

**COUNCIL ACTION FORM**

**SUBJECT: TEXT AMENDMENTS TO MUNICIPAL CODE CHAPTER 9 –  
FLOOD PLAIN ZONING REGULATIONS**

**BACKGROUND:**

The City of Ames participates in the National Flood Insurance Program (NFIP). This participation allows property owners and residents to purchase flood insurance from their insurance agents for losses due to flood events. As a condition for participation in the NFIP, the City is required to adopt and enforce regulations on activities within the designated flood plain in order to minimize loss of life and property damage. The NFIP has set minimum standards and authorizes states and local jurisdictions to adopt more stringent requirements. The City of Ames' Flood Plain Zoning Regulations (Chapter 9 of the Municipal Code) are based on the Iowa Department of Natural Resources (IDNR) model ordinance, but contain a higher standard for flood protection than the minimum model ordinance requirements. Any changes to the City's ordinance needs to be approved by the Iowa Department of Natural Resources.

This ordinance regulates development activities and uses in areas designated by the Federal Emergency Management Agency (FEMA) as Special Flood Hazard Areas. These are areas in which hydraulic and hydrologic modeling anticipates inundation during a flood having a 1 percent chance of occurring in any given year (often referred to as the 100-year flood or the base flood).

The Special Flood Hazard Areas include the Floodway, Floodway Fringe and General Flood Plain. Uses and activities in the Floodway are strictly regulated—for example, no fill and no residential or commercial buildings are allowed. Within the Floodway Fringe, most uses are allowed but are subject to elevation or flood-proofing requirements. The General Flood Plain is the area in which a detailed study has not been completed and is treated as a Floodway until IDNR has reviewed the development and defined the base flood elevation and delineated a Floodway and Floodway Fringe.

**In anticipation of the mapping of the Environmentally Sensitive Area Overlay (O-E) district over the Floodway and the changes to the language of the O-E district, staff is bringing forward these changes to Chapter 9.** Most of these changes reflect the requirements of the O-E overlay and the procedures for approval. Others are required by IDNR or are minor “housekeeping” changes. A full strikeout and underline version of the proposed changes can be found in Attachment A.

**Proposed Amendments**

The proposed amendments to Chapter 9 address the following five issues:

1. Changes to Permitted Uses (Administrative Approval) allowed within the Floodway

2. Removing Conditional Uses and creating a new category of Development Uses allowed within the Floodway (Discretionary Major Site Development Plan Approval)
3. Changes to Permitted Uses within the General Flood Plain
4. Procedures for development in the Floodway with the O-E requirements
5. Changes to residential accessory structures as required by the IDNR

A table summarizing the proposed changes to the Permitted and Development Uses can be found in Attachment B.

### Permitted Uses

The proposed changes remove some uses that are currently allowed as Permitted within the Floodway. These uses (e.g., parking lots, loading areas, drive aisles) are no longer permitted through a staff approval process. These will now be considered Development Uses that are subject to the requirements of the O-E district.

Permitted Uses are generally open space uses, such as farming, parks, nature preserves, lawns, and gardens. They also include limited development activities such as signs, billboards, pipelines, and accessory structures to open space uses. New language also allows an exemption for government uses that are not traditionally subject to City zoning requirements, such as those initiated by the School District or University. Public infrastructure remains within this category. Staff has added a limitation on grading activities that restricts grading to a change of less than 12 inches in surface topography. Also included are accessory structures for open space uses. These would be non-habitable and would still be required to meet performance standards as is currently required.

The approval of these Permitted Uses would be administrative rather than through a Major Site Development Plan. All Permitted Uses require a Flood Plain Development Permit and must demonstrate that they meet the applicable Floodway performance standards. These standards dictate that no activity can increase the water surface level of a base flood event and are designed so as to minimize flood damage. These changes to the uses can be found in Section 9.4(1).

### Development Uses

Development Uses is a new category that aligns with the intent of the O-E Zoning Overlay. Development uses are those that generally involve site disturbing activities and uses. These include transient commercial uses (carnivals, flea markets), permanent commercial uses (car lots, drive-in theaters), accessory commercial uses (parking lots, driveways), grading that alters the surface topography more than 12 inches, and borrow pits or other excavations. The inclusion of grading would put detention ponds and other storm water treatment facilities in this category.

Many of these are currently known as Conditional Uses, acknowledging that they must be approved by the Zoning Board of Adjustments through the Conditional Use Permit process. With the proposed mapping of the O-E overlay district and the changes to the

O-E text, these uses would now require approval by the City Council (with the recommendation of the Planning and Zoning Commission) through the Major Site Development Plan process, rather than approval by the Zoning Board of Adjustment. These changes to the uses and the approval process can be found in Section 9.4(2).

#### General Flood Plain Uses

The General Flood Plain is intended to be treated as the Floodway unless and until the IDNR does a more detailed analysis to determine the location of the Floodway and the Floodway Fringe. Therefore, the Permitted Uses in the General Flood Plain are amended to mirror those of the Floodway. Development Uses will need to be reviewed by the IDNR to delineate the Floodway from the Floodway Fringe and then seek approval from the Zoning Board of Adjustment. These changes can be found in Section 9.6(1).

#### O-E Approval Process Requirements

Changes are proposed for various sections which currently outline the process for Conditional Use Permits approved by the Zoning Board of Adjustment to reflect the proposed requirement for a Major Site Development Plan approved by the City Council. These changes can be found in Section 9.4(2), 9.6(2), and 9.7(2)(c).

#### Residential Accessory Uses

The current ordinance allows for certain accessory uses to not meet elevation or flood-proofing requirements. The IDNR has asked for changes to restrict the size of such structures and to require “wet floodproofing.” This will require accessory structures that are not elevated to have vents or louvered openings to allow flood waters to enter and to recede to avoid collapsing the walls. These are found in Section 9.5(2)(j).

There are a few other minor changes, such as addressing the required vertical datum of elevations (Section 9.7(b)(iii)) and a definition of “non-habitable structure” (Section 9.11). All the proposed changes can be found in Attachment A. A table showing how the Permitted Uses and Development Uses have been amended and moved is found in Attachment B.

Since the Commission meeting in January, staff has confirmed with the IDNR that the proposed language is acceptable.

**Planning and Zoning Commission Recommendation:** At a public hearing on February 17, 2016, the Planning and Zoning Commission voted 6-0 to recommend that the City Council approve only the changes requested by the IDNR concerning “wet floodproofing” as found in Section 9.5 (2) (j). Scott Renaud, FOX Engineering, spoke against the proposal, stating that the provisions of other City ordinances, such as the Flood Plain regulations and the City’s storm water ordinances, already accomplish the desires of the City. He also believed that including storm water facilities in the requirement for a major site development plan would result in uncertainty of approval for what should be a routine staff approval.

**ALTERNATIVES:**

1. The City Council can adopt on first reading the complete proposed changes to Chapter 9 Flood Plain Zoning Regulations that recategorize uses as Permitted or Development uses and include the IDNR flood proofing requirements.

*City Council would choose this option if it has previously approved both of the related amendments for Chapter 29 and mapping of the O-E to FEMA Floodways.*

2. The City Council can adopt on first reading the Planning and Zoning Commission recommended changes requested by IDNR related to accessory structures.

*City Council would choose this option if has not approved the related amendments for Chapter 29 and mapping of the O-E to FEMA Floodways*

3. The City Council refer this item back to staff for additional information.

**MANAGER'S RECOMMENDATION:**

These proposed amendments are based on the City Council's direction from November 10, 2015 and reaffirmed on March 22, 2016 to draft an ordinance that changes the types of uses permitted in the Floodway and the approval process for improvements within the Floodway.

Staff believes that these amendments, in conjunction with the proposed amendments to the approval procedures and the mapping of the O-E district (both accompanying this report), will reduce the impacts of development in the Floodway by requiring action to mitigate such development. Approvals of those developments would require a review and recommendation by the Planning and Zoning Commission and action by the City Council following a public hearing.

**Therefore, it is the recommendation of the City Manager that the City Council adopt Alternative #1, thereby approving the proposed changes to the language of Chapter 9.**

## ATTACHMENT A; PROPOSED TEXT CHANGES TO CHAPTER 9

### **Sec. 9.1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSE.**

(1) Statutory Authorization. The legislature of the State of Iowa has, in Chapter 414 Code of Iowa, delegated the responsibility to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

(2) Findings of Fact.

(a) The flood hazard areas of Ames 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.

(b) These flood losses, hazards and related adverse effects are caused by (i) 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 (ii) the cumulative effect of flood plain construction on flood flows, which causes increases in flood heights and flood water velocities.

(c) This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources. This methodology consists of a series of interrelated steps including:

(i) Determination of flood magnitudes and the corresponding flood frequencies by statistical and engineering calculations which permits a consideration of such flood factors as expected frequency of occurrence, area inundated, and depth of inundation.

(ii) Calculation of water surface profiles based upon a hydraulic engineering analysis of the capability of the stream channel and overbank areas to convey flood flows.

(iii) Computation and delineation of a floodway, an area which must be reserved (with no additional obstructions) for conveyance of flood flows so that flood heights and velocities will not be substantially increased by future encroachment on the flood plain.

(3) Purpose. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing those flood losses described in Section 9.1(2) with provisions designed to:

(a) Reserve sufficient flood plain area for the conveyance of flood flows so that flood heights and velocities will not be increased by greater than one (1) foot.

(b) 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.

- (c) Require that uses vulnerable to floods, including public utilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.
- (d) Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
- (e) Assure that eligibility to purchase flood insurance through the National Flood Insurance Program is maintained for property owners in the community.

## **Sec. 9.2. GENERAL PROVISIONS.**

(1) **Lands to Which Ordinance Applies.** This ordinance shall apply to all lands within the jurisdiction of the City of Ames, Iowa, shown on the Official Flood Plain Zoning Map to be within the "Special Flood Hazard Areas Subject to Inundation by the 1% Annual Chance Flood".

(2) **Establishment of Official Flood Plain Zoning Map.** The Story County, Iowa and Incorporated Areas Flood Insurance Rate Map (FIRM), City of Ames, Panels 19169C0135E, 140E, 141E, 142E, 155E, 161E, 162E, 164E, 168E, 170E, 276E and 277E, dated February 20, 2008 and Panels 137F, 139F, 143F, 144F, 163F, 256F and 257F, dated October 16, 2014, which were prepared as part of the Flood Insurance Study for Story County and digital FIRM equivalents are hereby adopted by reference and declared to be the Official Flood Plain Zoning Map.

(3) **Rules for Interpretation of District Boundaries.** The boundaries of the zoning district shall be determined by scaling distances on the Official Flood Plain 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 Flood Plain Administrator shall make the necessary interpretation, provided however, that the Flood Plain Administrator may require the owner to provide a topographic survey of the land to assist in that interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his or her case and submit technical evidence.

(4) **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 ordinance.

(5) **Abrogation and Greater Restrictions.** It is not intended by this ordinance to repeal, abrogate or Impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

(6) **Interpretation.** In their interpretation and application, the provisions of this ordinance 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.

(7) Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance 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 ordinance 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 ordinance shall not create liability on the part of the City of Ames, Iowa, or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(8) Severability. If any section, clause, provision or portion of this ordinance is adjudged Unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

### **Sec. 9.3. ESTABLISHMENT OF ZONING OVERLAY DISTRICTS.**

The flood plain areas within the jurisdiction of this ordinance are hereby divided into the following zoning overlay districts:

- (1) Floodway Overlay District - The Floodway Overlay District includes the areas shown as "Floodway Areas in Zone AE" on the Official Flood Plain Zoning Map
- (2) Floodway Fringe Overlay District - The Floodway Fringe Overlay District includes the areas shown as "Zone AE excluding the Floodway Areas in Zone AE" on the Official Flood Plain Zoning Map.
- (3) General Flood Plain Overlay District – The General Flood Plain Overlay District includes the areas shown as "Zone A" on the Official Flood Plain Zoning Map Within these districts, all uses not allowed as Permitted Uses or authorized as Conditional Uses are prohibited unless a use variance to the terms of this ordinance is granted after due consideration by the Zoning Board of Adjustment.

### **Sec. 9.4. FLOODWAY OVERLAY DISTRICT.**

(1) Permitted Uses. The following uses shall be permitted within the Floodway Overlay District to the extent they are not prohibited by any other ordinance or underlying zoning district regulation, and provided they do not include placement of habitable structures, factory-built homes, fill or other obstruction the storage of materials or equipment, excavation, or alteration of a watercourse (except as needed for public infrastructure):

(a) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

(b) ~~Industrial-commercial uses such as loading areas, parking areas, airport landing strips. Signs, billboards, utility transmission lines and pipelines.~~

(c) 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, and non-habitable structures accessory to them that meet the applicable Floodway Overlay District Performance Standards.

(d) Residential accessory uses such as lawns, gardens, ~~parking areas~~ and play areas.

(e) Grading, provided there is no change of surface topography of more than one foot and no fill is introduced into the Floodway.

(ef) Such other open-space uses similar in nature to the above uses.

(fg) Public infrastructure such as bridges; roads; trails; culverts; fill, excavation or grading; channel changes, relocations or placement of riprap or similar material; provided that any required permits from the Iowa Department of Natural Resources or Army Corps of Engineers have been approved. Such uses must also meet the applicable provisions of the Floodway Overlay District Performance Standards. This also includes any activity defined as maintenance under the nationwide permit issued by the Army Corps of Engineers.

(h) Government uses not subject to City zoning ordinances.

(2) Conditional-Development Uses. The following uses which involve structures (temporary or permanent), fill, or storage of materials or equipment may be permitted in areas within the O-E Overlay District only upon issuance of a Conditional Use Permit by the Zoning Board of Adjustment as provided for in Sec. 9.7 Major Site Development Plan as provided for in Section 29.1103 and as described in Section 29.1503(4). Such uses must also meet the applicable provisions of the Floodway Overlay District Performance Standards. These uses may be permitted in areas not within the O-E Overlay District only upon issuance of a Flood Plain Development Permit upon evidence that they meet the applicable provisions of the Floodway Overlay District Performance Standards.

(a) Uses or structures accessory to open space uses.

(ba) Transient commercial uses such as Circuses, carnivals, flea markets, and similar transient ~~amusement~~ enterprises.

(eb) Permanent commercial uses such as Drive-in theaters, new and used car lots, and roadside stands, ~~signs, and billboards.~~

(dc) Borrow pits, storm water detention and retention areas, and Extraction of sand, gravel, and other materials.

(ed) Marinas, boat rentals, docks, piers, wharves.

(fe) Utility transmission lines, underground pipelines. Accessory uses such as loading areas, driveways, parking areas.

(g) Grading, in which the surface topography may be increased greater than one foot.

(gh) Other uses similar in nature to uses described as permitted uses or listed conditional development uses, which are consistent with the performance standards of Subsection (3) below and the general spirit and purpose of this ordinance.

(3) Performance Standards. All Floodway Overlay District uses allowed as a Permitted or Conditional Development Use shall meet the following standards:

(a) No use shall be permitted in the Floodway Overlay District that would result in any Increase in the base flood elevation 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. Evidence required will be a hydraulic study performed by a licensed professional engineer for the area of drainage involved.

(b) 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 and resist flood damage.

(iii) Use construction materials and utility equipment that are resistant to flood damage.

(c) 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.

(d) Structures, buildings 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.

(e) Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

(f) 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 Overlay District within the time available after flood warning.

(g) 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 Department of Natural Resources.

(h) Any fill allowed in the floodway must be shown to have some public beneficial purpose and shall be limited to the minimum amount necessary.

(i) 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.

(j) It shall be the responsibility of adjacent property owners to maintain the location and carrying capacity of the floodway adjacent to their property.

**Sec. 9.5. FLOODWAY FRINGE OVERLAY DISTRICT.**

(1) 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.

(2) Performance Standards. All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards.

(a) All structures shall

(i) be adequately anchored to prevent flotation, collapse or lateral movement of the structure,

(ii) be constructed with materials and utility equipment resistant to flood damage, and

(iii) be constructed by methods and practices that minimize flood damage.

(b) Residential buildings. All new or substantially improved residential structures shall have the lowest floor, including basements, elevated a minimum of three (3) feet above the base flood elevation level. Construction shall be upon compacted fill which shall, at all points, be no lower than three (3) feet above the base flood elevation 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 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. All new residential buildings shall be provided with a means of access which will be passable by wheeled vehicles during the base flood elevation.

(c) Non-residential buildings. All new and substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of three (3) feet above the base flood elevation level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer licensed 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 base flood elevation level, and that the structure, below the base flood

elevation level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation to which any structures are floodproofed shall be maintained by the Flood Plain Administrator.

(d) 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 such that the permanent foundation of the structure is a minimum of three (3) feet above the base flood elevation.

(e) 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 waters. Wastewater treatment facilities shall be provided with a level of flood protection equal to or greater than three (3) feet above the base 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 three (3) feet above the base 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.

(f) Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of three (3) feet above the base flood elevation 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.

(g) Flood control structural works such as levees and flood walls, shall provide, at a minimum, protection from a base flood elevation with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

(h) 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. In addition, the Department of Natural Resources must approve any alteration or relocation of any stream.

(i) 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 base flood. Proposed subdivision plats greater than five (5) acres or fifty (50) lots (whichever is fewer) shall include base flood elevation data for those areas located within the Floodway, Floodway Fringe, or General Floodway Overlay Districts on the preliminary plat and final plat.

(j). Detached garages, sheds, and similar structures that are accessory to a residential use are exempt from the base flood elevation requirements. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents. Such exemption is allowed only when the following criteria are satisfied.

(i) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 3 feet above the BFE must be constructed of flood-resistant materials.

(ii) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

(iii) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

(iv) The structure shall be firmly anchored to resist flotation, collapse and lateral movement.

(v) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least three feet above the base flood elevation.

(vi) The structure's walls shall include openings that satisfy the provisions of Section 9.5 (2) (k) of this Ordinance.

~~(j) The exemption of detached garages, sheds, and similar structures from the current requirements for elevation 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 current requirements for elevation when:~~

- ~~(i) The structure 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) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.~~
- ~~(v) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least three (3) feet above the base flood elevation level.~~

(k) For all new and substantially improved structures:

(i) 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 licensed 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 other coverings or devices provided that they permit the automatic entry and exit of floodwaters. Such areas shall be used solely for parking of vehicles, building access, and low damage potential storage.

1. 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.

2. 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.

(l) Recreational vehicles placed on sites within the Floodway Fringe Overlay District shall:

- (i) Be on the site for fewer than 180 consecutive days and
- (ii) 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; is attached to the site only by disconnect type utilities and security devices, and has no permanent attached additions. 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 9.5(d) of this Ordinance regarding anchoring and elevation of factory-built homes.

### **Sec. 9.6. GENERAL FLOOD PLAIN OVERLAY DISTRICT (FP).**

(1) Permitted Uses. The following uses shall be permitted within the General Flood Plain 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 habitable structures, factory built homes, fill or other obstruction; the storage of materials or equipment; excavation; or alteration of a watercourse.

(a) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

(b) Signs, billboards, utility transmission lines and pipelines.

(c) 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, and non-habitable structures accessory to them that meet the applicable performance standards of the Floodway Overlay District Performance Standards.

(d) Residential accessory uses such as lawns, gardens, and play areas.

(e) Grading, provided there is no change of surface topography of more than one foot and no fill is introduced into the Floodway.

(f) Such other open-space uses similar in nature to the above uses.

(g) Public infrastructure such as bridges; roads; trails; culverts; fill, excavation or grading; channel changes, relocations or placement of riprap or similar material; provided that any required permits from the Iowa Department of Natural Resources or Army Corps of Engineers have been approved. Such uses must also meet the applicable provisions of the Floodway Overlay District Performance Standards. This also includes any activity defined as maintenance under the nationwide permit issued by the Army Corps of Engineers.

(h) Government uses not subject to City zoning ordinances.

~~(a) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.~~

~~(b) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.~~

~~(c) 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.~~

~~(d) Residential uses such as lawns, gardens, parking areas, and play areas.~~

(2) 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 Zoning Board of Adjustment as provided for in Section 9.7(3). All such uses shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation level. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

(3) Performance Standards.

(a) All conditional uses, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Overlay District.

(b) All conditional uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable standards of the Floodway Fringe Overlay District.

## **Sec. 9.7. ADMINISTRATION.**

(1) Appointment, Duties and Responsibilities of Flood Plain Administrator

(a) The Flood Plain Administrator (the Administrator) shall be the Director of the Department of Planning and Housing or his/her designee and shall administer and enforce this chapter and will herein be referred to as the Administrator.

(b) Duties and responsibilities of the Administrator shall include, but not necessarily be limited to, the following:

(i) Review all flood plain development permit applications to insure that the provisions of this chapter will be satisfied.

(ii) Review all flood plain development permit applications to insure 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 the appropriate vertical datum~~National Geodetic Vertical Datum-NGVD29~~) of the lowest habitable floor of all new or substantially improved buildings or
  - b. the elevation to which new or substantially improved structures have been floodproofed.
- (iv) Notify adjacent communities and/or counties and the 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.
- (v) Keep a record of all permits, appeals, variances and such other transactions and correspondence pertaining to the administration of this ordinance.
- (vi) Submit to the Federal Insurance Administrator any required report concerning the community's participation in the National Flood Insurance Program.
- (vii) Notify the Federal Insurance Administration of any annexations or Modifications to the community's boundaries.
- (viii) Review subdivision proposals to insure such proposals are consistent with the purpose of this ordinance and advise the City Council of potential conflicts.

(2) Flood Plain Development Permit.

- (a) Permit Required. A Flood Plain Development Permit issued by the Administrator shall be secured prior to initiation of any flood plain development. Development is defined in Section 9.11
- (b) Application for Permit. Application for a Flood Plain Development Permit shall be made on forms supplied by the Administrator and shall include the following information:
  - (i) Description of 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) The base flood elevation (BFE).
  - (v) Elevation of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
  - (vi) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

(vii) Such other information as the Administrator deems reasonably necessary for the purpose of this ordinance.

(viii) The required fee, as determined by the City Council, for any new construction, substantial improvement, or any development on any parcel which contains a portion of the Floodway.

(c) Action for Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable provisions and standards of this ordinance 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 developments which need a Conditional Uses-Use Permit or Variances-Variance except as directed-approved by the Zoning Board of Adjustment or which needs a Major Site Development Plan except as approved by the City Council.

(d) Construction and Use to be as Provided in Application and Plans. Flood Plain 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 other than that which is authorized shall be deemed a violation of this Ordinance and shall be punishable as provided in Section 9.9.

(e) The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, licensed 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 Ordinance, prior to the use or occupancy of any structure.

(3)...

[Sections 9.8 through 9.10 do not change]

### Sec.9.11. DEFINITIONS

...

(23) Non-Habitable Structure. An accessory structure in which residential, commercial, or industrial activities do not routinely or regularly take place. Restrooms, storage, utility buildings, and concession stands are considered non-habitable structures.

## Attachment B: Summary of Use Changes

Permitted Uses	Comment	Conditional Development Uses
Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.	Same	
<del>Industrial-commercial uses such as loading areas, parking areas, airport landing strips.</del>	Amended and moved to Development	
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 wildlife areas, hiking and horseback riding trails <b>and non-habitable structures accessory to them that meet the applicable Floodway Overlay District Performance Standards</b>	Amended	
Residential <del>accessory</del> uses such as lawns, gardens, <del>parking areas</del> and play areas.	Amended	
Such other open-space uses similar in nature to the above uses.	Same	
Public infrastructure such as bridges; roads; trails; culverts; fill, excavation or grading; channel changes, relocations or placement of riprap or similar material; provided that any required permits from the Iowa Department of Natural Resources or Army Corps of Engineers have been approved. Such uses must also meet the applicable provisions of the Floodway Overlay District Performance Standards. This also includes any activity defined as maintenance under the nationwide permit issued by the Army Corps of Engineers.	Same	
	Removed	<del>Uses or structures accessory to open spaces</del>
	Amended	<b>Transient commercial uses such as</b> circuses, carnivals, <b>flea markets,</b> and similar transient amusement enterprises
	Amended	<b>Permanent commercial uses such as</b> drive-in theaters, new and used car lots, roadside stands, <del>signs and billboards</del>
	Amended	<b>Borrow pits, storm water detention and retention areas, and</b> extraction of sand, gravel, and other materials
	Same	Marinas, boat rentals, docks, piers, wharves
	Amended and moved to Permitted	<del>Utility Transmission lines, underground pipelines</del>
	Same	Other uses similar in nature to uses described as permitted or listed conditional uses, which are consistent with the performance standards of Subsection (3) below and the general spirit and purpose of this ordinance.
<b>Signs, billboards, utility transmission lines and pipelines</b>	Amended and moved to Permitted	
	Amended and moved to Development	<b>Accessory</b> uses such as loading areas, driveways, and parking areas.
<b>Government uses not subject to City zoning ordinances.</b>	New	
<b>Grading provided there is no change of surface topography of more than one foot and no fill is introduced into the Floodway</b>	New	
	New	<b>Grading in which the surface topography may be increased greater than one foot.</b>

**ORDINANCE NO.**

**AN ORDINANCE TO AMEND THE MUNICIPAL CODE OF THE CITY OF AMES, IOWA, BY REPEALING CHAPTER 9 AND ENACTING A NEW CHAPTER 9, FOR THE PURPOSE OF FLOOD PLAIN ZONING REGULATIONS; REPEALING ANY AND ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT TO THE EXTENT OF SUCH CONFLICT; PROVIDING A PENALTY AND ESTABLISHING AN EFFECTIVE DATE.**

**BE IT ENACTED**, by the City Council for the City of Ames, Iowa, that:

Section One. The Municipal Code of the City of Ames, Iowa shall be and the same is hereby amended by repealing and enacting a new Chapter 9 as follows:

**“Sec. 9.1. STATUTORY AUTHORIZATION, FINDINGS OF FACT, AND PURPOSE.**

(1) Statutory Authorization. The legislature of the State of Iowa has, in Chapter 414 Code of Iowa, delegated the responsibility to cities to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

(2) Findings of Fact.

(a) The flood hazard areas of Ames 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.

(b) These flood losses, hazards and related adverse effects are caused by (i) 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 (ii) the cumulative effect of flood plain construction on flood flows, which causes increases in flood heights and flood water velocities.

(c) This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources. This methodology consists of a series of interrelated steps including:

(i) Determination of flood magnitudes and the corresponding flood frequencies by statistical and engineering calculations which permits a consideration of such flood factors as expected frequency of occurrence, area inundated, and depth of inundation.

(ii) Calculation of water surface profiles based upon a hydraulic engineering analysis of the capability of the stream channel and overbank areas to convey flood flows.

(iii) Computation and delineation of a floodway, an area which must be reserved (with no additional obstructions) for conveyance of flood flows so that flood heights and velocities will not be substantially increased by future encroachment on the flood plain.

(3) Purpose. It is the purpose of this ordinance to promote the public health, safety, and general welfare by minimizing those flood losses described in Section 9.1(2) with provisions designed to:

(a) Reserve sufficient flood plain area for the conveyance of flood flows so that flood heights and velocities will not be increased by greater than one (1) foot.

(b) 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.

(c) Require that uses vulnerable to floods, including public utilities which serve such uses, be protected against flood damage at the time of initial construction or substantial improvement.

(d) Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.

(e) Assure that eligibility to purchase flood insurance through the National Flood Insurance Program is maintained for property owners in the community.

### **Sec. 9.2. GENERAL PROVISIONS.**

(1) Lands to Which Ordinance Applies. This ordinance shall apply to all lands within the jurisdiction of the City of Ames, Iowa, shown on the Official Flood Plain Zoning Map to be within the “Special Flood Hazard Areas Subject to Inundation by the 1% Annual Chance Flood”.

(2) **Establishment of Official Flood Plain Zoning Map.** The Story County, Iowa and Incorporated Areas Flood Insurance Rate Map (FIRM), City of Ames, Panels 19169C0135E, 140E, 141E, 142E, 155E, 161E, 162E, 164E, 168E, 170E, 276E and 277E, dated February 20, 2008 and Panels 137F, 139F, 143F, 144F, 163F, 256F and 257F, dated October 16, 2014, which were prepared as part of the Flood Insurance Study for Story County and digital FIRM equivalents are hereby adopted by reference and declared to be the Official Flood Plain Zoning Map.

(3) Rules for Interpretation of District Boundaries. The boundaries of the zoning district shall be determined by scaling distances on the Official Flood Plain 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 Flood Plain Administrator shall make the necessary interpretation, provided however, that the Flood Plain Administrator may require the owner to provide a topographic survey of the land to assist in that interpretation. The person contesting the location of the district boundary shall be given a reasonable opportunity to present his or her case and submit technical evidence.

(4) 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 ordinance.

(5) Abrogation and Greater Restrictions. It is not intended by this ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.

(6) Interpretation. In their interpretation and application, the provisions of this ordinance 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.

(7) Warning and Disclaimer of Liability. The degree of flood protection required by this ordinance 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 ordinance 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 ordinance shall not create liability on the part of the City of Ames, Iowa, or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.

(8) Severability. If any section, clause, provision or portion of this ordinance is adjudged Unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.

### **Sec. 9.3. ESTABLISHMENT OF ZONING OVERLAY DISTRICTS.**

The flood plain areas within the jurisdiction of this ordinance are hereby divided into the following zoning overlay districts:

(1) Floodway Overlay District - The Floodway Overlay District includes the areas shown as “Floodway Areas in Zone AE” on the Official Flood Plain Zoning Map

(2) Floodway Fringe Overlay District - The Floodway Fringe Overlay District includes the areas shown as “Zone AE excluding the Floodway Areas in Zone AE” on the Official Flood Plain Zoning Map.

(3) General Flood Plain Overlay District – The General Flood Plain Overlay District includes the areas shown as “Zone A” on the Official Flood Plain Zoning Map Within these districts, all uses not allowed as Permitted Uses or authorized as Conditional Uses are prohibited unless a use variance to the terms of this ordinance is granted after due consideration by the Zoning Board of Adjustment.

**Sec. 9.4. FLOODWAY OVERLAY DISTRICT.**

(1) Permitted Uses. The following uses shall be permitted within the Floodway Overlay District to the extent they are not prohibited by any other ordinance or underlying zoning district regulation, and provided they do not include placement of habitable structures, factory-built homes, fill or other obstruction the storage of materials or equipment, excavation, or alteration of a watercourse (except as needed for public infrastructure):

(a) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

(b) Signs, billboards, utility transmission lines and pipelines.

(c) 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, and non-habitable structures accessory to them that meet the applicable Floodway Overlay District Performance Standards.

(d) Residential accessory uses such as lawns, gardens and play areas.

(e) Grading, provided there is no change of surface topography of more than one foot and no fill is introduced into the Floodway.

(f) Such other open-space uses similar in nature to the above uses.

(g) Public infrastructure such as bridges; roads; trails; culverts; fill, excavation or grading; channel changes, relocations or placement of riprap or similar material; provided that any required permits from the Iowa Department of Natural Resources or Army Corps of Engineers have been approved. Such uses must also meet the applicable provisions of the Floodway Overlay District Performance Standards. This also includes any activity defined as maintenance under the nationwide permit issued by the Army Corps of Engineers.

(h) Government uses not subject to City zoning ordinances.

(2) Development Uses. The following uses which involve structures (temporary or permanent), fill, or storage of materials or equipment may be permitted only upon issuance of a Major Site Development Plan as provided for in Section 29.1103. Such uses must also meet the applicable provisions of the Floodway Overlay District Performance Standards.

(a) Transient commercial uses such as circuses, carnivals, flea markets, and similar transient enterprises.

(b) Permanent commercial uses such as drive-in theaters, new and used car lots, and roadside stands.

(c) Borrow pits, storm water detention and retention areas, and extraction of sand, gravel, and other materials.

(d) Marinas, boat rentals, docks, piers, wharves.

(e) Accessory uses such as loading areas, driveways and parking areas.

(f) Grading, in which the surface topography may be increased greater than one foot.

(g) Other uses similar in nature to uses described as permitted uses or listed development uses, which are consistent with the performance standards of Subsection (3) below and the general spirit and purpose of this ordinance.

(3) Performance Standards. All Floodway Overlay District uses allowed as a Permitted or Development Use shall meet the following standards:

(a) No use shall be permitted in the Floodway Overlay District that would result in any Increase in the base flood elevation 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. Evidence required will be a hydraulic study performed by a licensed professional engineer for the area of drainage involved.

(b) 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 and resist flood damage.

(iii) Use construction materials and utility equipment that are resistant to flood damage.

(c) 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.

(d) Structures, buildings 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.

(e) Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.

(f) 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 Overlay District within the time available after flood warning.

(g) 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 Department of Natural Resources.

(h) Any fill allowed in the floodway must be shown to have some public beneficial purpose and shall be limited to the minimum amount necessary.

(i) 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.

(j) It shall be the responsibility of adjacent property owners to maintain the location and carrying capacity of the floodway adjacent to their property.

#### **Sec. 9.5. FLOODWAY FRINGE OVERLAY DISTRICT.**

(1) 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.

(2) Performance Standards. All uses must be consistent with the need to minimize flood damage and shall meet the following applicable performance standards.

(a) All structures shall

(i) be adequately anchored to prevent flotation, collapse or lateral movement of the structure,

(ii) be constructed with materials and utility equipment resistant to flood damage, and

(iii) be constructed by methods and practices that minimize flood damage.

(b) Residential buildings. All new or substantially improved residential structures shall have the lowest floor, including basements, elevated a minimum of three (3) feet above the base flood elevation level. Construction shall be upon compacted fill which shall, at all points, be no lower than three (3) feet above the base flood elevation 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 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. All new residential buildings shall be provided with a means of access which will be passable by wheeled vehicles during the base flood elevation.

(c) Non-residential buildings. All new and substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of three (3) feet above the base flood elevation level, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer licensed 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 base flood elevation level, and that the structure, below the base flood elevation level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation to which any structures are floodproofed shall be maintained by the Flood Plain Administrator.

(d) 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 such that the permanent foundation of the structure is a minimum of three (3) feet above the base flood elevation.

(e) 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 waters. Wastewater treatment facilities shall be provided with a level of flood protection equal to or greater than three (3) feet above the base 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 three (3) feet above the base 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.

(f) Storage of materials and equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of three (3) feet above the base flood elevation 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.

(g) Flood control structural works such as levees and flood walls, shall provide, at a minimum, protection from a base flood elevation with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

(h) 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. In addition, the Department of Natural Resources must approve any alteration or relocation of any stream.

(i) 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 base flood. Proposed subdivision plats greater than five (5) acres or fifty (50) lots (whichever is fewer) shall include base flood elevation data for those areas located within the Floodway, Floodway Fringe, or General Floodway Overlay Districts on the preliminary plat and final plat.

(j). Detached garages, sheds, and similar structures that are accessory to a residential use are exempt from the base flood elevation requirements. Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents. Such exemption is allowed only when the following criteria are satisfied.

(i) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 3 feet above the BFE must be constructed of flood-resistant materials.

(ii) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.

(iii) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.

(iv) The structure shall be firmly anchored to resist flotation, collapse and lateral movement.

(v) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least three feet above the base flood elevation.

(vi) The structure's walls shall include openings that satisfy the provisions of Section 9.5 (2) (k) of this Ordinance.

(k) For all new and substantially improved structures:

(i) 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 licensed 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 other coverings or devices provided that they permit the automatic entry and exit of floodwaters. Such areas shall be used solely for parking of vehicles, building access, and low damage potential storage.

1. 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.

2. 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.

(l) Recreational vehicles placed on sites within the Floodway Fringe Overlay District shall:

(i) Be on the site for fewer than 180 consecutive days and

(ii) 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; is attached to the site only by disconnect type utilities and security devices, and has no permanent attached additions. 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 9.5(d) of this Ordinance regarding anchoring and elevation of factory-built homes.

#### **Sec. 9.6. GENERAL FLOOD PLAIN OVERLAY DISTRICT (FP).**

(1) Permitted Uses. The following uses shall be permitted within the General Flood Plain 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 habitable structures, factory built homes, fill or other obstruction; the storage of materials or equipment; excavation; or alteration of a watercourse.

(a) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming, and wild crop harvesting.

(b) Signs, billboards, utility transmission lines and pipelines.

(c) 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, and non-habitable structures accessory to them that meet the applicable performance standards of the Floodway Overlay District Performance Standards.

(d) Residential accessory uses such as lawns, gardens, and play areas.

(e) Grading, provided there is no change of surface topography of more than one foot and no fill is introduced into the Floodway.

(f) Such other open-space uses similar in nature to the above uses.

(g) Public infrastructure such as bridges; roads; trails; culverts; fill, excavation or grading; channel changes, relocations or placement of riprap or similar material; provided that any required permits from the Iowa Department of Natural Resources or Army Corps of Engineers have been approved. Such uses must also meet the

applicable provisions of the Floodway Overlay District Performance Standards. This also includes any activity defined as maintenance under the nationwide permit issued by the Army Corps of Engineers.

(h) Government uses not subject to City zoning ordinances.

(2) 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 Zoning Board of Adjustment as provided for in Section 9.7(3). All such uses shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation level. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

(3) Performance Standards.

(a) All conditional uses, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Overlay District.

(b) All conditional uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable standards of the Floodway Fringe Overlay District.

#### **Sec. 9.7. ADMINISTRATION.**

(1) Appointment, Duties and Responsibilities of Flood Plain Administrator

(a) The Flood Plain Administrator (the Administrator) shall be the Director of the Department of Planning and Housing or his/her designee and shall administer and enforce this chapter and will herein be referred to as the Administrator.

(b) Duties and responsibilities of the Administrator shall include, but not necessarily be limited to, the following:

(i) Review all flood plain development permit applications to insure that the provisions of this chapter will be satisfied.

(ii) Review all flood plain development permit applications to insure 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 the appropriate vertical datum) of the lowest habitable floor of all new or substantially improved buildings or  
b. the elevation to which new or substantially improved structures have been floodproofed.

(iv) Notify adjacent communities and/or counties and the 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.

(v) Keep a record of all permits, appeals, variances and such other transactions and correspondence pertaining to the administration of this ordinance.

(vi) Submit to the Federal Insurance Administrator any required report concerning the community's participation in the National Flood Insurance Program.

(vii) Notify the Federal Insurance Administration of any annexations or Modifications to the community's boundaries.

(viii) Review subdivision proposals to insure such proposals are consistent with the purpose of this ordinance and advise the City Council of potential conflicts.

(2) Flood Plain Development Permit.

(a) Permit Required. A Flood Plain Development Permit issued by the Administrator shall be secured prior to initiation of any flood plain development. Development is defined in Section 9.11

(b) Application for Permit. Application for a Flood Plain Development Permit shall be

made on forms supplied by the Administrator and shall include the following information:

(i) Description of 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) The base flood elevation (BFE).

(v) Elevation of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.

(vi) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.

(vii) Such other information as the Administrator deems reasonably necessary for the purpose of this ordinance.

(viii) The required fee, as determined by the City Council, for any new construction, substantial improvement, or any development on any parcel which contains a portion of the Floodway.

(c) Action for Permit Application. The Administrator shall, within a reasonable time, make a determination as to whether the proposed flood plain development meets the applicable provisions and standards of this ordinance 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 developments which need a Conditional Use Permit or Variance except as approved by the Zoning Board of Adjustment or which need a Major Site Development Plan except as approved by the City Council.

(d) Construction and Use to be as Provided in Application and Plans. Flood Plain 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 other than that which is authorized shall be deemed a violation of this Ordinance and shall be punishable as provided in Section 9.9.

(e) The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, licensed 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 Ordinance, prior to the use or occupancy of any structure.

### **Sec. 9.8. NONCONFORMING USES.**

(1) In the Floodway Overlay District. When located in the Floodway Overlay District, a structure, or the use of a structure, or the use of land, which was lawful before July 16, 2004, but is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

(a) No use shall be expanded or enlarged to cover more lot area, or changed to another use, unless that use is a permitted use.

(b) If any nonconforming use or structure incurs substantial damage of any origin or by any means, including floods, it shall not be reconstructed except in conformity with the provisions of this ordinance.

(c) If any nonconforming use or structure incurs damage, but not to the extent of substantial damage, from any origin or by any means, it may be restored to the condition in which it existed as a nonconforming use or structure prior to damage.

(d) Any nonconforming structure damaged by any origin to the extent that the cost of restoring the structure to its before damage condition would be less than fifty (50) percent of the market value of the structure before the damage occurred, may be rebuilt provided such rebuilding does not increase the intensity of use, as determined by the number of dwelling units (for residences) or floor area or ground coverage (for nonresidential uses), does not increase the nonconformity, complies with all other legal requirements, and is completed within 18 months from the time of damage.

(e) If a nonconforming use is discontinued for twelve (12) consecutive months, any future use of the buildings or premises shall conform to this ordinance.

(2) In the Floodway Fringe Overlay District. When located in the Floodway Fringe Overlay District, a structure, use of a structure or the use of land which was lawful before July 16, 2004, but is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

(a) If any nonconforming use or structure incurs substantial damage of any origin or by any means, including floods, it shall not be reconstructed except in conformity with the provisions of this ordinance.

(b) If any nonconforming use or structure incurs damage, but not to the extent of substantial damage, of any origin or by any means, it may be restored to the condition in which it existed as a nonconforming use or structure prior to damage.

(c) Any nonconforming structure damaged by any origin to the extent that the cost of restoring the structure to its before damage condition would be less than fifty (50) percent of the market value of the structure before the damage occurred may be rebuilt provided such rebuilding does not increase the intensity of use, as determined by the number of dwelling units (for residences) or floor area or ground coverage (for nonresidential uses), does not increase the nonconformity, complies with all other legal requirements, and is completed within 18 months from the time of damage. If the cumulative value of improvements and work to the structure exceed the extent of 50% or more of the market value of the structure before the damage occurred, the lowest floor must be elevated to three (3) feet above the base flood elevation, or if the structure is a nonresidential structure, the lowest floor may be floodproofed in accordance with the requirements of Section 9.5(2) of this ordinance.

(d) If a nonconforming use is discontinued for twelve (12) consecutive months, any future use of the buildings or premises shall conform to this ordinance.

(3) In the General Flood Plain Overlay District. When located in the General Flood Plain Fringe Overlay District, a structure, use of a structure or the use of land which was lawful before July 16, 2004, but is not in conformity with the provisions of this ordinance, may be continued subject to the following conditions:

(a) No use shall be expanded or enlarged to cover more lot area, or changed to another use, unless that use is a permitted use.

(b) If any nonconforming use or structure incurs substantial damage of any origin or by any means, including floods, it shall not be reconstructed except in conformity with the provisions of this ordinance.

(c) If any nonconforming use or structure incurs damage, but not to the extent of substantial damage, from any origin or by any means, it may be restored to the condition in which it existed as a nonconforming use or structure prior to damage.

(d) Any nonconforming structure damaged by any origin to the extent that the cost of restoring the structure to its before damage condition would be less than fifty (50) percent of the market value of the structure before the damage occurred, may be rebuilt provided such rebuilding does not increase the intensity of use, as determined by the number of dwelling units (for residences) or floor area or ground coverage (for nonresidential uses), does not increase the nonconformity, complies with all other legal requirements, and is completed within 18 months from the time of damage.

(e) If a nonconforming use is discontinued for twelve (12) consecutive months, any future use of the buildings or premises shall conform to this ordinance.

#### **Sec. 9.9. PENALTIES FOR OFFENSES PERTAINING TO FLOOD PLAIN ZONING.**

A violation of any provision of Chapter 9, Flood Plain Zoning Regulations, shall be a municipal infraction punishable by a penalty of \$500 for a person's first violation thereof, and a penalty of \$750 for each repeat violation.

#### **Sec. 9.10. AMENDMENTS.**

The regulations, restrictions and boundaries set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed as provided in Sections 414.4, 414.5, and 414.21, Code of Iowa, 1987 as amended. No amendment, supplement, change, or modification to this ordinance shall be undertaken without prior approval from the Department of Natural Resources.

### **Sec. 9.11. DEFINITIONS.**

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

(1) Base Flood. A flood having a one percent chance of being equaled or exceeded in any given year for a given area.

(2) Base Flood Elevation (BFE). The height to which the base flood is estimated to rise.

(3) Basement. Any area of the building having its floor subgrade (below ground level) on all sides.

(4) Development. Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations, storage of equipment or materials, or placement of factory-built homes. "Development" does not include "minor projects" or "routine maintenance of existing buildings and facilities" as defined in this section. It also does not include gardening, plowing, and similar practices that do not involve filling, grading, or excavating.

*(Ord. 4197; 10-14-14)*

(5) Existing Construction. Structures for which the "start of construction" commenced before January 28, 1980 (the effective date of the first flood plain management regulations adopted by the City of Ames). "Existing construction" may also be referred to as "existing structures".

(6) 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 complete before January 28, 1980 (the effective date of the first flood plain management regulations adopted by the City of Ames).

(7) 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).

(8) Factory-Built Home. A structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities.

(9) Factory-built Home Park or Subdivision. A parcel (or continuous parcels) of land divided into two or more factory-built home lots for rent or sale.

(10) Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland or tidal waters; (b) the usual and rapid accumulation of runoff of surface waters from any source.

(11) Floodway. The channel of a river or stream and those portions of the flood plain adjoining the channel that 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 (1) foot.

(12) Floodway Fringe. That area of the floodplain, outside the floodway, that has a one percent chance of flood occurrence in any one year.

(13) Flood Insurance Rate Map (FIRM). An official map published as part of the Flood Insurance Study that delineates both the flood hazard boundaries and the risk premium zones applicable to the community.

(14) Flood Insurance Study. The official report provided by the Federal Emergency Management Agency. The report contains flood profiles, as well as the Flood Boundary-Floodway Map and the water surface elevation of the base flood.

(15) Flood plain. Any land area susceptible to being inundated by water from any source (see definition of flood).

(16) Floodproofing. A combination of structural provisions, changes, or adjustment to properties and structures subject to flooding primarily for the reduction or elimination of flood damages to properties, water and sanitary facilities, structures, and contents of buildings in a flood hazard area.

(17) Freeboard. A factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, clogged bridge openings, and the hydrological effect of urbanization of the water shed.

(18) General Flood Plain. Area of the special flood hazard area for which the delineation of floodway and floodway fringe has not been determined.

(19) Historic Structure. A 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 requirement for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as registered historic district; (c) Individually listed on a state inventory of historic places or landmarks; (d) Individually listed on a local inventory of historic places or landmarks; or (e) Identified as contributing or compatible within a local historic district.

(20) 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 V B4(a) of this Ordinance; (b) The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage; (c) 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 (d) The enclosed area is not a "basement" as defined in this section.

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

*(Ord. No. 4197; 10-14-14)*

(22) New Construction. For flood plain management purposes, "new construction" means structures for which the start of construction commenced on or after January 28, 1980 (the effective date of the flood plain management regulation adopted by the City of Ames) and includes any subsequent improvements to such structure.

(23) Non-Habitable Structure. An accessory structure in which residential, commercial, or industrial activities do not routinely or regularly take place. Restrooms, storage, utility buildings, and concession stands are considered non-habitable structures.

(24) Overlay District. A zoning district in which additional requirements act in conjunction with a base zoning district and/or other overlay districts.

(25) Recreational Vehicle. A vehicle which is (a) build on a chassis; (b) 400 square feet or less when measured at the largest horizontal projections; (c) designed to be self propelled or towable; and (d) designed primarily as temporary quarters for recreational, camping travel or seasonal use and not for use as a permanent dwelling.

(26) Routine Maintenance of Existing Buildings and Facilities. Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:

(a) Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;

(b) Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;

(c) Basement sealing;

(d) Repairing or replacing damaged or broken window panes;

(e) Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

*(Ord. No. 4197, 10-14-14)*

(27) Special Flood Hazard Area. The land in the flood plain within a community subject to one percent or greater chance of flooding in any given year.

(28) Start of Construction. The date the building 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 the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured 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 foundation 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 a building, whether or not the alteration affects the external dimensions of the building.

(29) Structure. Anything constructed or erected on the ground or attached to the ground including, but without limiting the generality of the foregoing: buildings, factories, sheds, cabins, mobile homes, manufactured homes, other similar items, and walled and roofed buildings, including gas or liquid storage tanks that are principally above ground.

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

(31) 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 (50) percent 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. The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. 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"; or (b) Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the flood plain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

(32) Variance. A grant of relief by a community from the terms of the flood plain management regulations.

(33) Violation. The failure of a structure or other development to be fully compliant with the community's flood plain management regulations."

*(Ord. No. 4007, 09-22-09)*

Section Two. Violation of the provisions of this ordinance shall constitute a municipal infraction punishable as set out by law.

Section Three. All ordinances, or parts of ordinances, in conflict herewith are hereby repealed to the extent of such conflict, if any.

Section Four. This ordinance shall be in full force and effect from and after its passage and publication as required by law.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_.

\_\_\_\_\_  
Diane R. Voss, City Clerk

\_\_\_\_\_  
Ann H. Campbell, Mayor