

Chapter 17.65

FLOODPLAIN REGULATIONS

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17.65.100 GENERAL PROVISIONS

17.65.101 Statutory Authorization: The Legislature of the State of Iowa has in Chapter 414, Code of Iowa, 1977, as amended, delegated the responsibility to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

17.65.102 Findings of Fact:

1. The flood hazard areas of the City are subject to periodic inundation which can result in loss of life and 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 health, safety and general welfare of the community.
2. These losses, hazards and related adverse effects are caused by:
 - a. The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flood; and
 - b. The cumulative effect of floodplain construction on flood flows, which causes increases in flood heights and floodwater velocities. This Chapter relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Iowa Department of Natural Resources.

17.65.103 Statement of Purpose: It is the purpose of this chapter to promote the public health, safety and general welfare by minimizing those flood losses described in Section 17.65.102 with provisions designed to:

1. Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
2. Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
3. Require that uses vulnerable to floods, including public utilities which serve such uses, be protected against flood damage at the time of initial construction.
4. Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
5. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

17.65.104 Definitions: Unless specifically defined below, words and phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

1. Base flood - The flood having one percent (1%) chance of being equaled or exceeded in any given year. (See 100-year flood.)
2. Basement – See Definition, Section 17.10.05
3. Development - Any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
4. Existing construction - Any structure for which the “start of construction” commenced before the effective date of the community’s Flood Insurance Rate Map. May also be referred to as “existing structure.”
5. 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) was completed before the effective date of these flood plain management regulations.
6. 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).
 7. Factory-Built Home – 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.
 8. Factory-Built Home Park - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
 9. Flood - A general and 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.
 10. 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 floodwaters related to the occurrence of the 100-year flood.
 11. 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.
 12. 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 floodplain management program; and establishing actuarial flood insurance rates.
 13. Floodplain - Any land area susceptible to being inundated by water as a result of a flood.
 14. Floodplain Management - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
 15. Flood-proofing - Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
 16. 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 cumulatively increase the water surface elevation of the base flood by more than one foot.
 17. Floodway Fringe - Those portions of the floodplain, other than the floodway, which can be filled, levied, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
 18. Historic structure - Any structure that is:
 - a. 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 in the National Register;
 - b. 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;

- c. 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,
 - d. 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.
19. Lowest Floor - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
 - a. The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 17.65.306(1) and
 - b. The enclosed area is unfinished (no carpet, drywall, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
 - c. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the 100-year flood level, and
 - d. The enclosed area is not a "basement" as defined in this section. In cases where the lowest enclosed area satisfies criteria 1, 2, 3, and 4 above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.
 20. New Construction - (new buildings, factory-built home parks) Those structures or development for which the start of construction commenced on or after July 1, 1981.
 21. 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 these flood plain management regulations.
 22. 100 Year Flood - A flood, the magnitude of which has a one 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 100 years.
 23. Recreational vehicle – A vehicle which is:
 - a. Built on a single chassis;
 - b. Four hundred square feet or less when measured at the largest horizontal projection;
 - c. Designed to be self-propelled or permanently towable by a light duty truck; and
 - d. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.
 24. Start of construction (includes substantial improvement) - 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 clearing, grading and 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 dimensions of the building.
 25. 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.

26. Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty percent (50%) of the market value of the structure before the damage occurred.
27. Substantial Improvement - Any improvement to a structure which satisfies either of the following criteria:
 - a. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration affects the external dimensions of the structure. The 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. The term also does not include any alteration of an "historic structure," provided the alteration will not preclude the structure's designation as an "historic structure."
 - b. Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after July 1, 1981 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.
28. Variance - A grant of relief by a community from the terms of the flood plain management regulations.
29. Violation - The failure of a structure or other development to be fully compliant with this chapter.

17.65.105 Applicable Lands: This Chapter shall apply to all lands within the jurisdiction of the City shown on the Flood Boundary and Floodway Map to be within the 100-year flood.

17.65.106 Establishment of Official Floodplain Zoning Map: The flood boundary and floodway maps prepared as part of the flood insurance study for the City, dated January 2, 1981, and effective July 2, 1981, are adopted by reference and declared to be the official floodplain zoning maps. The flood profiles and all explanatory material contained with the flood insurance study and the flood insurance rate maps are also adopted by reference as a part of this chapter. Such maps and study are properly attested and are on file with the City Clerk.

17.65.107 Rules for Interpretation: The boundaries of the zoning district shall be determined by scaling districts 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 of the City, the Zoning Administrator, after consultation with the City Engineer, 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 upon appeal to the Board of Adjustment.

17.65.108 Compliance: No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this chapter and other applicable regulations which apply to uses within the jurisdiction of this Zoning Code.

17.65.109 Abrogation: It is not intended by this chapter to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this chapter imposes greater restrictions, the provisions of this chapter shall prevail. All other ordinances inconsistent with this chapter are repealed to the extent of the inconsistency only.

17.65.110 Interpretation: In their interpretation and application, the provisions of this chapter 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.

17.65.120 Disclaimer of Liability: The degree of flood protection required by this chapter 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 man-made or natural causes, such as ice jams and bridge openings restricted by debris. This Chapter 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 Chapter 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 chapter or any administrative decision lawfully made thereunder.

17.65.130 Zoning Districts Established:

1. The floodplain areas within the jurisdiction of this chapter are divided into the following districts:
 - a. Floodway (Overlay) District: The floodway district shall be consistent with the boundaries of the floodway as shown on the official floodplain zoning map.
 - b. Floodway Fringe (Overlay) District: The floodway fringe district shall be those areas shown as floodway fringe within the 100-year flood boundary on the official floodplain zoning map.
 - c. General Floodplain (Overlay) District: The general floodplain district shall be those areas shown on the official floodplain zoning map as being within the approximate 100-year flood boundary.
 - d. Shallow Flooding (Overlay) District: The shallow flooding district shall be those areas shown on the official floodplain zoning map as being within the 100-year flood boundary and identified on the flood insurance rate map as (AO or AH) zones.

Within these districts all uses not allowed as permitted uses or permissible as conditional uses are prohibited unless a variance to the terms of this chapter is granted after due consideration by the Board of Adjustment.

17.65.200 FLOODWAY (OVERLAY) DISTRICT (FW)

17.65.201 Permitted Uses: The following uses shall be permitted within the Floodway 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. Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
3. Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
4. Residential uses such as lawns, gardens, parking areas and play areas.
5. Such other open-space uses similar in nature to the above uses.

17.65.202 Conditional Uses: The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment may be permitted only upon issuance of a

Conditional Use Permit by the Board of Adjustment as provided for in Sections 17.65.603 and 17.65.606. Such uses must also meet the applicable provisions of the Floodway District Performance Standards:

1. Uses or structures accessory to open-space uses.
2. Circuses, carnivals, and similar transient amusement enterprises.
3. Drive-in theaters, new and used car lots, roadside stands, signs, and billboards.
4. Extraction of sand, gravel, and other materials.
5. Marinas, boat rentals, docks, piers, wharves.
6. Utility transmission lines, underground pipelines.
7. Other uses similar in nature to uses described in Section 17.65.201 of this section which are consistent with the provisions of Section 17.65.202 and the general spirit and purpose of this chapter.

17.65.203 Performance Standards: All Floodway District uses allowed as a Permitted or Conditional Use shall meet the following standards:

1. No use shall be permitted in the Floodway District that would result in any increase in the 100-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 District shall:
 - a. Be consistent with the need to minimize flood damage.
 - b. Use construction methods and practices that will minimize flood damage.
 - c. Use construction materials and utility equipment that are resistant to flood damage.
3. No use shall affect the capability 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, buildings and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the Floodway Fringe District and shall be constructed or aligned to present the minimum possible resistance to flood flows.
5. Buildings, if permitted, shall have 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 including 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 receive the prior approval of the Iowa Department of Natural Resources. Such approval shall be obtained by the applicant before action by the Board of Adjustment.
8. Any fill allowed in floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
9. Pipeline, river or stream crossing 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.

17.65.300 FLOODWAY FRINGE (OVERLAY) DISTRICT (FF)

17.65.301 Permitted Uses: All uses within the floodway fringe district shall be permitted to the extent that they are not prohibited by any other chapter (or underlying zoning district) and provided they meet applicable performance standards of the floodway fringe district.

17.65.302 Performance Standards: Generally. All uses must be consistent with the need to minimize flood damage and shall meet the applicable performance standards as set out in Sections 17.65.303 through 17.65.313.

17.65.303 Requirements: All structures shall:

1. Be adequately anchored to prevent flotation, collapse or lateral movement of the structure;
2. Be constructed with materials and utility equipment resistant to flood damage; and
3. Be constructed by methods and practices that minimize flood damage.

17.65.304 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 eighteen 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 Board of Adjustment and issuance of a conditional use permit, 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 withstand the various forces and hazards associated with flooding. Access to all new residential buildings shall be passable by wheeled vehicles during the 100-year flood.

17.65.305 Nonresidential Buildings: All new or substantially improved nonresidential buildings shall have the first floor (including basement) elevated a minimum of one foot above the 100-year flood level, or together with attendant utility and sanitary systems, be flood proofed 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 structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are flood proofed shall be maintained by the Zoning Administrator.

17.65.306 New or Substantially Improved:

1. In all new and substantially improved structures 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. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
 - a. 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.
 - b. The bottom of all openings shall be no higher than one foot above grade.
 - c. Openings may be equipped with screens, louvers, valves, or exit of floodwaters.
2. New and substantially improved structures must be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
3. 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/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

17.65.307 Factory-Built Homes:

1. All 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 (1) foot above the 100-year flood level.
2. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include, but are not limited to, use of over-the-top or frame ties to ground anchors.

17.65.308 Utility and Sanitary Systems:

1. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
2. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot above the 100-year flood elevation.
3. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one foot above the 100-year flood elevation.
4. 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.

17.65.309 Hazardous Materials: 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:

1. Not be subject to major flood damage and be anchored to prevent movement due to floodwaters; or
2. Be readily removable from the area within the time available after flood warning.

17.65.310 Flood Control Structures: Flood control structural work such as levees, floodwalls, etc., 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 Iowa Department of Natural Resources.

17.65.311 Drainage: 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.

17.65.312 Subdivisions: 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 (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during 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 Flood Plain (Overlay) District.

17.65.313 Exemptions: The exemption of detached garages, sheds, and similar structures 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 when:

1. The structure shall not be used for human habitation.
2. The structure shall be designed to have low flood damage potential.
3. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
4. Structures shall be firmly anchored to prevent flotation which may result in damage to other structures.
5. The structure's service facilities such as electrical and heating equipment shall be elevated or flood proofed to at least one foot above the 100-year flood level.

17.65.314 Recreational Vehicles:

1. Recreational vehicles are exempt from the requirements of Section 17.65.307 of this chapter 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.
 - 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.
2. 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 17.65.307 of this chapter regarding anchoring and elevation of factory-built homes.

17.65.400 GENERAL FLOODPLAIN (OVERLAY) DISTRICT (FP)

17.65.401 Permitted Uses: The following uses shall be permitted within the general floodplain 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. Industrial-commercial uses such as loading areas, parking areas, airport landing strips;
3. Private and public recreation uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails;
4. Residential uses such as lawns, gardens, parking areas and play areas.

17.65.402 Conditional Uses: Any use which involves 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 Board of

Adjustment as provided for in Sections 17.65.603 through 17.65.606. All such uses shall be previously reviewed by the Iowa Department of Natural Resources to determine:

1. Whether the land involved is either wholly or partly within the floodway or floodway fringe, and
2. The 100-year flood level.

The applicant shall be responsible for providing the Iowa Department of Natural Resources with sufficient technical information to make the determination and obtaining its approval before action before the Board of Adjustment.

17.65.403 Performance Standards:

1. All conditional uses, or portions thereof, to be located in the floodway, as determined by the Iowa Department of Natural Resources, shall meet the applicable provisions and standards of the floodway district, Section 17.65.200 of this chapter.
2. All conditional uses, or portions thereof, to be located in the floodway fringe, as determined by the Iowa Department of Natural Resources, shall meet the applicable standards of the floodway fringe district, Section 17.65.300 of this chapter.

17.65.500 SHALLOW FLOODING (OVERLAY) DISTRICT (SF)

17.65.501 Permitted Uses: All uses within the shallow flooding district shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the shallow flooding district.

17.65.502 Performance Standards: The performance standards for the shallow flooding district shall be the same as the performance standards for the floodway fringe district with the following exceptions:

1. In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the Flood Insurance Rate Map (or a minimum of 2.0 feet if no number is specified) above the highest natural grade adjacent to the structure;
2. In shallow flooding areas designated as an AH zone on the flood insurance rate map, the minimum floodproofing/flood protection elevation shall be equal to the elevation as specified on the rate map.

17.65.600 ADMINISTRATION

17.65.601 Zoning Administrator:

1. The Development Department shall administer and enforce this chapter as the Zoning Administrator and will be referred to in this chapter as the Administrator.
2. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to, the following:
 - a. Review all floodplain development permit applications to insure that the provisions of this chapter will be satisfied;
 - b. Review all flood plain development permit applications to assure that all necessary permits have been obtained from Federal, State or local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction;

- c. Record and maintain a record of (i) the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been flood proofed;
- d. Notify adjacent communities and/or counties and the Iowa Department of Natural Resources prior to any proposed alteration or relocation of a watercourse and submit evidence of such notifications to the Federal Insurance Administrator;
- e. Keep a record of all permits, appeals, floodplain variances, variances and such other transactions and correspondence pertaining to the administration of this chapter;
- f. Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administration;
- g. Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries;
- h. Review subdivision proposals to insure such proposals are consistent with the purpose of this chapter and advise the Commission and Council of potential conflicts.

17.65.602 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 man-made 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. The obtainment of a floodplain development permit issued under this section does not obviate the necessity of obtaining other permits, variances, exceptions and licenses required under this chapter and other ordinances.
2. Application for Permit. Application for a floodplain development permit shall be made on forms supplied by the Administrator and shall provide the following information:
 - a. Description of the work to be covered by the permit for which application is to be made;
 - b. 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;
 - c. Indication of the use or occupancy for which the proposed work is intended;
 - d. Elevation of the 100-year floodplain;
 - e. Elevation (in relation to National Geodetic Vertical Datum) of the lowest habitable floor (including basement) of buildings or of the level to which a building is to be flood proofed;
 - f. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements;
 - g. Such other information as the Administrator deems reasonably necessary for the purpose of this chapter;
 - h. The applicant shall submit the permit fee established by the City prior to permit approval.
3. Action on Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable provisions and standards of this chapter 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 of floodplain variances which shall only be granted by the Board of Adjustment.
4. Construction and Use to be as Provided in Application and Plans. Floodplain development permits issued on the basis of approved plans and applications authorize only the use, arrangement and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement or construction at variance

with that authorized shall be deemed a violation of this chapter. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building floor elevations, floodproofing or other flood protection measures were accomplished in compliance with the provisions of this chapter, prior to the use or occupancy of any structure.

17.65.603 Conditional Uses, Appeals, Variances: The Board of Adjustment established pursuant to Chapter 414 of the Code of Iowa and Chapter 17.50 of this Code, shall hear and decide:

1. Applications for conditional use permits upon which the Board is authorized to pass under this chapter;
2. Appeals; and
3. Requests for floodplain variances to the provisions of this chapter; and may take any other action which is authorized.

17.65.604 Decisions of the Board: In passing upon applications for conditional use permits or requests for floodplain variances, the Board shall consider all relevant factors specified in other sections of this chapter as well as:

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 floodwater expected at the site;
12. Such other factors which are relevant to the purpose of this chapter.

17.65.605 Variances: The Board of Adjustment may authorize such variances from the terms of this chapter that will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards:

1. No variance shall be granted for any development within the Floodway District which would result in any increase in the 100-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. Variances shall only be granted upon (1) a showing of good and sufficient cause; (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and (3) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, or extra-ordinary public expense; create nuisances, or cause fraud on or victimization of the public.
3. Variances 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 buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Zoning Administrator that (1) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage and (2) such construction increases risks to life and property.
5. All variances granted shall have the concurrence or approval of the Iowa Department of Natural Resources.

17.65.606 Conditions Attached: Upon consideration of the factors listed in Section 17.65.605, the Board may attach such conditions to the granting of conditional use permits or floodplain variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

1. Modifications 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 Iowa Department of Natural Resources and are deemed the only practical alternative to achieving the purposes of this chapter;
5. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities duration's, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area. Such floodproofing measures may include, but are not necessarily limited to the following:
 - a. Anchorage to resist flotation and lateral movement;
 - b. Installation of watertight doors, bulkheads and shutters or similar methods of construction;
 - c. Reinforcement of walls to resist water pressures;
 - d. Use of paints, membranes or mortars to reduce seepage of water through walls;
 - e. Addition of mass or weight structures to resist flotation;
 - f. Installation of pumps to lower water levels in structures;
 - g. Construction of water supply and waste treatment systems so as to prevent the entrance of floodwater;
 - h. Pumping facilities or comparable practices for subsurface drainage systems for building to relieve external foundation wall and basement flood pressures;
 - i. Construction to resist rupture or collapse caused by water pressure or floating debris;
 - j. Installation of valves or controls on sanitary and storm drains which will permit the drains to be closed to prevent backup of sewage and stormwaters into the buildings or structures;
 - k. Location of all electrical equipment, circuits and installed electrical appliances in a manner which will assure they are not subject to flooding;

17.65.700 NONCONFORMING USES

17.65.701 Designated – Conditions for Continuance: A structure or the use of a structure of land which was lawful before the passage or amendment of this chapter, but which is not in conformity with the provisions of this chapter, 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 nonconformity.
2. No structural alteration, addition or repair to any nonconforming structure over the life of the structure shall exceed fifty percent of its value at the time immediately before its first alteration, addition or repair following enactment of this chapter, unless the structure is permanently changed to a conforming use.
3. If such use is discontinued for twenty-four consecutive months, any future use of the building premises shall conform to this chapter.
4. If any nonconforming use or structure is destroyed by any means, including floods, to an extent of fifty percent or more of its value prior to destruction, it shall not be reconstructed except in conformity with the provisions of this chapter.
5. Any use which has been permitted by a conditional use permit or floodplain variance shall be considered a conforming use.

17.65.800 AMENDMENTS

17.65.801 Amendments: The regulations and standards set forth in this chapter may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Department of Natural Resources.