



**AGENDA**  
**CITY OF CEDAR FALLS, IOWA**  
**PLANNING AND ZONING COMMISSION MEETING**  
**WEDNESDAY, FEBRUARY 28, 2024**  
**5:30 PM AT CITY HALL, 220 CLAY STREET**

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**Call to Order and Roll Call**

1. Introduction of New Members: Maureen Henderson, Brent Johnson, Gordon Sorensen

**Approval of Minutes**

2. Planning and Zoning Commission Regular Meeting Minutes for January 24, 2024

**Public Comments**

**Old Business**

- 3. Land Use Map Amendment (LU24-001) and Rezoning (RZ24-001) – approx. 2.7-acre parcel formerly known as 3225 W. 1st Street**  
**Petitioner:** Amina Begic, applicant; Howard Mark and Marilyn Joyce Trunnell Revocable Trust, Owner  
**Previous discussion:** January 24, 2024  
**Recommendation:** *Application has been withdrawn by the applicant*  
**P&Z Action:** *No Action since application has been withdrawn by the applicant*

**New Business**

4. **Zoning Code Text Amendments – Updates to the Floodplain Regulations to adopt the new Flood Insurance Rate Maps from FEMA (TA24-001)**  
**Petitioner:** City of Cedar Falls  
**Previous discussion:** None  
**Recommendation:** *Approval*  
**P&Z Action:** *Discuss and make a recommendation to City Council*

**Nomination and Appointment of Officers for 2024**

**Adjournment**

Reminders:

- \* March 13 and March 27 - Planning & Zoning Commission Meetings
- \* March 4 and March 18 - City Council Meetings

**Cedar Falls Planning and Zoning Commission  
Regular Meeting  
January 24, 2024  
Cedar Falls, Iowa**

**MINUTES**

The Cedar Falls Planning and Zoning Commission met in regular session on January 24, 2024 at 5:30 p.m. at City Hall. The following Commission members were present: Alberhasky, Grybovych, Hartley, Leeper, Moser and Stalnaker. Karen Howard, Community Services Manager and Thomas Weintraut, Planner III were also present.

- 1.) Chair Lynch noted the Minutes from the December 27, 2023 regular meeting are presented. Ms. Alberhasky made a motion to approve the Minutes as presented. Ms. Moser seconded the motion. The motion was approved unanimously with 6 ayes (Alberhasky, Grybovych, Hartley, Leeper, Moser and Stalnaker), and 0 nays.
  
- 2.) The first item of business was a preliminary plat for Pinnacle Prairie Commercial South Phase VI. Acting Chair Hartley introduced the item and Mr. Weintraut provided background information. He explained that he will be presenting the preliminary and final plats together as there are very few separate comments. The property is located between Brandilynn Boulevard and Viking Road, across the street from Menards. He explained that he had two post-packet updates. Staff had a discussion with the applicants regarding the timing of the infill sidewalk. Staff recommended allowing the sidewalk along Lot 3 to be installed prior to an occupancy permit for any development on Lot 3, or five years after the filing of the final plat, whichever is sooner. As part of the subdivision requirements, all other public infrastructure is required to either be installed prior to final plat approval, or the developer shall enter into a surety agreement with the City.

Ms. Moser asked about the intersection along East Viking and when another traffic study might be done. Ms. Howard stated that there is already a plan for a roundabout to be placed in that location.

Mr. Stalnaker asked about the public infrastructure requirements and installation. He asked if the City plans to go with a surety agreement for this. Mr. Weintraut stated yes. Ms. Howard further explained that public infrastructure is required to be extended to the extent of the plat so that the next development is able to continue from there.

Mr. Leeper made a motion to approve the preliminary plat. Ms. Grybovych seconded the motion. The motion was approved unanimously with 6 ayes (Alberhasky, Grybovych, Hartley, Leeper, Moser and Stalnaker), and 0 nays.

Ms. Alberhasky made a motion to approve the final plat. Mr. Moser seconded the motion. The motion was approved unanimously with 6 ayes (Alberhasky, Grybovych, Hartley, Leeper, Moser and Stalnaker), and 0 nays.

- 4.) The Commission next considered a request for a land use amendment and rezoning for an approximately 2.7 acre parcel formerly known as 3225 W. 1<sup>st</sup> Street. Acting Chair Hartley introduced the item and Mr. Weintraut provided background information. He explained that the request is to rezone the parcel from Commercial to the R-1 Residence District. He provided some background on the property and the zoning changes over the years. He explained that the owners, Howard and Marilyn Trunnell wanted to build a residence on the site and received a Letter of Map Amendment to accurately delineate the floodplain. The Trunnells never

proceeded with that plan. Another individual would like to purchase the property and subdivide it into three lots for themselves and their immediate family. Mr. Weintraut discussed the need for a Land Use Map Amendment and discussed the potential uses that would be allowed. Staff recommends approval of the land use map amendment.

Mr. Weintraut then discussed the rezoning request in further detail, explaining that, if the Future Land Use Map change is approved, the zoning would be compatible. The property has access to all utilities and public services and also has access to West 1<sup>st</sup> Street. Staff recommends approval of the rezoning. It was noted that there would not be a vote at this meeting, the Commission would just be setting a public hearing.

Dean Williams, 731 Lakeshore Drive, explained that his property abuts the parcel being discussed and asked if anyone has checked or will be checking the soil. Acting Chair Hartley stated that staff can look into that.

Mr. Leeper made a motion to set the public hearing for February 14, 2024. Ms. Alberhasky seconded the motion. The motion was approved unanimously with 6 ayes (Alberhasky, Grybovych, Hartley, Leeper, Moser and Stalnaker), and 0 nays.

- 5.) As there were no further comments, Mr. Leeper made a motion to adjourn. Ms. Moser seconded the motion. The motion was approved unanimously with 6 ayes (Alberhasky, Grybovych, Hartley, Leeper, Moser and Stalnaker), and 0 nays.

The meeting adjourned at 5:55 p.m.

Respectfully submitted,

  
 Karen Howard  
 Community Services Manager

  
 Joanne Goodrich  
 Administrative Assistant



## DEPARTMENT OF COMMUNITY DEVELOPMENT

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### MEMORANDUM

#### *Planning & Community Services Division*

**TO:** Planning & Zoning Commission

**FROM:** Thom Weintraut, AICP, Planner III

**DATE:** February 28, 2024

**SUBJECT:** Text Amendments to Sections 26-2, 26-30, 26-31, 26-32, 26-33, 26-119, 26-176, 26-177, and 26.178 for the adoption of new Flood Insurance Rate Maps (TA24-001)

On November 8, 2023, the Federal Emergency Management Agency (FEMA) issued a letter of final determination setting an effective date of May 8, 2024, for the revised Flood Insurance Rate Maps (FIRMs) for the City of Cedar Falls. As part of the adoption process, the City is required to update their Zoning Codes to meet FEMA requirements before the adoption date of the maps.

#### **Background**

In 2010, the Iowa Department of Natural Resources began obtaining new LIDAR (3D laser scanning) data. The Black Hawk County stream reaches were delineated on top of the LIDAR images as a basis for updates to the Flood Insurance Rate Maps for Black Hawk County. Flood Insurance Maps updates are usually performed as better data becomes available; these new maps will replace maps which were last updated in 2011. In March and May 2019, the Iowa Department of Natural Resources (DNR) and FEMA hosted an open house to present preliminary Flood Insurance Rate Maps (FIRMs) to the residents of Cedar Falls and Black Hawk County. In February 2020, the City filed an appeal for the University Branch of Dry Run Creek based on a study completed by Snyder and Associates and new data collected for the bridge constructed as part of the Greenhill Road extension. The appeal was granted, and it resulted in the removal of 18 properties from the floodplain in the area between Main and Campus Streets.

In August 2020 property owners east of Main Street between Orchard Drive and Greenhill Road were notified by DNR that there was a mapping error to the floodplain which affected 69 properties in the area. To correct this error, new preliminary maps were released in January 2021, for a comment period that extended the review and required a new appeal process through September 2021. A letter of final determination (LFD) was issued with the intent for the new maps to go into effect in October 2022; however, there were additional mapping errors identified on three (3) FIRM Panels and an excluded flood profile, data used to create the maps, for a tributary to Dry Run Creek. These errors reset the process for another review and appeal pushing out the adoption date to December 1, 2023.

Due to an error by FEMA in the publication date of the LFD, the final adoption date of the maps was pushed out to May 8, 2024.

## Analysis

In a comparison of our current FIRMs with the revised FIRMs, 195 new parcels were added to the Special Flood Hazard Area (SFHA); however, 64 parcels currently shown in the SFHA have been removed, thereby showing a net increase of 131 parcels in the SFHA. These numbers do not include any State or City owned properties.

Attached is a document with the FEMA required changes to each section of City Code showing the additional language in red and the deleted language struck-out and in red. Below is a summary of the changes to each section of the code.

In **Sec. 26-2 General Floodplain Definitions**, there are several changes to definitions which provide additional language and clarifications to the current definitions; *Flood, Flood Insurance Study, Floodway, Lowest Floor, Substantial Damage, and Substantial Improvement*.

Other changes involve the addition of definitions commonly included in the National Flood Insurance Program; *Enclosed Area Below Lowest Floor, Factory Built Home and Home Park, Five Hundred Year Flood, Historic Structure, Maximum Damage Potential, Recreational Vehicle, Variance, and Violation*. A few of these terms are defined in other sections of the zoning code, such as *Historic Structure, Recreation Vehicle, Variance, and Violation*; however, at FEMA direction, these specific definitions as they apply to floodplain regulations should also be included with the floodplain definitions, as they may be different in this context.

Changes to **Sec. 26-30, Floodplain Development Permit**, include adding a requirement when requesting a floodplain development permit to include the location and dimensions of all structures and additions. This is currently required by staff as part of the application process, so the addition will codify our current practice. Other minor changes include replacing the term “building(s)” with “structure(s)” and replacing the term “uses” with “development.”

Changes to **Sec. 26-31, Variance and Special Exception Permits and 26-32, Development Requiring Approval by the State Department of Natural Resources** are the replacement of the terms “building(s)” and “uses” with the terms “structure(s)” and “development,” as noted above.

**Sec. 26-33, Duties of Zoning Administrator Relative to Development in Flood Hazard Areas**, added three additional duties to the zoning administrator, or designee; these include maintaining the accuracy of the community’s FIRMs, performing site inspections, and forwarding all variance requests to the Board of Adjustment. These are duties currently being performed by the designated staff.

Changes to **Sec. 26-35, Flood Insurance Rate Map (FIRM)**, are updates to reflect the new FIRM panels that are to be adopted.

The changes to **Sec. 26-119, Establishment of Floodplain Districts**, are the addition of the definition for the Floodway Overlay District, the Floodway Fringe Overlay District, and the General Floodplain District.

The changes to **Sec. 26-176, F-W Floodway Overlay District**, are minor and include the replacement of the terms “building(s)” and “uses” with “structure(s)” and “development” and

adding recreational vehicles to a list of items that if permitted shall meet the applicable performance standards of the floodway fringe district.

Changes to **Sec. 26-177, F-F Floodway Fringe Overlay District**, include the replacement of the building and use terminology. In addition, the list of required flood protection for equipment and utilities, subsection 7(c) has been divided into two sections, one paragraph for equipment and another paragraph for utilities. Subsection 8(d) added additional requirements for filling under an elevated structure and clarifies the requirement regarding the minimum elevation and to extend placement of any fill. There is additional language added to subsection (11) regarding requirements for subdivisions, adding public utilities to the standards of the ordinance and requiring proposals for subdivisions greater than five (5) acres or fifty (50) lots to include flood elevation data for those areas located within the Floodway Fringe Overlay District. The City currently requires this information during the subdivision process, but it is not spelled out in the Floodway Fringe Overlay District. There is also correction for a code subsection reference, the correct reference is subsection (e)(7)(a)(1) through (4). And finally, a new subsection (19) has been added providing detail for the requirements of flood protection for new, substantially improved, or substantially damaged buildings.

The only change to **Sec. 26-178, General Floodplain Overlay District**, is the replacement of the term “use(s)” with the term “development.”

**RECOMMENDATION:** Staff recommends approval of TA24-001, the text amendments to Sections 26-2, 26-30, 26-31, 26-32, 26-33, 26-119, 26-176, 26-177, and 26-178 as required by FEMA, concurrently with the adoption of new Flood Insurance Rate Maps.

## PLANNING & ZONING COMMISSION

Introduction  
&  
Discussion  
2/28/2024

Attachments: Zoning Text Amendments

## Sec. 26-2. Definitions.

### (2) General floodplain definitions.

*Base flood* means the flood having a one percent chance of being equaled or exceeded in any given year (See 100-year (one percent) flood). This is the regulatory standard also referred to as the ~~"100-year flood."~~ 100 year flood. The base flood is the national standard used by the National Flood Insurance Program (NFIP) and all federal agencies for the purpose of requiring the purchase of flood insurance and regulating new development. Base flood elevations (BFEs) are typically shown on the flood insurance rate maps (FIRMs).

*Basement* means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Any basement situated with less than one-half of its height below grade shall be counted as a story for the purpose of height regulations. A basement having more than one-half of its height below grade is not included in computing the number of stories for the purpose of height measurement. Also see ~~"Lowest floor."~~ Lowest Floor.

*Development* means any manmade change to improved or unimproved real estate, including, but not limited to, buildings or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations or storage of equipment or materials. 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, or similar practices that do not involve filling or grading.

Enclosed area below lowest floor means the floor of the lowest enclosed area in a building when all the following criteria are met:

- (1) The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of Sec. 26-177(e)(7)(a).1 through 4, and
- (2) The enclosed area is unfinished (not carpeted, drywalled, etc.) and used solely for low damage potential uses such as building access, parking or storage, and
- (3) Machinery and service facilities (e.g., hot water heater, HVAC, electrical service, and all components thereof) contained in the enclosed area are located at least one (1) foot above the base flood elevation, and
- (4) The enclosed area is not a basement as defined in this section.

Factory-built home means any structure designed for residential use which is wholly or in substantial part made, fabricated, formed or assembled in manufacturing facilities for installation or assembly and installation, on a building site. For the purpose of this section, a factory-built home includes a mobile home, manufactured home, and modular homes; and also includes recreational vehicles which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.

*Existing construction* is any structure for which the ~~"start of construction"~~ start of construction commenced before the effective date of the first floodplain management regulations adopted by the community. May also be referred to as ~~"existing structure."~~ existing structure.

Factory-built home park or subdivision means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

Five hundred year flood (500-year flood) means a flood, the magnitude of which has a two-tenths percent chance of being equaled or exceeded in any given year or which the magnitude, on average, will be equaled or exceeded at least once every five hundred years.

*Flood* means a general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source, a temporary rise in the channel flow or stage, resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source, that results in water overflowing and inundating normally dry lands adjacent to the channel.

*Flood elevation* means the elevation flood-waters would reach at a particular site during the occurrence of a specific flood. For instance, the ~~"100-year flood"~~ 100-year flood or the ~~"100-year (one percent) flood"~~ 100-year

(one percent) is that flood, the magnitude of which has a one percent (one percent) chance of being equaled or exceeded in any given year. The ~~"500-year flood"~~ 500-year flood or the ~~"500-year (0.2 percent) flood"~~ 500-year (0.2 percent) flood is that flood, the magnitude of which has a two-tenths of one percent (0.2 percent) chance of being equaled or exceeded in any given year.

Flood insurance study means a report published by the Federal Emergency Management Agency (FEMA) issued along with a community's Flood Insurance Rate Maps. The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRMs. ~~n-examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.~~

Floodproofing means a combination of structural and non-structural provisions, changes or adjustments incorporated in the design or construction and alteration of individual buildings, structures or properties, and including utilities, water treatment and sanitary facilities, which will reduce or eliminate flood damages.

Floodway means the channel of a river or stream and those portions of the floodplain adjoining the channel which are reasonably required to carry and discharge floodwaters or flood flows ~~associated with the regulatory flood,~~ so that confinement of flood flows to the floodway area will not ~~result in substantially higher flood levels and flow velocities~~ cumulatively increase the water surface elevation of the base flood by more than one foot.

Historic structure means any structure that is:

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

Lowest floor means the floor of the lowest enclosed area in a building, including a basement, except when ~~all the following criteria are met:~~ the criteria listed in the definition of "enclosed area below lowest floor" enclosed area below lowest floor are met.

Maximum damage potential development means hospitals and like institutions; buildings or building complexes containing documents, data, or instruments of great public value; buildings or building complexes containing materials dangerous to the public or fuel storage facilities; power installations needed in emergency or other buildings or building complexes similar in nature or use.

New construction (new buildings, new mobile factory-built homes, or parks) means those structures or development for which the start of construction commenced on or after February 1, 1985.

Recreational vehicle means a vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less in size when measured at the largest horizontal projection;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

Regulatory flood means a flood, the magnitude of which has a two-tenths (0.2 percent) of one percent chance of being equaled or exceeded in any given year. Regulatory flood is also referred to in this chapter as the ~~"500-year flood"~~ 500-year flood and the ~~"500-year (0.2 percent) flood."~~ 500-year (0.2 percent) flood.



Routine maintenance of existing building and facilities means repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit.

*Special flood hazard area (SFHA)* is the land within ~~a community~~ the City of Cedar Falls subject to the ~~regulatory~~ base flood. This land is identified on ~~the community's~~ the City of Cedar Falls' flood insurance rate maps as Zone A, A1—30, AE, AH, AO, AR, A99, ~~X Shaded and X Unshaded.~~

*Structure* means anything constructed or erected on the ground or attached to the ground, including but not limited to buildings, factories, sheds, cabins, factory-built housing, storage tanks, grain storage facilities and other similar uses. For zoning purposes anything, excluding fences, judged to be permanently affixed to the site and measuring at least 30 inches in height, as measured from natural grade, shall be considered a structure.

*Substantial damage* means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before-damaged condition would equal or exceed 50 percent of the fair market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the cost of restoration.

*Substantial improvement* means any improvement to a structure which satisfies either of the following criteria:

- (1) Any repair, reconstruction, rehabilitation, addition or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the fair market value, before the start of construction of the improvement. This term included structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. The term does not, however, include either:
  - ~~a- before the start of construction of the improvement, or. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work performed. The term does not, however, include either:~~
  - b. if the structure has been substantially damaged and is being restored, before the damage occurred.
  - ~~a- 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 officer and which are the minimum necessary to ensure safe living conditions; or~~
  - ~~b- Any alteration to an historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.~~
- (2) Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after February 1, 1985, the effective date of the first floodplain management regulations adopted by the City of Cedar Falls, shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.
  - ~~a.— 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 officer and which are the minimum necessary to ensure safe living conditions; or~~
  - ~~c.— Any alteration to an historic structure, provided that the alteration will not preclude the structure's continued designation as a historic structure.——~~

The term does not, however, include any 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.

Variance means a grant of relief by the City of Cedar Falls from the terms of the floodplain management regulations.

Violation means the failure of a structure or other development to be fully compliant with the City of Cedar Falls' floodplain management regulations.

### **Sec. 26-30. Floodplain development permit.**

- (a) A floodplain development permit issued by the zoning administrator shall be secured prior to initiation of any floodplain development. Application for a floodplain development permit shall be made on forms supplied by the zoning administrator and shall include the following information:
- (3) Location and dimensions of all structures and additions.
- (6) The elevation, in relation to the North American Vertical Datum of 1988 (NAVD), of the lowest floor, including basement, of buildings structures or of the level to which a building structure is to be floodproofed.
- (7) For buildings structures being improved or rebuilt, the estimated cost of improvements and fair market value of the building structure prior to the improvements.
- (c) All uses development or structures in the floodway, floodway fringe and general floodplain districts requiring special exception permits shall be allowed only upon application to the zoning administrator with issuance of the special exception permit by the board of adjustment. Petitioners shall include information ordinarily submitted with applications, as well as any additional information deemed necessary by the board of adjustment. Where required, approval of the state department of natural resources shall precede issuance of the special exception permit by the board of adjustment.

### **Sec. 26-31. Variances and special exception permits.**

- (a) The board of adjustment may authorize, upon request, in specific cases, such variances from the terms of this chapter as will not be contrary to the public interest, where owing to special conditions a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards:
- (4) In cases where the variance involves a lower level of flood protection for buildings structures than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the zoning administrator that:

### **Sec. 26-32. Development requiring approval by state department of natural resources.**

For ~~those uses~~ development requiring state department of natural resources approval, such approval shall be obtained in writing and provided to the board of adjustment prior to issuance of a special exception permit.

### **Sec. 26-33. Duties of zoning administrator relative to development in flood hazard areas.**

It shall be the responsibility of the zoning administrator or ~~their his~~ official designee to:

- (10) Maintain the accuracy of Cedar Falls' Flood Insurance Rate Maps when:
- a. Development placed within the Floodway (Overlay) District results in any of the following:
- (i) An increase in the Base Flood Elevations, or
- (ii) Alteration to the floodway boundary
- b. Development placed in Zones A, AE, AH, and A1-30 that does not include a designated floodway that will cause a rise of more than one foot in the base elevation; or

c. Development relocates or alters the channel.

Within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.

- (11) Perform site inspections to ensure compliance with the standards of this section.
- (12) Forward all requests for variances to the Board of Adjustment for consideration and ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary.

### Sec. 26-35. Flood insurance rate map (FIRM).

The flood insurance rate map (FIRM) for ~~the county~~ Black Hawk County and incorporated areas, City of Cedar Falls and the city, panels ~~19013C0145F 19013C0145G, 0153F 19013C0153G, 0154F 19013C0154G, 0158F 19013C0158G, 0161F 19013C0161G, 0162F 19013C0162G, 0163F 19013C0163G, 0164F 19013C0164G, 0166F 19013C0166G, 0168F 19013C0168G, 19012C0260G, 0276F 19013C0276G, 0277F 19013C0277G, 0278F 19013C0278G, 0279F 19013C0279G, 0281F 19013C0281G, 0282F 19013C0282G, and 0283F 19013C0283G,~~ effective dated July 18, 2011 May 8, 2024, which were prepared as part of the flood insurance study for ~~the county~~ Black Hawk County, are hereby adopted by reference and declared to be the official floodplain zoning map. The flood profiles and all explanatory material contained within the flood insurance study are also declared to be a part of this chapter.

### Sec. 26-119. Establishment of floodplain districts.

- (c) *Classes of districts.* In order to classify, regulate and restrict the location of trades and industries and the location of buildings designed for specific uses, to regulate and limit the height and bulk of buildings erected or altered, to regulate and limit the intensity of the use of lot areas and to regulate and determine the area of yards, courts and other open spaces within and surrounding such buildings within established floodprone areas, the city is hereby divided into three classes of floodplain districts. The use, height and area regulations are uniform in each class of district, and the districts shall be ~~known as the F-W floodway district, the F-F floodway fringe district and the F-P general floodplain district.~~ divided into the following:
- (1) Floodway (Overlay) District (F-W) - those areas identified as Floodway on the Official Floodplain Zoning Map;
- (2) Floodway Fringe (Overlay) District (F-F) - those areas identified as Zone AE and the adjoining shaded Zone X on the Official Floodplain Zoning Map but excluding those areas identified as Floodway; and;
- (3) General Floodplain (Overlay) District (F-P) - those areas identified as Zone A and the adjoining shaded Zone X on the Official Floodplain Zoning Map.

### Sec. 26-176. F-W Floodway Overlay District.

- (c) *Performance standards.* All floodway district ~~uses development~~ allowed as a principal permitted or conditional use shall meet the following standards:
- (1) No ~~use development~~ shall be permitted in the floodway district that would result in any increase in the 100-year (one percent) flood level. Consideration of the effects of any development on flood levels shall be based upon the assumption that an equal degree of development would be allowed for similarly situated lands.
- (2) All ~~uses development~~ within the floodway district shall:
- Be consistent with the need to limit flood damage.
  - Use construction methods and practices that will limit flood damage.
  - Use construction materials and utility equipment that are resistant to flood damage.

- (3) No use development shall affect the capacity or conveyance of the channel or floodway or any tributary to the main stream, drainage ditch or any other drainage facility or system.
- (4) Structures, buildings, recreational vehicles, and sanitary and utility systems, if permitted, shall meet the applicable performance standards of the floodway fringe district and shall be constructed or aligned to present the minimum possible resistance to flood flows.
- (8) Buildings Structures, if permitted, shall have a low flood damage potential and shall not be utilized for human habitation.

### Sec. 26-177. F-F Floodway Fringe Overlay District.

- (e) Performance standards. All uses development must be consistent with the need to limit flood damage to the maximum extent practicable, and shall meet the following applicable performance standards:
  - (4) All structures development shall be:
    - a. Designed and A-a adequately anchored to prevent flotation, collapse or lateral movement of the structure.
    - (7) ~~c. Any new, substantially improved or substantially damaged structure that is being established or reconstructed must be constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and located so as to prevent water from entering or accumulating within the components during conditions of flooding. All such facilities including heating, cooling and ventilating systems or ducts shall be located or installed at least one foot above the 500-year (0.2 percent) flood level.~~
      - c. Any new, substantially improved or substantially damaged structure that is being established or reconstructed shall be constructed with electric meter, electrical service panel box, hot water heater, heating, air conditioning, ventilation equipment (including ductwork), and other similar machinery and equipment elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one foot above the 500-year (0.2 percent) flood level.
      - d. Any new, substantially improved or substantially damaged structure that is being established or reconstructed shall be constructed with plumbing, gas lines, water/gas meters and other similar service utilities either elevated (or in the case of non-residential structures, optionally floodproofed to) a minimum of one foot above the 500-year (0.2 percent) flood level or designed to be watertight and withstand inundation to such a level.
  - (8) Filling in the floodway fringe.
    - d. The only portion of the property that may be filled is the area underneath the elevated structure, together with driveway access to the structure. In no case shall the maximum lot area of the property filled exceed 33.33 percent of the total area of the lot. ~~and shall extend at least 18 feet from the outer foundation of the structure. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the 500-year (0.2%) flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon.~~
  - (11) Subdivisions, including factory-built home parks and subdivisions, shall meet the following requirements. Subdivisions shall be consistent with the need to limit flood damage to the maximum practicable extent, and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals, including the installation of public utilities, shall meet the applicable performance standards of this section. Subdivision proposals intended for residential development shall provide all lots with a means of vehicular access that is above the 500-year (0.2 percent) flood level. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 500-year (0.2%) flood elevation data for those areas located within the Floodway Fringe (Overlay) District.

- (15) No ~~use~~ *development* shall affect the capacity or conveyance of the channel or any tributary to the main stream, drainage ditch or other drainage facility or system.
- (16) Detached garages, storage sheds, appurtenant structure and other similar detached accessory structures that are incidental to a residential use shall be allowed in the floodway fringe district with no minimum elevation requirement provided that all the following criteria are satisfied. Exemption from the elevation requirement for such structures may result in increased premium rates for flood insurance coverage of the structure and its contents:
- d. The structures will comply with minimum required permanent openings as specified in subsections ~~(e)(7)(d)(4)(a)~~(1) through (4).
- (19) Any new, substantially improved or substantially damaged maximum damage potential development, that is to be established or reconstructed as authorized in this chapter shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the elevation of the 500-year flood, or together with attendant utility and sanitary systems, be floodproofed to such a level. When floodproofing is utilized, a professional engineer registered in the State of Iowa shall certify that the floodproofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 500-year (0.2%) annual chance flood; and that the structure, below the 500-year (0.2%) annual chance flood elevation is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to North American Vertical Datum 1988) to which any structures are floodproofed shall be maintained by the zoning administrator. Where 500-year (0.2%) chance flood elevation data has not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant shall be responsible for submitting an application to the Department of Natural Resources with sufficient technical information to make such determinations.

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- (b) *Conditional uses.* Any ~~development~~ *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 special exception permit by the board of adjustment. All such ~~uses~~ *development* shall be reviewed by the state department of natural resources to determine: