1)*
 - (13.1) 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.
 - (13.2) The storage of any materials or equipment shall be elevated on fill to the regulatory flood protection elevation. Storage of materials or equipment may be allowed at elevations lower than the regulatory flood protection elevation if readily removable from the area within the time available after a flood warning and in accordance with a plan approved by the Council.
- (14) Commercial Uses. Accessory land uses, such as yards, railroad tracks, and parking lots may be at elevations lower than the regulatory flood protection elevation. However, 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 and velocity such that when multiplying the depth (in feet) times velocity (in feet per second) the product number exceeds four upon occurrence of the regional flood. *(Ord No 12-15-2011-1)*
- (15) 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 Flood Insurance Rate Map. *(Ord No 12-15-2011-1)*
- (16) Manufactured homes and new manufactured home parks shall not be allowed in the floodplain. *(Ord No 12-15-2011-1)*

.06 Floodway/Flood Fringe and Regulatory Flood Protection Elevation Determinations Within Zone A Areas. *(Ord No 12-15-2011-1)*

The following procedures will be followed when a floodway/flood fringe and/or regulatory flood protection elevation determination is needed for conditional uses allowed in Section 310.04:

- (1) Upon receipt of an application for a conditional use permit within the Floodplain District, the applicant shall be required to furnish such of the following information as is deemed necessary by the Zoning Officer for the determination of the regulatory flood protection elevation and whether the proposed use is within the floodway or flood fringe:

- (1.1) 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.
 - (1.2) 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.
 - (1.3) Photographs showing existing land uses, vegetation upstream and downstream, and soil types.
 - (1.4) Profile showing the slope of the bottom of the channel or flow line of the stream for at least 500 feet in either direction from the proposed development.
- (2) 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 and to determine the regulatory flood protection elevation. Procedures consistent with Minnesota Regulations, Parts 6120.5000 - 6120.6200 and 44 Code of Federal Regulations Part 65 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:
 - (2.1) Estimate the peak discharge of the regional flood.
 - (2.2) Calculate the water surface profile of the regional flood based upon a hydraulic analysis of the stream channel and overbank areas.
 - (2.3) 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 0.5 foot 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.
- (3) Determination. In considering the application, the Council must formally accept the technical evaluation and the recommended floodway and/or flood fringe boundary or deny the permit application.
 - (3.1) Prior to determination by the Council, the Zoning Officer may submit the application and all supporting data and analyses to the Federal Emergency Management Agency and the Department of Natural Resources for review and comment.

- (3.2) The Zoning Officer shall present the technical evaluation and findings of the designated engineer or expert, together with any comments from the Federal Emergency Management Agency, Department of Natural Resources, and the Commission to the Council.

320. Shoreland Overlay District (reserved)

330. Planned Unit Development Overlay District – PUD (*Ord No 12-10-2015-2*)

- .01 Intent. The purpose of the planned unit development overlay district is to offer an alternative to development as outlined in the residential, commercial, and industrial use districts of this Ordinance. Deviation from the definitive and precise requirements of the underlying zoning districts is to be allowed as a Planned Unit Development (PUD) if the particular areas to be developed can offer greater value to the community and can better meet the community's health, welfare, and safety requirements than if those same areas were to be developed in accord with the strict interpretation of the regulations.
- .02 PUD projects may allow:
 - (1) A mixture of land uses, housing types and densities within a comprehensive site design concept;
 - (2) Departure from strict application of required setbacks, yard areas, lot sizes, minimum dwelling unit sizes, minimum requirements and other performance standards associated with traditional zoning, thereby maximizing the development potential of land while remaining sensitive to its unique and valuable natural characteristics;
 - (3) Consolidation of areas for recreation and reductions in street lengths and other utility related expenses;
 - (4) The clustering of units/project density where the base density is determined on the number of units per acre rather than specific lot dimensions;
 - (5) A combination of uses which are allowed in separate zoning districts such as:
 - (5.1) Mixed residential uses allowing both densities and unit types to be varied within the project;
 - (5.2) Mixed commercial, industrial, residential or institutional land use with the integration of compatible land uses within the project except, however; industrial uses shall not be mixed with residential
 - (6) PUD projects shall be developed in accordance with an overall design and an integrated development plan and otherwise in accordance with the City Subdivision Regulations. Such projects shall be consistent with the intent and purpose of this Ordinance and shall not adversely affect the property adjacent to the land included in the project.

- .03 General Standards for Approval. A rezoning will be required of all PUDs. The rezoning will be applied as an overlay to the underlying zoning district and reflected as such on the official zoning map. The City may approve the PUD only if it finds that the development satisfies all of the following standards:
- (1) The PUD is consistent with the Comprehensive Plan of the City;
 - (2) The PUD is an effective and unified treatment of the development possibilities on the project site and the development plan provides for the preservation or creation of unique amenities such as natural streams, stream banks, wooded cover, rough terrain, manmade landforms or landscaping and similar areas;
 - (3) The PUD can be planned and developed to harmonize with any existing or proposed development in the areas surrounding the project site. The development plan will not have a detrimental effect upon the neighborhood in which it is proposed to be located;
 - (4) The PUD provides transitions in land use in keeping with the character of adjacent land use, and provides variety in the organization of site elements and building design;
 - (5) The tract under consideration is under single ownership or control;
 - (6) The proposal meets the standards and purposes of the Comprehensive Plan and preserves the health, safety and welfare of the residents of the City and that all of the following conditions exist:
 - (6.1) The proposal better adapts itself to the physical and aesthetic setting of the site and with the surrounding land uses than could be developed using strict standards and land uses allowed within the underlying zoning district;
 - (6.2) The proposal would benefit the area surrounding the project to a greater degree than development allowed within the underlying zoning district(s);
 - (6.3) The proposal would provide mixed land use and/or site design flexibilities while enhancing site or building aesthetics to achieve an overall, workable higher quality of development than would otherwise occur in the underlying zoning district;
 - (6.4) The proposal would ensure the concentration of open space into more workable or usable areas and would preserve the natural resources of the site than would otherwise occur in the underlying zoning district.
 - (7) The public benefits such as, but not limited to, improved site or architectural design, open space preservation, improved parks, trails, recreation facilities or other amenities and a mix of compatible land uses which foster Comprehensive Plan goals of the PUD justify any deviations from the primary zoning ordinance provisions and performance standards;
 - (8) The PUD will not create an excessive burden on parks, schools, streets, or other facilities and utilities that serve or are proposed to serve the PUD.

- (9) Upon approval of rezoning to planned unit development the zoning designation on the Official Zoning Map of the tract or tracts of land involved shall be changed by adding “PUD Overlay” indicator to the parcels.
- .03 Ownership and Plan. This Section makes provisions for residential, commercial, industrial, and mixed-use planned unit development overlay districts for a tract or tracts of land under single or unified ownership. Such planned unit development projects shall be developed in accordance with an overall design as shown in a general development plan which shall be consistent with the general intent of this Ordinance.
- .04 Regulations.
- (1) All roadways and utilities within planned unit developments shall be constructed to specifications established by the City
 - (2) A development agreement for the completion of this work shall be established between the City and the developer
 - (3) There shall be no standard minimum land area requirement for any planned unit development
 - (4) Upon approval of the planned unit development by the Council, the area will be subject to the stipulations of the development agreement and approved general development plan
 - (5) Once the general development plan, the final plat, if required, and the rezoning to overlay the planned unit district have been approved by the Council, the resulting Ordinance becomes effective, the development agreement has been entered into, and the plat, if required, has been filed of record, the developer may begin construction. No change to the general development plan shall be allowed without amending the approved PUD.
 - (6) Nothing in this article or this Ordinance shall be interpreted as negating the necessity of filing a plat as required by the City's subdivision regulations. In addition, nothing in this article shall be interpreted as defeating the purpose of the orderly and rational development of the City and of the environment.
- .05 Administrative Procedure.
- (1) Concept Plan and General Process. Before filing an application for approval of a planned unit development, an Applicant is encouraged to submit a concept plan for review and comment by City staff. The Applicant may request a review of the concept plan by the Commission to obtain its non-binding comments on the plan's merits. Before any construction, the proponents of a PUD project shall submit and receive approval of:
 - (1.1) Preliminary development plan and preliminary plat if platting is required.
 - (1.2) General development plan through Conditional Use Permit (CUP), final plat, if platting is required, and rezoning to PUD overlay.

- (2) Preliminary Plan. The preliminary development plan and preliminary plat, if platting is required, shall be submitted to the City for referral and hearing. The Commission shall conduct a public hearing pursuant to the hearing procedures outlined in this section and make recommendations to the Council. The plan shall include the following:
 - (2.1) All information required for consideration and approval of a preliminary plat, if a plat is necessary
 - (2.2) Existing site conditions, including development on the subject property and immediately adjacent properties
 - (2.3) The proposed use of all areas of the site
 - (2.4) The proposed density, type, size and location of all dwelling units, if dwelling units are proposed
 - (2.5) The general size, location and use of any proposed nonresidential buildings on the site
 - (2.6) All public and private streets, entrance and exit drives and walkway locations
 - (2.7) Parking areas
 - (2.8) Landscaped areas
 - (2.9) Parks and open spaces, public plazas and common areas
 - (2.10) Site dimensions
 - (2.11) Generalized drainage and utility plans
 - (2.12) Summary sheets showing proposed densities, area for each land use on the site and proposed modifications of underlying district regulations
 - (2.13) Generalized staging plan for the project, including the geographical sequence of construction and the number of dwelling units or square footage of nonresidential to be constructed in each stage
 - (2.14) A statement describing how the proposed PUD overlay district meets the stated purposes and objectives of this section of the Ordinance and of the Comprehensive Plan
 - (2.15) Any other information which the City may reasonably request
- .06 Final Plan. After Commission and Council approval of the preliminary development plan, (and the preliminary plat when required), application for approval of the general development plan, the final plat, if required, and the rezoning of the entire area to the PUD overlay district shall be made. The submission for the general development plan, the final plat, if required, and the rezoning to PUD overlay shall include:
- (1) All information required for consideration and approval of a final plat, if a plat is necessary
 - (2) A final site plan drawn to scale showing the location of all structures including their placement, size and type as well as streets, parking areas and stall arrangement, walkways and other pedestrian facilities, parking calculations, and open space including public plazas and commons

- (3) A landscape plan showing the location, size, and species of all plant materials, a landscaping irrigation system plan, and all other non-vegetative landscaped features
- (4) A utility plan showing the location and size of all on-site utilities and easements, as well as storm water runoff calculations for both the pre-development and post-development condition of the site
- (5) Building plans at a level of detail necessary to allow parking calculations to be made and building elevation drawings showing architectural details and proposed building materials
- (6) Any deed restrictions, covenants, agreements, and Articles of Incorporation and By-laws of any proposed homeowners' association or other documents or contracts which control the use or maintenance of property covered by the PUD
- (7) A staging plan, if staging is proposed, indicating the geographical sequence and timing of development of the plan or portions thereof, including the estimated date of beginning and completion of each stage
- (8) Any information that has changed since submission for approval of the preliminary development plan
- (9) Any other information which the City may reasonably request

340. Wetlands Overlay District (reserved)

350. Billboard Overlay District
(See Section 706)