

ORDINANCE NO. 1544

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF DENISON, IOWA TO UPDATE FLOOD PLAIN REGULATIONS

WHEREAS, the City of Denison, Iowa has zoning and property regulations, which provide guidance on the standards for certain uses; and

WHEREAS, these regulations recognize that certain use types have characteristics that require additional controls in order to protect public health, safety, and welfare; and

WHEREAS, the City of Denison's requirements are designed, among other things, to enhance public safety, improve the appearance of the community, and conserve the value of properties within the City and its extra-territorial jurisdiction; and

WHEREAS, the language of the Code of Ordinances is intended to provide predictable, uniform standards—which are subject to updating by the City Council from time to time.

NOW THEREFORE BE IT RESOLVED by the City Council of Denison, Iowa that it hereby amends City Code Chapter 168 to update the flood plain and floodway regulations to fully comply with the requirements of the Federal Emergency Management Agency (FEMA). The Council further authorizes City staff to take all action necessary to effectuate this change and comply with the FEMA requirements, as follows:

SECTION 1. SECTION MODIFIED. Section 168.02 of the Code of Ordinances of the City of Denison, Iowa, is amended by revising Subsections 168.02.3 and 168.02.14 (changes italicized and in bold):

1. "Existing construction" means any structure for which the "start of construction" commenced before the effective date of the ~~community's~~ Flood Insurance Rate Map. May also be referred to as "existing structure."

14. "Floodway" means the channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge floodwaters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one foot *at any point*.

SECTION 2. SECTION MODIFIED. Section 168.09 of the Code of Ordinances of the City of Denison, Iowa, is amended by adding a new Subsection numbered 168.09.01 and renumbering the existing and subsequent subsections (changes italicized and in bold):

1. Encroachments, including fill, new construction, substantial improvements, and other development within the adopted regulatory floodway shall be prohibited unless it can be demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would

not result in any increase in flood levels within the community during the occurrence of the base flood discharge. Specifically, no use shall be permitted in the floodway that would result in any increase in the 100-year flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands. However, a community may permit encroachments within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community first applies for a conditional FIRM and floodway revision, fulfills the requirements for such revisions as established under the applicable provisions of the Code of Federal Regulations (CFR), and receives the approval of the Federal Insurance Administrator.

SECTION 3. SECTION MODIFIED. Section 168.11 of the Code of Ordinances of the City of Denison, Iowa, is amended by adding a new Subsection numbered 168.09.01 and renumbering the existing subsections (changes italicized and in bold):

2. *Within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the FIRM:*

- A. *Require permits for all proposed construction and other developments including the placement of manufactured homes, within all A1-30 zones, AE zones, A zones, AH zones, and AO zones, on the FIRM.***
- B. *Review proposed development to assure that all necessary permits have been received from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972.***
- C. *Review all flood plain development permit applications to assure that all necessary permits have been obtained from local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.***
- D. *Review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood-prone area, all new construction and substantial improvements shall (i) 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, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) 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.***
- E. *Review subdivision proposals and other proposed new development, including manufactured home parks or subdivisions, to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood-prone area, any such proposals shall be reviewed to assure that: (i) all such proposals are consistent with the need to minimize flood damage within the flood-prone***

area, (ii) all public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and (iii) adequate drainage is provided to reduce exposure to flood hazards;

F. Require within flood-prone areas new and replacement water supply systems to be designed to minimize or eliminate infiltration of flood waters into the systems; and

G. Require within flood-prone areas: (a) new and replacement sanitary sewage systems to be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and (b) onsite waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

3. Require that all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser, include within such proposals base flood elevation data.

4. Obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State, or other source, including data developed pursuant to 44 CFR 60.3(b), as criteria for requiring that new construction, substantial improvements, or other development in Zone A on the FIRM meet the relevant standards in 44 CFR 60.3(c).

5. Where base flood elevation data are utilized, within Zone A on the FIRM: obtain the elevation (in relation to mean sea level) of the lowest floor (including basement) of all new and substantially improved structures; and obtain, if the structure has been floodproofed in accordance with the relevant sections of 44 CFR 60.3(c), the elevation (in relation to mean sea level) to which the structure was floodproofed; and maintain a record of all such information with the official designated by the community under the relevant sections of 44 CFR 59.22(a)(9).

6. Notify, in riverine situations, adjacent communities and the State Coordinating Office prior to any alteration or relocation of a watercourse, and submit copies of such notifications to the Federal Insurance Administrator.

7. Assure that the flood carrying capacity within the altered or relocated portion of any watercourse is maintained.

8. Require that all manufactured homes to be placed within Zone A on the FIRM shall be installed using methods and practices which minimize flood damage. For the purposes of this requirement, manufactured homes must be elevated and anchored to resist flotation, collapse, or lateral movement. Methods of anchoring may include, but are not to be limited to, use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

SECTION 4. SECTION MODIFIED. Section 168.14 of the Code of Ordinances of the City of Denison, Iowa, is repealed and the following adopted in lieu thereof (changes italicized and in bold):

The Administrator shall, within a reasonable time, make a determination as to whether the

proposed flood plain development meets the applicable standards of this chapter and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefor. The Administrator shall not issue permits for variances except as directed by the Council. *In reviewing the application, the Administrator shall:*

1. Require that all new construction and substantial improvements of residential structures within Zones A1-30, AE and AH zones on the FIRM have the lowest floor (including basement) elevated to or above the base flood level, unless the community is granted an exception by the Federal Insurance Administrator for the allowance of basements in accordance with the relevant portions of 44 CFR 60.6(b) or (c);

2. Require that all new construction and substantial improvements of non-residential structures within Zones A1-30, AE and AH zones on the Firm:

A. Have the lowest floor (including basement) elevated to or above the base flood level or,

B. Together with attendant utility and sanitary facilities, be designed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.

3. Provide that where a non-residential structure is intended to be made watertight below the base flood level:

A. A registered professional engineer or architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of 44 CFR 66.3(c); and

B. A record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are flood-proofed shall be maintained with the official designated by the community under the relevant sections of 44 CFR Section 59.22.

4. Require, for all new construction and substantial improvements, that fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: 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. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.

5. *Require that manufactured homes that are placed or substantially improved within Zones A1-30, AH, and AE on the FIRM on sites:*

- A. *Outside of a manufactured home park or subdivision;*
- B. *In a new manufactured home park or subdivision;*
- C. *In an expansion to an existing manufactured home park or subdivision; or*
- D. *In an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.*

6. *Require within any AO zone on the community's FIRM that all new construction and substantial improvements of residential structures have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified);*

7. *Require within any AO zone on the FIRM that all new construction and substantial improvements of nonresidential structures:*

- A. *Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM (at least two feet if no depth number is specified), or*
- B. *Together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in 44 CFR 60.3(c)(3)(iii).*

8. *Require, within any A99 zones on the FIRM, the relevant standards of 44 CFR 60.3(a) & (b).*

9. *Require until a regulatory floodway is designated, that no new construction, substantial improvements, or other development (including fill) shall be permitted within Zones A1-30 and AE on the FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point within the community.*

10. *Require within Zones AH and AO, adequate drainage paths around structures on slopes, to guide floodwaters around and away from proposed structures.*

11. *Require that manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within Zones A-1-30, AH, and AE on the FIRM that are not subject to the provisions of 44 CFR 66.3(c)(6) be elevated so that either:*

- A. *The lowest floor of the manufactured home is at or above the base flood elevation; or*

- B. *The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.*

12. Notwithstanding any other provisions of 44 CFR 60.3, a community may approve certain development in Zones A1-30, AE, and AH, on the FIRM which increase the water surface elevation of the base flood by more than one foot, provided that the community first applies for a conditional FIRM revision, fulfills the requirements for such a revision as established under the provisions of 44 CFR 65.12, and receives the approval of the Federal Insurance Administrator.

13. Require that recreational vehicles placed on sites within Zones A1-30, AH, and AE on the FIRM either:

- A. *Be on the site for fewer than 180 consecutive days;*
- B. *Be fully licensed and ready for highway use; or*
- C. *Meet the permit requirements of 44 CFR 66.3(b)(1) and the elevation and anchoring requirements for “manufactured homes” in 44 CFR 66.3(c)(6). A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.*

SECTION 5. REPEALER. All ordinances or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

SECTION 6. SEVERABILITY CLAUSE. If any section, provision, or part of this ordinance shall be adjudged invalid or unconstitutional, such adjudication shall not affect the validity of the ordinance as a whole or any section, provision, or part thereof not adjudged invalid or unconstitutional.

SECTION 7. WHEN EFFECTIVE. This ordinance shall be in effect from and after its final passage, approval, and publication as provided by law.

Passed First Reading by the City Council of Denison, Iowa, 30th day of November, 2021.

Waived Second & Third Readings by the City Council of Denison, Iowa, the 30th day of November, 2021.

PASSED AND ENACTED by the City Council of Denison, Iowa, the 30th day of November, 2021.


Pamela Soseman, Mayor

Attest:



Lisa K. Koch, City Clerk

CERTIFICATE

I, Lisa Koch, City Clerk of the City of Denison, Iowa, hereby certify that the foregoing Ordinance No. 1544 was published in a Denison Newspaper published at least once weekly and having general circulation in the City of Denison, Iowa on the 7th day of Dec 2021.



Lisa Koch, City Clerk