

CHAPTER 155

BUILDING AND LAND USE REGULATIONS

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155.01 PURPOSE. The purpose of this chapter is to protect the health, safety, and general welfare by the establishment of restricted residential districts and reasonable rules and regulations for the erection, reconstruction, and alteration of buildings within the districts.

155.02 INTERPRETATION OF STANDARDS. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements. Where this chapter imposes a greater restriction than is imposed by other provisions of law or by other rules or regulations or ordinances, the provisions of this chapter shall control.

155.03 DEFINITIONS. For the purpose of this chapter, certain terms and words are hereby defined. The words "used or occupied" include the words "intended, designed, or arranged to be used or occupied."

1. "Dwelling" means any building or portion thereof which is designed or used exclusively for residential purposes but not including a tent, cabin, trailer or mobile home.
2. "Dwelling, single-family" means a detached residence designed for or occupied by one family only.
3. "Dwelling, two-family" means a residence designed for or occupied by two (2) families only, with separate housekeeping and cooking facilities for each.
4. "Dwelling, multiple" means a residence designed for or occupied by three (3) or more families, with separate housekeeping and cooking facilities for each.
5. "Dwelling, condominium" means a multiple dwelling as defined herein whereby the fee title to each dwelling unit is held independently of the others.
6. "Dwelling, row" means any one of three or more attached dwellings in a continuous row, each such dwelling designed and erected as a unit on a separate lot and separated from one another by an approved wall or walls.
7. "Dwelling unit" means a room or group of rooms which are arranged, designed, or used as living quarters for the occupancy of one family containing bathroom and/or kitchen facilities.
8. "Factory-built structures" means any structure that is, wholly or in substantial part, made, fabricated, formed, or assembled in manufacturing facilities for installation or assembly and installation on a building site and bears the insignia of approval issued by the State Building Code Commissioner as required by Section

103A.9 of the *Code of Iowa*. Factory built structures shall not be considered mobile homes.

9. "Family" means one or more persons occupying a single dwelling unit; provided that, unless all members are related by blood, marriage, or adoption, no such family shall contain over four (4) persons.

10. "Lot" means a parcel of land of at least sufficient size to meet minimum requirements for use, coverage and area and to provide such yards and other open spaces as are herein required. Such lot shall have frontage on a public street and may consist of: (i) a single lot of record; (ii) a portion of a lot of record; (iii) a combination of complete lots of record, complete lots of record and portions of lots of record; provided that in no case of division or combination shall any residential lot or parcel be created which does not meet the requirements of this chapter.

11. "Lot, corner" means a lot abutting upon two or more streets at their intersection.

12. "Lot, depth" means the mean horizontal distance between the front and rear lot lines.

13. "Lot, double frontage" means a lot having a frontage on two non-intersecting streets as distinguished from a corner lot.

14. "Lot, interior" means a lot other than a corner lot.

15. "Lot lines" means the lines bounding a lot.

16. "Lot of record" means a lot that is part of a subdivision recorded in the office of the County Recorder of Tama County, or a lot or parcel described by metes and bounds, the description of which has been so recorded.

17. "Lot width" means the width of a lot measured at the building line and at right angles to its depth.

18. "Lot, reversed frontage" means a corner lot, the side street line of which is substantially a continuation of the front line of the first platted lot to its rear.

19. "Mobile home" means any structure used for living, sleeping, business, or storage purposes, having no foundation other than wheels, blocks, skids, jacks, horses, or skirting, and which is, has been, or reasonably may be equipped with wheels or other devices for transporting the structure from place to place, whether by motive power or other means. The term "mobile home" includes camp cars, house cars, and travel trailers.

20. "Mobile home park" or "trailer park" means any lot, parcel, or portion thereof having an area of at least one acre upon which two or more mobile homes or trailers occupied for residential purposes are located, regardless of whether or not a charge is made for such accommodations; and provided further, a mobile home park shall provide 3,000 square feet per mobile home unit, and maintain front, side, and rear yard areas around the park of at least 30 feet.

21. "Yard" means an open space on the same lot with a building or structure unoccupied and unobstructed by any portion of a structure from 30 inches above the general ground level of the graded lot upward. In measuring a yard for the purpose of determining the depth of a front yard or the depth of a rear yard, the least distance between the lot line and the main building shall be used. In measuring a yard for the

purpose of determining the width of a side yard, the least distance between the lot line and the nearest permitted building shall be used.

22. "Yard, front" means a yard extending across the full width of the lot and measured between the front lot line and the building or any projection thereof, other than the projection of the usual steps and unenclosed porches. On corner lots, the front yard is adjacent to the street upon which the lot has its least dimension.

23. "Yard, rear" means a yard extending across the full width of the lot and measured between the rear lot line and the closest permitted building or any projections, other than steps, unenclosed balconies, or unenclosed porches. On both corner lots and interior lots the rear yard is the opposite end of the lot from the front yard.

24. "Yard, side" means a yard extending from the front yard to the rear yard and measured between the side lot line and the nearest permitted building.

When measuring the required distances from the lot line to the structures constructed on the lot, the measurement shall be made from the nearest point of the building, i.e., the eaves or porch, etc., to the yard line. For the purposes of this chapter, the "nearest point of the building" would not include appurtenances such as window awnings or walk-in door awnings, which are self-hanging and not supported by ground structures.

155.04 RESTRICTED RESIDENCE DISTRICT. The restricted residence district for the City is depicted on the official restricted residence district map that is hereby adopted by reference and is on file in the office of the Clerk.

155.05 GENERAL PROVISIONS. The following regulations shall apply in all areas designated as in the R-1 Restricted Residence District:

1. **Permit Required.** It is unlawful to do any excavating, erecting, constructing, reconstructing, enlarging, altering, or moving of any building or structure until a Building/Use Permit has been approved by the designated committee consisting of the Public Works Superintendent and one Council-appointed person and issued by the Clerk.
2. **Conformance Required.** Except as may hereinafter be specified, no land, building, structure, or premises shall hereafter be used, and no building or part thereof or other structure shall be located, erected, reconstructed, extended, enlarged, or altered except in conformity with this chapter.
3. **Principal Permitted Uses.**
 - A. One- and two-family dwellings.
 - B. Churches, cathedrals, temples, and similar places of worship, provided that all principal buildings be set back a minimum of 35 feet from all property lines.
 - C. Public and parochial schools, elementary and secondary, and other educational institutions.
 - D. Fire stations.
 - E. Publicly owned parks, playgrounds, swimming pools, libraries, golf courses, and recreation centers or areas.

- F. Agricultural uses, including nurseries and truck gardens, provided that no dust or offensive odors are created, and provided further that no retail sales are permitted on the premises, or livestock feeding operations.
- G. Conversions of one-family dwellings into two-family dwellings in accordance with the lot area, frontage, height and yard requirements of this chapter.
- H. Mobile home parks or trailer parks may be established, provided approval is granted by the Council after a public hearing has been held on the proposal to establish a mobile home or trailer park.
- I. Multiple dwellings including row dwellings consisting of not more than six units in a continuous row, cooperative apartment houses, and condominium dwellings.
- J. Boarding and rooming houses.
- K. Institutions of a religious, educational, or philanthropic nature, including libraries.
- L. Nursing, convalescent, and retirement homes.
- M. Private clubs, lodges, or veterans organizations.

Uses other than those permitted in this section and buildings or other structures may be erected, reconstructed, or altered, provided the Council shall have approved, after a public hearing, the said use, erection, reconstruction, or alteration.

4. Permitted Accessory Uses.

A. Customary home occupations, such as the following: handicraft, dressmaking, millinery, laundering, preserving and home cooking, provided that:

- (1) Such use is a secondary use of the residence and conducted entirely within a dwelling and solely by members of the family residing in the same dwelling, with no more than one-half of the floor area of any one floor devoted to the use.
- (2) No exterior signs or advertising shall be permitted or any other exterior indications of home occupation except one sign not larger than two square feet in area.
- (3) There shall not be permitted the storage of a stock in trade or the sale of commodities on the premises.
- (4) Such use shall not require mechanical equipment not customary in dwellings or which causes or produces unreasonable noise, vibration, smoke, dust, odors, heat or glare, or in any other way be detrimental to the neighborhood.

B. A residential accessory building or structure customarily used in conjunction with a dwelling, namely, a garage with a capacity of not more than three cars, a tool house or summer house not exceeding 100 square feet floor area, a private swimming pool properly fenced and screened, a wood or concrete deck or patio, or carport. Any other building on residential property shall not be deemed a residential accessory use if not incidental to a

residential purpose, or if it is used in conjunction with or for the business of selling goods or rendering services.

5. **Accessory Buildings.** Accessory buildings may be built in a required rear yard, but shall not occupy more than 30 percent of the rear yard; nor shall an accessory building be built closer than three feet to any lot line, or closer than eight feet to any building unless it is connected thereto; nor shall an accessory building be more than 12 feet in height. On corner lots, accessory buildings shall conform to the side yard requirements for the full depth of the lot. Accessory buildings may be erected as a part of the principal building or may be connected thereto by a breezeway or similar structure, provided all yard requirements for a principal building are complied with. No accessory building shall be constructed upon a lot until the construction of the principal building has commenced, and no accessory building shall be used unless the principal building of the lot also is being used.

6. **Reduction of Lot.** No lot shall be sold, divided, or set off in such a manner that either the portion sold, divided or set off, or the portion remaining shall be less than the minimum size prescribed by the regulations relating to the district in which it is situated, unless it becomes a part of an adjacent lot meeting the requirements.

7. **Lot and Building Regulations:**

A. **Lot Area.**

One-family dwelling – 7,200 square feet.

Two-family dwelling – 8,000 square feet.

Multiple-family or other permitted uses – 10,000 square feet

B. **Lot Area Per Dwelling Unit.**

Row housing and multiple dwellings – 2,500 square feet

C. **Lot Width.**

One-family dwelling – 50 feet.

Two-family dwelling – 70 feet.

Row housing units – 20 feet.

Multiple-family dwellings and other permitted uses – 75 feet.

D. **Front Yard.** New construction shall be set back consistent with adjoining properties. If there are no adjoining properties, a 25-foot yard between each lot line abutting a street and any building is required, except any property in the Luethje addition, where a 40-foot yard between each lot line abutting a street and any building is required.

E. **Side Yards.**

1 and 1½ stories – total side yard of 15 feet; minimum one side – 7 feet.

2 and 2½ stories – total side yard of 17 feet; minimum one side - 8 feet.

3 stories up to a height of 45 feet – total side yard of 25 feet;
minimum one side – 10 feet.

Structures above 45 feet – See height restrictions.

F. **Rear Yard.** 30 feet.

G. **Maximum Height.** Principal building – 45 feet, except that for each one foot that the building or a portion of it is set back beyond the required front, side, and rear yards, one foot may be added to the height limit of such

building or portion thereof, provided however, that no building shall exceed a height of 125 feet.

- H. Maximum Number of Stories.
Principal building – four stories.
Accessory building – one story.

8. Residential Dwelling Standards. All residential dwelling units shall meet the following minimum standards:

A. The dwelling unit must have a minimum width of twenty-two (22) feet for at least sixty-five percent of the length of the dwelling unit, said dimension to be exclusive of attached garages, porches or other accessory structures.

B. All dwelling units including attached garages shall be placed on a permanent frost-free foundation.

C. All dwelling units shall provide for a minimum of _____ square feet of floor space.

D. All dwelling units shall have a minimum roof pitch of 3:12. This requirement shall not apply to manufactured housing if the housing otherwise complies with 42 U.S.C. Sec. 5403.

9. Fences and Plantings. Front yard fences exceeding four feet in height shall be set back in compliance with front yard requirements for a principal building. Front yard fences less than four feet in height shall be no closer than six inches to the lot line. Side and back yard fences, hedges, and trees shall be no closer than three feet to any side or back yard lot line.

155.06 BUILDINGS REQUIRING SPECIAL PERMITS TO LOCATE WITHIN RESTRICTED RESIDENTIAL DISTRICTS. Construction of clinics, offices, hospitals, utility buildings and substations, any type of commercial stores and warehouses, plant nurseries, farm buildings, and industrial buildings and structures may be authorized by special permit to locate within the restricted residence district only if it appears that the proposed use and type of building will be compatible with the residential character of the district, and that the particular use could not practicably be conducted or built in an unrestricted area, or the restricted district boundaries amended logically, due to topography, access to railroad or highway, or other proper reason acceptable to the Council.

155.07 SPECIAL PERMITS. A written special permit is required for the erection, reconstruction, alteration, or moving in of any building and for its occupancy and use within the Restricted Residential District of the City, except for buildings for residences, residential accessory use, schools, churches, and church schools. This permit shall be applied for in writing, accompanied by plans and specifications sufficient to determine compliance with applicable ordinances of the City. The application shall be made to the City Clerk at least seven (7) days before the Council meeting at which the request for Council action is made. No permit shall be granted until notice of the application has been posted or the fact of application has been set out in the posted proceedings of the Council at least seven days prior to the meeting at which final action approving or denying the application for a permit is made. The permit shall require a three-fourths vote of all the members of the Council.

155.08 PROTEST. No special permit shall be granted when 60 percent of the resident real estate owners in the district within 600 feet of the proposed building and use object thereto, except by a unanimous vote of all the members of the Council.

155.09 FEES. There shall be a fee in an amount set by resolution of the Council required for a permit under this chapter, except when a special Council meeting is requested by the applicant. If the applicant requests a special Council meeting to consider an application, the Council members' salary for the special meeting shall be paid by the applicant.

155.10 AMENDMENTS. From time to time, the Council may wish to amend, change, or alter provisions of this chapter and the official map which is a part of this chapter. Such amendments, changes, or alterations are hereby allowed, provided that prior to such amendment, a public hearing with the standard public notice be held. Upon approval by a majority of the members of the Council, such amendments, changes, or alterations shall become effective.

155.11 VIOLATIONS AND PENALTIES. Any premises used or any building or structure erected, altered, repaired, or used in violation of this Code of Ordinances shall be deemed a nuisance. Such nuisance shall be abated pursuant to Chapter 50 of this Code of Ordinances. Each day that a nuisance is continued after a notice of abatement is served upon the owner of the property containing the nuisance shall constitute a separate violation.

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CHAPTER 160

FLOOD PLAIN MANAGEMENT REGULATIONS

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160.01 STATUTORY AUTHORITY, FINDINGS OF FACT AND PURPOSE.

1. Statutory Authority. The Legislature of the State of Iowa has in Chapter 364, *Code of Iowa*, as amended, delegated the power to cities to exercise any power and perform any function it deems appropriate to protect and preserve the rights, privileges, and property of the City or of its residents, and to preserve and improve the peace, safety, health, welfare, comfort and convenience of its residents.

2. Findings of Fact.

A. The flood hazard areas of the City of Gladbrook 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 public 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 creates hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding; and (ii) the cumulative effect of obstructions on the flood plain, causing increases in flood heights and velocities.

3. Statement of Purpose. It is the purpose of this chapter to protect and preserve the rights, privileges, and property of the City and its residents and to preserve and improve the peace, safety, health, welfare, and comfort and convenience of its residents by minimizing those flood losses described in subsection 2(A) of this section 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 substantially.

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 facilities 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 may not be suited for intended purposes because of flood hazard.
- E. Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

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

1. "Base flood" means the flood having one percent chance of being equaled or exceeded in any given year. (See 100-year flood).
2. "Basement" means any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
3. "Development" means any manmade change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation, drilling operations.
4. "Existing construction" means any structure for which the start of construction commenced before the effective date of the community's Flood Insurance Rate Map, and may also be referred to as "existing structure."
5. "Existing factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the flood plain management regulations adopted by the community.
6. "Expansion of existing factory-built home park or subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
7. "Factory-built home" 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 chapter, factory-built homes include mobile homes, manufactured homes, and modular homes and also include park trailers, travel trailers and other similar recreational vehicles that are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
8. "Factory-built home park" means a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
9. "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.

10. "Flood elevation" means the elevation floodwaters would reach at a particular site during the occurrence of a specific flood. For instance, the 100-year flood elevation is the elevation of flood waters related to the occurrence of the 100-year flood.
11. "Flood Insurance Rate Map" (FIRM) means the official map prepared as part of (but published separately from) the Flood Insurance Study which delineates both the flood hazard areas and the risk premium zones applicable to the community.
12. "Flood insurance study" means a study initiated, funded, and published by the Federal Insurance Administration for the purpose of evaluating in detail the existence and severity of flood hazards, providing the City with the necessary information for adopting a flood plain management program and establishing actuarial flood insurance rates.
13. "Flood plain" means any land area susceptible to being inundated by water as a result of a flood.
14. "Flood plain management" means an overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, flood proofing and flood plain management regulations.
15. "Flood proofing" means any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
16. "Floodway" 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.
17. "Floodway fringe" means those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
18. "Historic structure" means any structure that is:
 - A. Listed individually in the National Register of Historic Places maintained by the Department of Interior or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing of the National Register;
 - B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
 - C. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
 - D. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either: (i) by an approved State program as determined by the Secretary of

the Interior; or (ii) directly by the Secretary of the Interior in states without approved programs.

19. "Lowest floor" means 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 160.10(4)(A) of this chapter; and

B. The enclosed area is unfinished (not carpeted, dry-walled, etc.) and used solely for low damage potential uses such as building access, parking or storage; and

C. Machinery and service facilities (e.g., hot water heater, furnace, electrical service) contained in the enclosed area are located at least one foot above the 100-year flood level; and

D. The enclosed area is not a basement, as defined in this section.

In cases where the lowest enclosed area satisfies criteria A, B, C and D above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

20. "New construction" (new buildings, factory-built home parks) means those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map.

21. "New factory-built home park or subdivision" means a factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of flood plain management regulations adopted by the community.

22. "100-year flood" means a flood, the magnitude of which has a one percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded at least once every 100 years.

23. "Recreational vehicle" means a vehicle that is:

A. Built on a single chassis;

B. Four hundred (400) square feet or less when measured at the largest horizontal projection;

C. Designed to be self-propelled or permanently towable by a light duty truck; and

D. Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use.

24. "Special flood hazard area" means the land within a community subject to the 100-year flood. This land is identified as Zone A, AE, A1-A30, AO, and AH on the community's Flood Insurance Rate Map.

25. "Start of construction" includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement, was within

180 days of the permit date. The actual start means either the first placement or permanent construction of a structure on a site, such as pouring of a slab or footings, the installation of pile, the construction of columns, or any work beyond the stage of excavation; or the placement of a factory-built home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

26. "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 homes, storage tanks, and other similar uses.

27. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

28. "Substantial improvement" means 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 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 comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe conditions for the existing use. The term also does not include any alteration of a historic structure, provided the alteration will not preclude the structure's designation as a historic structure.

B. Any addition that increases the original floor area of a building by 25 percent or more. All additions constructed after January 19, 2006, shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

29. "Variance" means a grant of relief by a community from the terms of the flood plain management regulations.

30. "Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

160.03 LANDS TO WHICH CHAPTER APPLIES. This chapter apply to all areas having special flood hazards within the jurisdiction of the City. For the purpose of this chapter, the special flood hazard areas are those areas designated as Zone A on the Flood Insurance Rate Map for the City, dated January 19, 2006, which is hereby adopted and made a part of this chapter.

160.04 RULES FOR INTERPRETATION OF FLOOD HAZARD BOUNDARIES. The boundaries of the Special Flood Hazard areas shall be determined by scaling distances on the Official Flood Insurance Rate Map. When an interpretation is needed as to the exact

location of a boundary, the Superintendent of Public Works shall make the necessary 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.

160.05 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 that apply to uses within the jurisdiction of this chapter.

160.06 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this chapter to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter imposes greater restrictions, the provision of this chapter shall prevail. All other ordinances inconsistent with this chapter are hereby repealed to the extent of the inconsistency only.

160.07 INTERPRETATION. In their interpretation and application, the provisions of this chapter shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.

160.08 WARNING AND DISCLAIMER OF LIABILITY. The standards required by this chapter are considered reasonable for regulatory purposes. This chapter does not imply that areas outside the designated special flood hazard areas will be free from flooding or flood damages. Larger floods may occur on rare occasions. Flood heights may be increased by manmade or natural causes, such as ice jams and bridge openings restricted by debris. This chapter shall not create liability on the part of the City or any officer or employee thereof for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

160.09 SEVERABILITY. If any section, clause, provision or portion of this chapter is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this chapter shall not be affected thereby.

160.10 GENERAL FLOOD PLAIN STANDARDS. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Development that involves the placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse shall be reviewed by the Iowa Department of Natural Resources to determine whether the land involved is either wholly or partly within the floodway or floodway fringe. Where 100-year 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 will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. All Development. All development within the special flood hazard areas shall:
 - A. Be consistent with the need to minimize flood damage.
 - B. Use construction methods and practices that will minimize flood damage.

- C. Use construction materials and utility equipment that are resistant to flood damage.
- D. Obtain all other necessary permits from federal, state and local governmental agencies including approval when required from the Iowa Department of Natural Resources.
2. Residential Buildings. All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one foot above the 100-year flood level. Construction shall be upon compacted fill, which shall, at all points, be no lower than one foot above the 100-year flood level and extend at such elevation at least 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 City Council and the Department of Natural Resources, 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 structures shall be provided with a means of access which will be passable by wheeled vehicles during the 100-year flood.
3. Nonresidential Buildings. All new or substantially improved nonresidential buildings shall have the lowest floor (including basement) elevated a minimum of one foot above the 100-year flood level, or together with attendant utility and sanitary systems, be flood proofed to such a level. When flood proofing is utilized, a professional engineer registered in the State of Iowa shall certify that the flood proofing methods used are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces and other factors associated with the 100-year flood; and that the structure, below the 100-year flood level, is watertight with walls substantially impermeable to the passage of water. A record of the certification indicating the specific elevation (in relation to National Geodetic Vertical Datum) to which any structures are flood proofed shall be maintained by the Administrator.
4. All New and Substantially Improved Structures:
- A. Fully enclosed areas below the "lowest floor" (not including basements) that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or meet or exceed the following minimum criteria:
- (1) 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.
 - (2) The bottom of all openings shall be no higher than one foot above grade.
 - (3) Openings may be equipped with screens, louvers, valves, or other coverings or devices provided 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.

- B. 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.
- C. 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.
5. **Factory-Built Homes:**
- A. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse or lateral movement. Methods of anchoring may include (but are not limited to) use of over-the-top or frame ties to ground anchors.
- B. All factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one foot above the 100-year flood level.
6. **Utility and Sanitary Systems:**
- A. On-site waste disposal and water supply systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
- B. All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Wastewater treatment facilities (other than on-site systems) shall be provided with a level of flood protection equal to or greater than one foot above the 100-year flood elevation.
- C. New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities (other than on-site systems) shall be provided with a level of protection equal to or greater than one foot above the 100-year flood elevation.
- D. 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.
7. **Storage of Materials and Equipment.** Storage of equipment and materials that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot above the 100-year flood level. Other material and equipment must either be similarly elevated or: (i) not subject to major flood damage and anchored to prevent movement due to floodwaters; or (ii) readily removable from the area within the time available after flood warning.
8. **Flood Control Structural Works.** Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from a 100-year flood with a minimum of three feet of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.

9. **Watercourse Alterations.** Watercourse alterations must be designed to maintain the flood carrying capacity within the altered or relocated portion. In addition, the Department of Natural Resources must approve such alterations or relocations.

10. **Subdivisions.** Subdivisions (including factory-built home parks and subdivisions) shall be consistent with the need to minimize flood damages and shall have adequate drainage provided to reduce exposure to flood damage. Development associated with subdivision proposals (including the installation of public utilities) shall meet the applicable performance standards of this chapter. Subdivision proposals intended for residential use shall provide all lots with a means of access that will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five acres or 50 lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Special Flood Hazard Area.

11. **Accessory Structures.**

A. Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied.

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

B. 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.

12. **Recreational Vehicles.**

A. Recreational vehicles are exempt from the requirements of subsection 5 of this section regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.

- (1) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
- (2) The recreational vehicle must be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system and is attached to the site only by quick disconnect type utilities and security devices and has no permanently attached additions.

B. 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 subsection 5 of this section regarding anchoring and elevation of factory-built homes.

13. Pipeline Crossings. Pipeline river and stream crossings shall be buried in the streambed and banks, or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering.

160.11 SPECIAL FLOODWAY PROVISIONS. In addition to the General Flood Plain Standards, uses within the floodway must meet the following applicable standards. The floodway is that portion of the flood plain which must be protected from developmental encroachment to allow the free flow of floodwaters. Where floodway data has been provided in the Flood Insurance Study, such data shall be used to define the floodway. Where no floodway data has been provided, the Department of Natural Resources shall be contacted to provide a floodway delineation. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

1. 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.
2. All uses within the floodway shall:
 - A. Be consistent with the need to minimize flood damage.
 - B. Use construction methods and practices that will minimize flood damage.
 - C. Use construction materials and utility equipment that are resistant to flood damage.
3. No use shall affect the capacity or conveyance of the channel or floodway of any tributary to the main stream, drainage ditch, or any other drainage facility or system.
4. Structures, buildings, and sanitary and utility systems, if permitted, shall meet the applicable General Flood Plain Standards and shall be constructed or aligned to present the minimum possible resistance to flood flows.
5. Buildings, if permitted, shall have a low flood damage potential and shall not be for human habitation.
6. Storage of materials or equipment that are buoyant, flammable, explosive, or injurious to human, animal, or plant life is prohibited. Storage of other material may be allowed if readily removable from the floodway within the time available after flood warning.
7. 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.
8. Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

9. 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.

160.12 SPECIAL PROVISIONS FOR SHALLOW FLOODING AREAS. In addition to the General Flood Plain Standards, uses within shallow flooding areas must meet the following applicable standards.

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

160.13 ADMINISTRATION. The Superintendent of Public Works shall implement and administer the provisions of this chapter and will herein be referred to as the Administrator. Duties and responsibilities of the Administrator shall include, but not necessarily be limited to, the following:

1. Review all flood plain development permit applications to assure that the provisions of this chapter will be satisfied.
2. Review all flood plain development permit applications to assure that all necessary permits have been obtained from Federal, State, and local governmental agencies including approval when required from the Department of Natural Resources for flood plain construction.
3. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures in the special flood hazard area.
4. Record and maintain a record of the elevation (in relation to National Geodetic Vertical Datum) to which all new or substantially improved structures have been flood proofed.
5. 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 Emergency Management Agency.
6. Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this chapter.

160.14 FLOOD PLAIN DEVELOPMENT PERMIT. A Flood Plain Development Permit issued by the Administrator shall be secured prior to any flood plain development (any manmade change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations), including the placement of factory-built homes.

160.15 APPLICATION FOR PERMIT. Application for a Flood Plain Development Permit shall be made on forms furnished by the Administrator and shall include the following information:

1. Description of the work to be covered by the permit for which application is to be made.
2. Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description), which will readily identify and locate the work to be done.
3. Indication of the use or occupancy for which the proposed work is intended.
4. Elevation of the 100-year flood.
5. Elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of buildings or of the level to which a building is to be flood proofed.
6. For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
7. Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this chapter.

160.16 ACTION ON PERMIT. 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 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 City Council.

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

160.18 VARIANCES.

1. Authorization. The City Council may authorize upon request in specific cases such variances from the terms of this chapter that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this chapter will result in unnecessary hardship. Variances granted must meet the following applicable standards.

A. Variances shall only be granted upon: (i) a showing of good and sufficient cause; (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and (iii) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local codes or ordinances.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the 100-year flood would result. 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.

C. Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this chapter, the applicant shall be notified in writing over the signature of the Administrator that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25.00 for \$100.00 of insurance coverage; and (ii) such construction increases risks to life and property.

E. All variances granted shall have the concurrence or approval of the Department of Natural Resources.

2. Factors Upon Which the Decision of the Council Shall Be Based. In passing upon applications for variances, the Council shall consider all relevant factors specified in other sections of this chapter and:

A. The danger to life and property due to increased flood heights or velocities caused by encroachments.

B. The danger that materials may be swept on to other land or downstream to the injury of others.

C. The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.

D. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.

E. The importance of the services provided by the proposed facility to the City.

F. The requirements of the facility for a flood plain location.

G. The availability of alternative locations not subject to flooding for the proposed use.

H. The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.

I. The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.

J. The safety of access to the property in times of flood for ordinary and emergency vehicles.

K. The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.

L. Such other factors which are relevant to the purpose of this chapter.

3. Conditions Attached to Variances. Upon consideration of the factors listed above, the Council may attach such conditions to the granting of variances as it deems necessary to further the purpose of this chapter. Such conditions may include, but not necessarily be limited to:

- A. Modification of waste disposal and water supply facilities.
- B. Limitation of periods of use and operation.
- C. Imposition of operational controls, sureties, and deed restrictions.
- D. Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this chapter.
- E. Flood proofing measures.

160.19 NONCONFORMING USES.

1. A structure or the use of a structure or premises which was lawful before the passage or amendment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued subject to the following conditions:
 - A. If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this chapter.
 - B. Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
2. If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than 50 percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this chapter. This limitation does not include the cost of any alteration to comply with existing state or local health, sanitary, building or safety codes or regulations or the cost of any alteration of a structure listed on the National Register of Historic Places, provided that the alteration shall not preclude its continued designation.

160.20 PENALTIES FOR VIOLATION. Violations of the provisions of this chapter or failure to comply with any of the requirements shall constitute a misdemeanor. Any person who violates this chapter or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one hundred dollars (\$100.00) or imprisoned for not more than thirty (30) days. Nothing herein contained shall prevent the City from taking such other lawful action as is necessary to prevent or remedy violation.

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