

ITEM #: 39
DATE: 06-11-24
DEPT: P&H

COUNCIL ACTION FORM

SUBJECT: ZONING TEXT AMENDMENT TO MAKE UPDATES TO CHAPTER 9 FLOOD PLAIN ZONING REGULATIONS

BACKGROUND:

The proposed amendments are the result of a routine review by the Iowa Department of Natural Resources (DNR). The City of Ames participates in the National Flood Insurance Program (NFIP). Because of this, property owners in the City are eligible to purchase flood insurance to protect their structures and contents. To participate in the NFIP, the City is obligated to regulate development so as to reduce the risks of loss of life, personal injury, and property damage. The City has adopted an ordinance that regulates development in the flood plain and maps that identify the flood plain for specified waterways throughout the City.

The City of Ames administers its Floodplain regulations under delegated authority of the Iowa DNR and the Federal Emergency Management Agency (FEMA). Approximately every 5 years the City receives a Community Assistance Visit from the Iowa DNR as part of a regular process of 1) staying up to date with the DNR floodplain management process, 2) reviewing Floodplain Development Permits, 3) reviewing the Floodplain Management Ordinance, and 4) helping the City discuss any matters or have any issues addressed that the DNR can assist with. DNR visited the City in March 2024.

Some of the more significant existing standards of the City's ordinance are requirements to have new buildings constructed/placed completely outside of the floodway and to have three feet of protection above the base flood elevation when located in the floodway fringe (100-year flood plain). Under certain circumstances existing nonconforming buildings require improvements to current flood protection requirements. Additional controls apply to other activities and improvements in the floodway and fringe. Under no circumstance may a project cause a rise in the base flood elevation of the floodway.

At the conclusion of the recent visit, DNR provided the City with Ordinance updates it needs to complete in order to remain compliant with the NFIP. The primary proposed change is new language being added to addresses new regulations with regard to HVAC system installation for structures located within the 100-year Floodplain. The new language applies the protection requirement to the complete system, whereas only a water tight requirement previously. (See new Section 9.4 (2) k iii, iv) New language also is being inserted that updates the Administrative standards when conditions arise, or projects occur, that require changes to the Flood Map as a result of topographic changes. This means, if certain physical changes are made to a floodway, then the applicant or city is responsible for completing a flood study to update the maps. (See new Section 9.7 (1) b ix)

Additionally, new language has been created by staff that identifies the delegated authority that the City has from the DNR to manage the floodplain per Iowa Code Chapter 455B. The City relies upon delegated authority of 455B and general zoning authority established by Iowa Code 414 for basis of its Chapter 9 Flood Plain Zoning Regulations. This reference of authority helps to clarify the applicable variance criteria in relation to 455B compared to standard zoning criteria related to

Chapter 414. This was a recent issue for a variance reviewed by the ZBA in this past winter and this reinforces clearly the basis of the review process and criteria.

PLANNING AND ZONING COMMISSION RECOMMENDATION:

At the May 15th Planning & Zoning Commission reviewed the proposed changes. The commission members asked about the difference between the floodway versus the floodway fringe. Staff explained the difference. A question was asked if the changes are required for the City to be in compliance with the NFIP. Staff replied that the City must make the changes to comply with the program.

Meeting the Commission voted 4-0 to recommend the City Council approve the changes and updates to Chapter 9.

ALTERNATIVES:

1. City Council can approve on first reading the ordinance to amendment Chapter 9 of the Ames Municipal Code as shown in the attachment.
2. City Council can approve on first reading the ordinance to amendment Chapter 9 of the Ames Municipal Code with different language for the amendments.
3. City Council can decline to approve the draft ordinance on first reading and direct staff how to proceed.

CITY MANAGER'S RECOMMENDED ACTION:

Staff has consulted with DNR and reviewed the proposed text amendments to Chapter 9. The proposed changes are required in part by FEMA to participate in the NFIP and are being administered by the Iowa DNR. **None of the new language or corrections create materially new requirements for City staff to administer with potentially the expectation of updating maps.** This would be a very rare occurrence of events related to altering a waterway, such as realignment of a channel. Therefore, it is the recommendation of the City Manager that the City Council approve Alternative #1.

ATTACHMENT(S):

[Ordinance \(Chap 9 Floodplain\).pdf](#)