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## ORDINANCE NO. 27 -13

AN ORDINANCE AMENDING TITLE 16 OF THE CITY OF DUBUQUE CODE OF ORDINANCES, UNIFIED DEVELOPMENT CODE, BY REPEALING SECTION 6-4 FLOOD HAZARD OVERLAY DISTRICT AND ENACTING A NEW SECTION 6-4 FLOOD HAZARD OVERLAY DISTRICT TO COMPLY WITH NATIONAL FLOOD INSURANCE PROGRAM REQUIREMENTS.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF DUBUQUE, IOWA:

Section 1. That Title 16 of the City of Dubuque Code of Ordinances, Unified Development Code, be amended by repealing Section 6-4 and enacting a new Section 6-4 Flood Hazard Overlay Districts, as follows:

### 6-4 Flood Hazard Overlay Districts

#### 6-4.1 Purpose

The provisions of the Flood Hazard Overlay Districts are intended to promote the public health, safety, and general welfare and to minimize the extent of floods and the losses incurred in flood hazard areas. The regulations of this Section are designed to:

- A. Restrict or prohibit uses which are dangerous to health, safety, or property in times of flooding or cause undue increases in flood heights or velocities;
- B. Require that uses vulnerable to floods, including public facilities which serve such uses, be provided with flood protection at the time of initial construction;
- C. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard; and

D. Assure that eligibility is maintained for property owners in the City to purchase flood insurance in the National Flood Insurance Program.

#### 6-4.2 Lands to Which Regulations Apply

This section shall apply to all lands within the jurisdiction of the City shown on the Official Zoning Map as being within the boundaries of the 100-year floodplain.

#### 6-4.3 Establishment of Official Floodplain Zoning Map

The official floodplain zoning map, together with all explanatory matter thereon and is hereby adopted by reference and declared to be a part of this Code. The Official Zoning Map bears the signature of the Mayor attested by the City Clerk and shall be on file in the office of the Planning Services Department. The Flood Insurance Rate Map (FIRM) for Dubuque County and incorporated areas, City of Dubuque, Panels 19061C0215E, 0217D, 0220E, 0236E, 0237E, 0238E, 0239E, 0241E, 0330E, 0332E, 0335E, 0351E, 0352E, 0354E, 0358E, dated October 18, 2011, **and Panels 0242F, 0243F, 0244F, 0356F, 0360F, dated August 19, 2013**, which were prepared as part of the Flood Insurance Study for Dubuque County, are hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this ordinance.

#### 6-4.4 Rules for Interpretation of District Boundaries

The boundaries of the zoning district shall be determined by scaling distances on the official floodplain zoning map. Where interpretation is needed as to the exact location of the boundaries of the district as shown on the Official Zoning Map, the City Planner shall make the necessary interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to present their case and submit technical evidence.

#### 6-4.5 Compliance

No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered to cause a substantial improvement without full compliance with the terms of this Code and other applicable regulations which apply to uses within the jurisdiction of this Code. Existing structures which suffer substantial damage shall also be required to meet full compliance with the terms of this Code should the damaged structure be repaired or rebuilt.

#### 6-4.6 Abrogation and Greater Restrictions

It is not intended by this Code to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Code imposes greater restrictions,

the provisions of this Code shall prevail. All other ordinances inconsistent with this Code are hereby repealed to the extent of the inconsistency only.

#### 6-4.7 Interpretation

In their interpretation and application, the provisions of this Code 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.

#### 6-4.8 Warning and Liability Disclaimer

The degree of flood protection required by this Code is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This Code 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 Code shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this Code or any administrative decision lawfully made thereunder.

#### 6-4.9 Establishment of Floodplain Overlay Districts

The floodplain areas within the jurisdiction of this Code are hereby divided into the following districts:

- A. Floodway Overlay District (FW). Floodway Fringe Overlay District (FF) and General Flood Plain Overlay District (FP). The boundaries are shown on the official floodplain zoning map. Within these districts all uses not allowed as permitted uses are prohibited.
- B. Floodway Overlay District (FW). The Floodway Overlay District shall be consistent with the boundaries of the floodway as shown on the official floodplain zoning map Overlay and indicated on the FIRM maps as Zone AE (hatched).
- C. Floodway Fringe Overlay District (FF). The Floodway Fringe Overlay District shall be those areas shown as floodway fringe on the official floodplain zoning map and indicated on the FIRM maps as Zone AE.
- D. General Floodplain Overlay District (FP). The General Floodplain Overlay District shall be those areas shown as being within the approximate 100-year flood boundary on the official floodplain zoning map and indicated on the FIRM maps as Zone A.

#### 6-4.10 FW Floodway Overlay District

- A. Permitted uses. The following uses shall be permitted within the FW District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of materials or equipment, excavation, or alteration of a watercourse.
1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
  2. Accessory uses of land for industrial/commercial uses such as loading areas, parking areas, airport landing strips.
  3. Private and public recreational uses such as golf courses, tennis courts, ball fields, driving ranges, archery ranges, picnic grounds, transient camping and recreational vehicle facilities, 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, hiking and horseback riding trails.
  4. Residential uses of land such as lawns, gardens, parking areas and play areas.
  5. Such other open space uses similar in nature to the above uses.
  6. Conditional uses. The following uses which involve structures (temporary or permanent), fill, and storage of materials or equipment may be permitted only upon issuance of a conditional use permit by the Zoning Board of Adjustment as provided for in Article 8. Such uses must also meet the applicable provisions of the Floodway District performance standards.
  7. Uses or structures accessory to open-space uses.
  8. Circuses, carnivals, and similar transient amusement enterprises.
  9. Drive-in theaters, new and used car lots, roadside stands, signs, and billboards.
  10. Extraction of sands, gravel, and other materials.
  11. Marinas, boat rentals, docks, piers, wharves.
  12. Utility transmission lines, underground pipelines.

13. Other uses similar in nature to the above described uses and which are consistent with the general spirit and purposes of this Code.

B. Performance standards. All permitted or conditional uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards:

1. No use shall be permitted in the Floodway Overlay District that would result in any increase in the one hundred-year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
2. All uses within the Floodway Overlay District shall:
  - i. Be consistent with the need to minimize flood damage.
  - ii. Use construction methods and practices that will minimize flood damage.
  - iii. Use construction materials and utility equipment that are resistant to flood damage.
3. No use shall affect the capacity or conveyance of the channel or floodway or any tributary to the main stream, drainage ditch, or any other drainage facility or system.
4. Structures and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe Overlay District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
5. Structures, if permitted, shall have a low flood damage potential and shall not be for human habitation.
6. Storage of materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant life is prohibited. Storage of other material may be allowed if readily removable from the Floodway District within the time available after flood warning.
7. Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, such alterations or relocations must be approved by the IDNR.
8. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

9. Pipeline river or stream crossings shall be buried in the streambed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the action of flood flows.

#### 6-4.11 FF Floodway Fringe Overlay District

- A. Permitted uses. All uses within the Floodway Fringe Overlay District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe Overlay District. However, on the Mississippi River or on islands therein, no use will be allowed unless identified as not being a floodway area by the IDNR. In which case, if a floodway area is identified, the provisions of the FW Floodway Overlay District will apply.
- B. Performance standards. All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards:
  1. All structures shall be:
    - i. Adequately anchored to prevent flotation, collapse or lateral movement of the structure;
    - ii. Constructed with materials and utility equipment resistant to flood damage; and
    - iii. Constructed by methods and practices that minimize flood damage.
  2. All new and substantially improved structures:
    - i. Such areas shall be used solely for parking vehicles, building access and low damage potential storage.
    - ii. Fully enclosed areas below the “lowest floor” (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters.
    - iii. A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided.
    - iv. The bottom of all openings shall be no higher than one foot above grade.
    - v. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided they permit the automatic entry and exit of floodwaters.

Designs for meeting this requirement must be certified by a professional engineer registered in the State of Iowa.

vi. New and substantially improved structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Designs for meeting this requirement must be certified by a professional engineer registered in the State of Iowa.

vii. New and substantially improved structures must be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding. Designs for meeting this requirement must be certified by a professional engineer registered in the State of Iowa.

3. Residential buildings. All new or substantially improved residential structures shall have the lowest floor, including basements, elevated a minimum of one foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot above the 100-year flood level and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers) may be allowed, subject to favorable consideration by the Zoning Board of Adjustment and issuance of a variance, where existing topography, street grades, or other factors preclude elevating by fill. In such cases, the methods used must be adequate to support the structure as well as withstanding the various forces and hazards associated with flooding. All new residential buildings shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.
4. Nonresidential buildings. All new and substantially improved nonresidential buildings shall have the lowest floor (including basement) elevated a minimum of one foot above the 100-year flood level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structures, below the 100-year flood level, are watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum, 1988) to which any structures are floodproofed shall be maintained by the City Planner.
5. Factory-built homes:

- i. Factory-built homes including those placed in existing factory-built home parks or subdivisions shall be anchored to resist flotation, collapse, or lateral movement.
  - ii. Factory-built homes including those placed in existing factory-built home parks or subdivisions shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the 100-year flood level.
6. Utility and sanitary systems:
  - i. All new and replacement sanitary sewage systems shall be designed to minimize and eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood water. Wastewater treatment facilities shall be provided with a level of flood protection equal to or greater than one foot above the 100-year flood elevation.
  - ii. On-site waste disposal systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
  - iii. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities shall be provided with a level of protection equal to or greater than one foot above the 100-year flood elevation.
  - iv. Utilities such as gas or electrical systems shall be located and constructed to minimize or eliminate flood damage to the system and the risk associated with such flood damaged or impaired systems.
  - v. All such systems shall be certified as meeting these requirements by a professional engineer registered in the State of Iowa.
7. Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters, or (ii) be readily removable from the area within the time available after flood warning.
8. Flood control structural works such as levees and flood walls shall provide, at a minimum, protection from a 100-year flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the IDNR.



9. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch, or other drainage facility or system.
10. Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals shall meet the applicable performance standards. Subdivision proposals intended for residential development shall provide all lots with a means of vehicular access that will remain dry during occurrence of the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Floodplain (Overlay) District.
11. The exemption of detached garages, sheds, and similar structures less than 300 square feet in area from the 100-year flood elevation requirements may result in increased premium rates for insurance coverage of the structure and contents; however, said detached garages, sheds, and similar accessory type structures are exempt from the 100-year flood elevation requirements, provided:
  - i. The structures shall not be used for human habitation.
  - ii. The structure shall be designed to have low flood damage potential.
  - iii. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
  - iv. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
  - v. The structure's service facility such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the 100-year flood level.
  - vi. All such structures shall be certified as meeting these requirements by a professional engineer registered in the State of Iowa.
12. Recreational Vehicles
  - i. Recreational vehicles are exempt from the requirements of Section 6-4.11(B)(5) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
    - a. The recreational vehicle shall be located on the site for less than 180 consecutive days, and

- b. The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.
  - ii. Recreational vehicles that are located on the site for more than 180 consecutive days or are not ready for highway use must satisfy requirements of Section 6-4.11(B)(5) of this Ordinance regarding anchoring and elevation of factory-built homes.
13. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

#### 6-4.12 FP General Floodplain Overlay District

- A. Permitted uses. The following uses shall be permitted within the FP General Floodplain Overlay District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of materials or equipment, excavation, or alteration of a watercourse.
- 1. Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.
  - 2. Accessory uses of land for industrial/commercial uses such as loading areas, parking areas, airport landing strips.
  - 3. Private and public recreation uses such as golf courses, tennis courts, ball fields, driving ranges, archery ranges, picnic grounds, transient camping and recreational vehicle facilities, 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, hiking and horseback riding trails.
  - 4. Residential uses of land such as lawns, gardens, parking areas and play areas.
  - 5. Such other open space uses similar in nature to the above uses.
- B. Conditional uses. Any uses which involve placement of structures, factory-built homes, fill or other obstructions, the storage of materials or equipment, excavation or alteration of a watercourse may be allowed only upon issuance of a conditional use permit by the Zoning Board of Adjustment. All such uses shall be reviewed by

the IDNR to determine: (i) whether the land involved is either wholly or partly within the floodway or floodway fringe, and (ii) the 100-year flood level. The applicant shall be responsible for providing the IDNR with sufficient technical information to make the determination.

C. Performance standards.

1. All conditional uses, or portions thereof, to be located in the floodway as determined by the IDNR shall meet the applicable provisions and standards of the Floodway Overlay District.
2. All conditional uses, or portions thereof, to be located in the floodway fringe as determined by the IDNR shall meet the applicable standards of the Floodway Fringe Overlay District.

6-4.13 Floodplain Overlay District Administration

A. Appointment, duties and responsibilities of City Planner.

1. A City Planner designated by the City Manager shall administer and enforce this Code and will herein be referred to as the Administrator.
2. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to, the following:
  - i. Review all floodplain development permit applications to ensure that the provisions of this Code will be satisfied.
  - ii. Review all floodplain development permit applications to ensure that all necessary permits have been obtained from federal, state or local governmental agencies.
  - iii. Record and maintain a record of: (a) the elevation (in relation to North American Vertical Datum, 1988) of the lowest floor of all new or substantially improved structures, or (b) the elevation to which new or substantially improved structures have been floodproofed.
  - iv. Notify adjacent communities and/or counties and the IDNR prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Insurance Administrator.
  - v. Keep a record of all permits, conditional uses, appeals, variances and such other transactions and correspondence pertaining to the administration of this Code.

- vi. Submit to the Federal Insurance Administrator an annual report concerning the City's participation in the National Flood Insurance Program, utilizing the annual report form supplied by the Federal Insurance Administrator.
- vii. Notify the Federal Insurance Administration of any annexations or modifications to the City's boundaries as part of the annual report.
- viii. Review subdivision proposals to ensure such proposals are consistent with the purpose of this Code and advise the City Council of potential conflicts.

B. Floodplain development permit.

- 1. Permit required. A floodplain development permit issued by the Administrator shall be secured prior to initiation of any floodplain development (any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations) including the placement of factory-built homes in both the Floodway, Floodway Fringe and General Floodplain Overlay Districts.
- 2. Application for permit. Application for a floodplain development permit shall be made on forms supplied by the Administrator and shall include the following information.
  - i. Description of and plans for the work to be covered by the permit for which application is to be made.
  - ii. Description of the land on which the proposed work is to be done (i.e., lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.
  - iii. Identification of the use or occupancy for which the proposed work is intended.
  - iv. Elevation of the 100-year flood.
  - v. Elevation (in relation to North American Vertical Datum, 1988) of the lowest floor (including basement) of the structure or of the level to which a structure is to be floodproofed.
  - vi. For structures being improved or rebuilt, the estimated cost of improvements and market value of the structure prior to the improvements.
  - vii. All certifications by a professional engineer registered in the State of Iowa as required by this Code.

viii. Such other information as the Administrator deems reasonably necessary for the purpose of this Code.

3. Action for permit application. The Administrator shall make a determination as to whether the proposed floodplain development meets the applicable provisions and standards of this Code and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for conditional uses or variances except as directed by the Zoning Board of Adjustment.
4. As-built certification. The applicant shall be required, prior to the use or occupancy of any structure or development, to submit certification by a professional engineer registered in the State of Iowa that the work authorized by the floodplain development permit was accomplished in compliance with this Code. Any use, arrangement, or construction in conflict with that authorized shall be deemed a violation of this Code.

#### 6-4.14 Zoning Board of Adjustment Action Authorized.

- A. The Zoning Board of Adjustment shall hear and decide applications for conditional uses, appeals and variances.
- B. Conditional uses. Requests for conditional uses shall be submitted to the Administrator, who shall forward such to the Board for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary by the Board.
- C. Appeals. Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this Code, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board all the papers constituting the record upon which the action appealed from was taken.
- D. Variances. The Board may authorize, upon request in specific cases, such variances from the terms of this Code that will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this Code will result in unnecessary hardship. Variances granted must meet the following applicable standards:
  1. No variances shall be granted for any development within the Floodway Overlay District which would result in any increase in the 100-year level. Consideration of the effects of any development on flood levels shall be based upon the

assumption that an equal degree of development would be allowed for similarly situated lands.

2. Variances shall only be granted upon: (i) a showing of good and sufficient cause, (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create nuisances, or cause fraud on or victimization of the public.
  3. A variance shall only be granted upon a determination that the variance is the minimum necessary considering the flood hazard, to afford relief.
  4. In cases where the variance involves a lower level of flood protection for structures than what is ordinarily required by this Code, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance, and (ii) such construction increases risks to life and property.
  5. All variances granted shall have the concurrence or approval of the IDNR.
- E. Board decisions. In passing upon requests for conditional uses and variances, the Board shall consider all relevant factors specified in other sections of this Code and:
1. The danger to life and property due to increased flood heights or velocities caused by encroachments.
  2. The danger that materials may be swept on to other lands or downstream to the injury of others.
  3. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
  4. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  5. The importance of the services provided by the proposed facility to the community.
  6. The requirements of the facility for a floodplain location.
  7. The availability of alternative locations not subject to flooding for the proposed use.
  8. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

9. The relationship of the proposed use to the Comprehensive Plan and floodplain management program for the area.
  10. The safety of access to the property in times of flood for ordinary and emergency vehicles.
  11. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
  12. Such other factors which are relevant to the purpose of this Code.
- F. Conditions attached to conditional uses or variances. Upon consideration of the factors listed above, the Board may attach such conditions to the granting of conditional uses and variances as it deems necessary to further the purpose of this Code. Such conditions may include, but not necessarily be limited to:
1. Modification of waste disposal and water supply facilities;
  2. Limitation on periods of use and operation;
  3. Imposition of operational controls, sureties and deed restrictions;
  4. Requirements for construction of channel modification, dikes, levees, and other protective measures, provided such are approved by the IDNR and are deemed the only practical alternative to achieving the purposes of this Code; and
  5. Floodproofing measures which shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood and that the applicant submit a plan or document certified by a professional engineer registered in the State of Iowa that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

#### 6-4.15 Definitions

Unless specifically defined below or in Article 2, words or phrases used in this Ordinance shall be interpreted so as to give them the meaning they have in common usage and to give this ordinance its most reasonable application.

*Base Flood:* The flood having one (1) percent chance of being equaled or exceeded in any given year (See 100-year flood).

*Basement:* Any enclosed area of a structure which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."

*Development:* Any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, the storage of equipment or materials, mining, dredging, filling, grading, paving, excavation or drilling operations.

*Existing Construction:* Any structure for which the “start of construction” commenced before the effective date of the first floodplain management regulations adopted by the community on April 16, 1990. May also be referred to as “existing structure.”

*Existing Factory-Built Home Park or Subdivision:* A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community on April 16, 1990.

*Expansion of Existing Factory-Built Home Park or Subdivision:* The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

*Factory-Built Home:* Any structure, designed for residential use, which is wholly or in substantial part, made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation on a building site. For the purpose of this ordinance, factory-built homes include mobile homes, manufactured homes and modular homes and also include park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.

*Factory-Built Home Park:* A parcel or contiguous parcels of land divided into two or more factory-built home lots for rent or sale.

*Flood:* A general or temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.

*Flood Elevation:* The elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.

*Flood Insurance Rate Map:* The official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.

*Flood Insurance Study:* A study initiated, funded and published by the Federal Insurance Administration for the purpose of evaluating in detail the existence and



severity of flood hazards; providing the City with the necessary information for adopting a flood plain management program and establishing actuarial flood insurance rates.

*Flood Plain:* Any land area susceptible to being inundated by water as a result of a flood.

*Flood Plain Management:* An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, flood-proofing and flood plain management regulations.

*Floodproofing:* Any combination of structure and non-structural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.

*Floodway:* The channel of a river or stream, and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels or flow velocities.

*Floodway Fringe:* Those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

*Historic Structure:* Any structure that is:

1. Listed individually in the National Register of Historic Places, maintained by the Department of Interior, or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified by either: (i) an approved state program as determined by the Secretary of the Interior, or (ii) directly by the Secretary of the Interior in states without approved programs.

*Lowest Floor:* The floor of the lowest enclosed area in a structure, including a basement, except when all the following criteria are met:

1. The enclosed area is designated to satisfy the provisions of Section 6-4.11(4); and
2. The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and
3. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level; and
4. The enclosed area is not a “basement” as defined in this section.
5. In cases where the lowest enclosed area satisfies criteria 1, 2, 3, and 4 above, the lowest flood is the floor of the next highest enclosed area that does not satisfy the criteria above.

*Minor Projects:* Small development activities (except for filling, grading and excavating) valued at less than \$500.

*New Construction:* Those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map (September 6, 1989).

*New Factory-Built Home Park or Subdivision:* A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community on April 16, 1990.

*One Hundred (100) Year Flood:* A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every one hundred (100) years.

*Recreational Vehicle:* A vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;

3. Designed to be self-propelled or permanently towable by a light duty truck; and
4. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

*Routine Maintenance of Existing Buildings and Facilities:* Repairs necessary to keep a structure in a safe and habitable condition, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include

:

1. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
2. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
3. Basement sealing;
4. Repairing or replacing damaged or broken window panes;
5. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

*Special Flood Hazard Area:* The land within a community subject to the 100-year flood. This land is identified as Zone A on the community's Flood Insurance Rate Map.

*Start of Construction:* Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within 180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as cleaning, grading or filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations, or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimension of the building.

*Structure:* Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.

*Substantial Damage:* Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

*Substantial Improvement:* Any improvement to a structure which satisfies either of the following criteria:

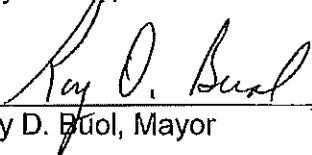
1. Any repair, reconstruction, rehabilitation, addition or improvement of a structure, the cost of which would equal or exceed 50 percent of the market value of the structure either (i) before the improvement or repair is started, or (ii) if the structure has been damaged, and was being restored, before the damaged occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration affects the external dimensions of the structure. This term does not, however, include any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use.
2. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after September 6, 1989 shall be added to any proposed addition in determining whether the total increase in original flood space would exceed 25 percent.

*Variance:* A grant of relief by a community from the terms of the floodplain management regulations as defined in Article 2.

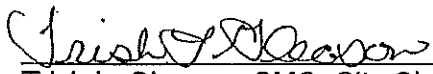
*Violation:* The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

Section 2. The foregoing amendment shall take affect upon publication, as provided by law.

Passed, approved and adopted this 20th day of May, 2013.

  
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Roy D. Buiol, Mayor

Attest:

  
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Trish L. Gleason, CMC, City Clerk