



NOTICE OF MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS (MARCH 22) (WEEK 12 OF 2022)

Live streaming at: https://www.youtube.com/user/woodburycountyiowa

Agenda and Minutes available at: www.woodburycountyiowa.gov

Live telephonic access at: 712-224-6014

Rocky L. DeWitt 253-0421 rdedwitt@woodburycountyiowa.gov Keith W. Radig 560-6542 kradig@woodburycountyiowa.gov Jeremy Taylor 259-7910 jtaylor@woodburycountyiowa.gov Matthew A. Ung 490-7852 matthewung@woodburycountyiowa.gov Justin Wright 899-9044 jwright@woodburycountyiowa.gov

You are hereby notified a meeting of the Woodbury County Board of Supervisors will be held March 22, 2022 at 4:30 p.m. in the Basement of the Courthouse, 620 Douglas Street, Sioux City, Iowa for the purpose of taking official action on the agenda items shown hereinafter and for such other business that may properly come before the Board.

This is a formal meeting during which the Board may take official action on various items of business. If you wish to speak on an item, please follow the seven participation guidelines adopted by the Board for speakers.

- 1. Anyone may address the Board on any agenda item after initial discussion by the Board.
2. Speakers will approach the microphone one at a time and be recognized by the Chair.
3. Speakers will give their name, their address, and then their statement.
4. Everyone will have an opportunity to speak. Therefore, please limit your remarks to three minutes on any one item.
5. At the beginning of the discussion on any item, the Chair may request statements in favor of an action be heard first followed by statements in opposition to the action.
6. Any concerns or questions you may have which do not relate directly to a scheduled item on the agenda will also be heard under the first or final agenda item 'Citizen Concerns.'
7. For the benefit of all in attendance, please turn off all cell phones and other devices while in the Board Chambers.

AGENDA

- 4:30 p.m. Call Meeting to Order - Pledge of Allegiance to the Flag - Moment of Silence
1. Citizen Concerns Information
2. Approval of the agenda Action

Consent Agenda

Items 3 through 7 constitute a Consent Agenda of routine action items to be considered by one motion. Items pass unanimously unless a separate vote is requested by a Board Member.

- 3. Approval of the minutes of the March 15, 2022 meeting
4. Approval of claims
5. Human Resources - Melissa Thomas
Approval of Memorandum of Personnel Transactions
6. Secondary Roads - Mark Nahra
Approve the permit to work in the right of way for the Brown's Lake area homeowners

7. County Auditor – Patrick Gill

Approve an application for a 12-month, Class B Beer License (BB) (includes Wine Coolers) Class C Native Wine Permit, with outdoor service and Sunday sales privileges for Oscar Carl Vineyard, effective 05/01/22

End Consent Agenda

8. Secondary Roads – Mark Nahra

- a. Receive bids for project number CP-2022 and return them to the county engineer for review and recommendation Action
- b. Award bid if low quote is clearly determined by bid results Action

4:40 p.m.
(Set time)

9. Community & Economic Development – Daniel Priestley

- a. Public hearing on the ordinance to amend Section 5.03: Floodplain Management Ordinance in the Woodbury County Zoning Ordinance Action
- b. Approval of the first reading of the ordinance Action

10. Reports on Committee Meetings Information

11. Citizen Concerns Information

12. Board Concerns Information

ADJOURNMENT

Subject to Additions/Deletions

CALENDAR OF EVENTS

TUE., MAR. 22	2:00 p.m.	Decat Board Meeting, Western Hills AEA, Room F
WED., MAR. 23	10:30 a.m.	Western Iowa Tourism Region Meeting Lake City, Iowa
	2:30 p.m.	Rolling Hills Community Services Region Governance Board Meeting
THU., MAR. 24	1:30 p.m.	Siouxland Regional Transit Systems (SRTS) Board Meeting, Hybrid
	11:15 a.m.	Western Iowa Community Improvement Regional Housing Trust Fund, Hybrid
MON., MAR. 28	6:00 p.m.	Zoning Commission Meeting, First Floor Boardroom
FRI., APR. 1	9:00 a.m.	Hungry Canyons Alliance Spring Quarterly Meeting, Atlantic, Iowa
MON., APR. 4	6:00 p.m.	Board of Adjustment meeting, First Floor Boardroom
WED., APR. 6	4:45 p.m.	Veteran Affairs Meeting, Veteran Affairs Office, 1211 Tri-View Ave.
THU., APR. 7	10:00 a.m.	COAD Meeting, The Security Institute
	12:00 p.m.	SIMPCO Regional Policy and Legislative Affairs Committee, Hybrid
WED., APR. 13	7:30 a.m.	SIMPCO Executive-Finance Committee, Hybrid
	8:05 a.m.	Woodbury County Information Communication Commission, First Floor Boardroom
	10:00 a.m.	STARComm Board Meeting, The Security Institute, WIT Campus
	12:00 p.m.	District Board of Health Meeting, 1014 Nebraska St.
THU., APR. 14	12:00 p.m.	SIMPCO Board of Directors, 1122 Pierce St.
	4:00 p.m.	Conservation Board Meeting, Dorothy Pecaut Nature Center, Stone Park
FRI., APR. 15	12:00 p.m.	Siouxland Human Investment Partnership Board Meeting Northwest AEA, Room G
WED., APR. 20	10:00 a.m.	Siouxland Center for Active Generations Board of Directors Meeting, 313 Cook St.
	12:00 p.m.	Siouxland Economic Development Corporation Meeting, 617 Pierce St., Ste. 202
THU., APR. 21	4:30 p.m.	Community Action Agency of Siouxland Board Meeting, 2700 Leech Avenue
MON., APR. 25	6:00 p.m.	Zoning Commission Meeting, First Floor Boardroom
TUE., APR. 26	2:00 p.m.	Decat Board Meeting, Western Hills AEA, Room F
WED., APR. 27	2:30 p.m.	Rolling Hills Community Services Region Governance Board Meeting
THU., APR. 28	11:00 a.m.	Siouxland Regional Transit Systems (SRTS) Board Meeting, SIMPCO Office, 1122 Pierce

Woodbury County is an Equal Opportunity Employer. In compliance with the Americans with Disabilities Act, the County will consider reasonable accommodations for qualified individuals with disabilities and encourages prospective employees and incumbents to discuss potential accommodations with the Employer.

Federal and state laws prohibit employment and/or public accommodation discrimination on the basis of age, color, creed, disability, gender identity, national origin, pregnancy, race, religion, sex, sexual orientation or veteran's status. If you believe you have been discriminated against, please contact the Iowa Civil Rights Commission at 800-457-4416 or Iowa Department of Transportation's civil rights coordinator. If you need accommodations because of a disability to access the Iowa Department of Transportation's services, contact the agency's affirmative action officer at 800-262-0003.

MARCH 15, 2022, ELEVENTH MEETING OF THE WOODBURY COUNTY BOARD OF SUPERVISORS

The Board of Supervisors met on Tuesday, March 15, 2022 at 4:30 p.m. Board members present were Taylor, Ung, Radig, De Witt, and Wright. Staff members present were Karen James, Board Administrative Assistant, Dennis Butler, Budget Tax/Analyst, Joshua Widman, Assistant County Attorney, Melissa Thomas, Human Services Director, and Patrick Gill, Auditor/Clerk to the Board.

The regular meeting was called to order with the Pledge of Allegiance to the Flag and a Moment of Silence.

1. Rebecca Socknat, Emergency Management, informed the Board that a burn ban is in effect. Pat Benjamin, Climbing Hill, addressed the Board with concerns about the removal of his mailbox by the County Secondary Roads department.
2. Motion by Radig second by De Witt to approve the agenda for March 15, 2022. Carried 5-0. Copy filed.
- 12a. A public hearing was held at 4:40 p.m. on the proposal to sell the County Farm. The Chairperson called on anyone wishing to be heard.

Motion by De Witt second by Radig to close the public hearing. Carried 5-0.
- 12b. Motion by Taylor second by Radig to approve the proposal of sell of the County Farm as set forth in the Board's Resolution #13,401 dated March 1, 2022. Carried 5-0. Copy filed.

Motion by De Witt second by Taylor to approve the following items by consent:
 3. To approve minutes of the March 8, 2022 meeting. Copy filed.
 4. To approve the claims totaling \$614,810.19. Copy filed.
 5. To approve and authorize the Chairperson to sign a Resolution setting the public hearing and sale date of parcel #894727230005, 1006 Dubuque St.

RESOLUTION #13,405 NOTICE OF PROPERTY SALE

WHEREAS Woodbury County, Iowa was the owner under a tax deed of a certain parcel of real estate described as:

Lot Five (5) in Block Nineteen (19) of Coles Addition to Sioux City, in the County of Woodbury and State of Iowa (1006 Dubuque Street)

NOW THEREFORE,

BE IT RESOLVED by the Board of Supervisors of Woodbury County, Iowa as follows:

1. That a public hearing on the aforesaid proposal shall be held on the **29th Day of March, 2022 at 4:35 o'clock p.m.** in the basement of the Woodbury County Courthouse.
2. That said Board proposes to sell the said parcel of real estate at a public auction to be held on the **29th Day of March, 2022**, immediately following the closing of the public hearing.
3. That said Board proposes to sell the said real estate to the highest bidder at or above a **total minimum bid of \$212.00** plus recording fees.
4. That this resolution, preceded by the caption "Notice of Property Sale" and except for this subparagraph 4 be published as notice of the

aforesaid proposal, hearing and sale.

Dated this 15th Day of March, 2022.
WOODBURY COUNTY BOARD OF SUPERVISORS
Copy filed.

- 6. To approve the reclassification of Patricia Raymond, Clerk II, County Treasurer Dept., effective 03-21-22, \$22.80/hour, 10.5%=\$2.20/hour. Per AFSCME Courthouse Contract agreement, from Grade 3/Step 4 to Grade 3/Step5. Copy filed.
- 7a. To approve the reappointment of Rachele Green to the Community Action Agency of Siouxland Board of Directors for a three-year term ending March 2025. Copy filed.
- 7b. To approve the reappointment of Jill Wanderscheid to the Community Action Agency of Siouxland Board of Directors for a three-year term ending March 2025. Copy filed.
- 8. To approve an application for a 12-month, Class C Liquor License with Outdoor Services and Sunday sales privileges for the Anthon Golf Course, effective 04/01/22 through 03/31/2023. Copy filed.
- 9. To approve the permit to work in the right of way for Brown's Lake area homeowners. Copy filed.

Carried 5-0.

- 10. The 2nd tier canvass of the 03-01-22 Westwood CSD Special Election was held. Motion by Radig second by Taylor to receive for signatures the canvass. Carried 5-0. Copy filed.

It was reported by Steve Hofmeyer, Deputy Commissioner of Elections.

For the public measure

Public Measure WW

Shall the following public measure be adopted?

Monona

For the question, there were:	Two (2) votes
Against the question, there were:	Zero (0) votes
TOTAL	Two (2) votes

Woodbury

For the question, there were:	Ninety-two (92) votes
Against the question, there were:	Nine (9) votes
TOTAL	One hundred one (101) votes

We therefore declare the public measure "Shall the following public measure be adopted?" to be adopted.

GRAND TOTAL	One hundred three (103) votes
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- 11. Motion by Taylor second by De Witt to approve Impact7G Inc. Professional Services Agreement dated 3/4/2022 for \$19,970.00. Carried 4-1; Radig was opposed. Copy filed.
- 13. Motion by Ung second by Taylor to authorize a request for proposals regarding the selection of a law firm for collective bargaining and union negotiations, and for that RFP to return to the board for approval at a future meeting. Carried 5-0. Copy filed.
- 14. The Board heard reports on committee meetings.
- 15. Chief Judge Patrick Tott addressed the Board with concerns about the future closure of the Law Enforcement Center and the impact on the Judicial District.

16. Board concerns were heard.

The Board adjourned the regular meeting until March 22, 2022.

Meeting sign in sheet. Copy filed.

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 03/16/2022 Weekly Agenda Date: 03/22/2022

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Mark J. Nahra, County Engineer

WORDING FOR AGENDA ITEM:

Consideration of permits to work in the county right of way

ACTION REQUIRED:

- | | | |
|--|---|--|
| Approve Ordinance <input type="checkbox"/> | Approve Resolution <input type="checkbox"/> | Approve Motion <input checked="" type="checkbox"/> |
| Public Hearing <input type="checkbox"/> | Other: Informational <input type="checkbox"/> | Attachments <input checked="" type="checkbox"/> |

EXECUTIVE SUMMARY:

Siouxland District health has requested permits to work in the right of way to install septic system outlets into county ditches.

BACKGROUND:

Work in county ROW requires permit by Board of Supervisors per section 318.8 of the Code of Iowa. SDHD is assisting landowners in the Brown's Lake area with a grant program that will install upgraded septic systems for the affected homes. These systems can legally and cleanly outlet to county road ditches. Attached are permits for the outlets.

FINANCIAL IMPACT:

No impact

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

Recommend approval of the permits for Browns Lake area homeowners.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the permit to work in the right of way for the Brown's Lake area homeowners and to direct the chair to sign the permit.

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 3/15/22 Weekly Agenda Date: 3/22/22

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: County Auditor - Pat Gill

WORDING FOR AGENDA ITEM:

Consideration and approval for liquor license for Oscar Carl Vineyard, Sioux City, Iowa

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

n/a

BACKGROUND:

n/a

FINANCIAL IMPACT:

Unknown at this time

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

Approve Motion

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve an application for a 12-Month, Class B Beer License (BB)(includes Wine Coolers) Class C Native Wine Permit, with Outdoor Service and Sunday Sales privileges for Oscar Carl Vineyard, effective 05/01/2022.

**Office Of The
AUDITOR/RECORDER
Of Woodbury County**

PATRICK F. GILL
Auditor/Recorder



Court House – Rooms 103
620 Douglas
Sioux City, Iowa 51101

Phone (712) 279-6702
Fax (712) 279-6629

To: Board of Supervisors
From: Patrick F. Gill, Auditor & Recorder
Date: March 15, 2022
Subject: Liquor License Application for the Oscar Carl Vineyard, Sioux City, Iowa.

Please approve an application for a 12-month Class B Beer (BB) permit with privileges of Class C Native Wine Permit (On-Premise Native Wine), Outdoor Service, and Sunday Sales for the Oscar Carl Vineyard, effective 05/01/2022.



State of Iowa

Alcoholic Beverages Division

Applicant

NAME OF LEGAL ENTITY	NAME OF BUSINESS(DBA)	BUSINESS
Room for More Enterprises, Inc.	Oscar Carl Vineyard	(712) 898-3400

ADDRESS OF PREMISES	CITY	COUNTY	ZIP
1473 Buchanan Avenue	Sioux City	Woodbury	51106

MAILING ADDRESS	CITY	STATE	ZIP
1473 Buchanan Avenue	Sioux City	Iowa	51106

Contact Person

NAME	PHONE	EMAIL
Melanie Olsen	(712) 251-9793	melanie.olsen@oscarcarlvineyard.com

License Information

LICENSE NUMBER	LICENSE/PERMIT TYPE	TERM	STATUS
BB0038156	Class B Beer Permit	12 Month	Submitted to Local Authority

TENTATIVE EFFECTIVE DATE	TENTATIVE EXPIRATION DATE	LAST DAY OF BUSINESS
May 1, 2022	Apr 30, 2023	

SUB-PERMITS

Class B Beer Permit, Class C Native Wine Permit



State of Iowa

Alcoholic Beverages Division

PRIVILEGES

Outdoor Service, Sunday Service

Status of Business

BUSINESS TYPE

Privately Held Corporation

Ownership

• Individual Owners

NAME	CITY	STATE	ZIP	POSITION	% OF OWNERSHIP	U.S. CITIZEN
Roy Olsen	Sioux City	Iowa	51106	Vice President / Treasurer	50.00	Yes
Melanie Olsen	Sioux City	Iowa	51106	President / Secretary	50.00	Yes

Insurance Company Information

INSURANCE COMPANY

Hastings Mutual Insurance Company

POLICY EFFECTIVE DATE

May 1, 2022

POLICY EXPIRATION DATE

May 1, 2023

DRAM CANCEL DATE

OUTDOOR SERVICE EFFECTIVE DATE

OUTDOOR SERVICE EXPIRATION DATE

BOND EFFECTIVE DATE

TEMP TRANSFER EFFECTIVE DATE

TEMP TRANSFER EXPIRATION DATE

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 3/16/2022 Weekly Agenda Date: 3/22/2022

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Mark J. Nahra, County Engineer

WORDING FOR AGENDA ITEM:

Receive and consider bids for annual corrugated metal pipe purchase for 2022, project CP-2022

ACTION REQUIRED:

- Approve Ordinance Approve Resolution Approve Motion
Public Hearing Other: Informational Attachments

EXECUTIVE SUMMARY:

The county road department annually takes bids for corrugated metal pipe culverts for use in road projects and driveways. Bids have been requested from pipe vendors for board consideration.

BACKGROUND:

The county road department stocks pipe for driveway construction and repairs as well as for use as cross road culverts. Several county project culverts are included in the annual bid as well to get better pricing as part of a large order.

FINANCIAL IMPACT:

The culverts are paid for with local funds.

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

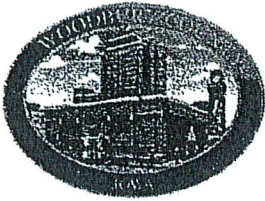
Yes No

RECOMMENDATION:

- 1) I recommend that the Board receive bids for project number CP-2022 and return them to the county engineer for review and recommendation.
- 2) If quotes show a clear low quote, the engineer may recommend award at the Board meeting after opening the quotes.

ACTION REQUIRED / PROPOSED MOTION:

- 1) Motion to receive bids for project number CP-2022 and return them to the county engineer for review and recommendation.
- 2) Motion to award bid if low quote is clearly determined by bid results.



Woodbury County Secondary Roads Department

759 E. Frontage Road • Merville, Iowa 51039
Telephone (712) 279-6484 • (712) 873-3215 • Fax (712) 873-3235

COUNTY ENGINEER
Mark J. Nahra, P.E.
mnahra@woodburycountyiowa.gov

ASSISTANT TO THE COUNTY ENGINEER
Benjamin T. Kusler, E.I.T.
bkusler@woodburycountyiowa.gov

SECRETARY
Tish Brice
tbrice@woodburycountyiowa.gov

WOODBURY COUNTY SECONDARY ROAD DEPARTMENT PERMIT & AGREEMENT TO PERFORM WORK WITHIN WOODBURY COUNTY RIGHT OF WAY

Name of Permittee: Richard Parker Phone No.: 712-574-0674
Mailing Address: 1 Bigelow Park Circle, Salix IA 51052
Township: 87 Section: 33

Woodbury County, State of Iowa, and Richard Parker (hereinafter referred to as property owner, organization or authorized representative) do hereby enter into the following permit and agreement:

1. Woodbury County hereby consents to and grants permission to the property owner, organization or authorized representative, to conduct the following described construction or activities within the right-of-way:

overflow
Install outlet for legal septic system to culvert on Bigelow Park Rd. Outlet pipe will be marked. Septic system has been approved by and upgraded in compliance with Siouxland District Health and Chapter 69 code requirements.

2. In consideration of Woodbury County granting said permission and consent, the property owner, organization or authorized representative hereby promises and agrees to the following:

A. The applicant shall carry on the construction, repair and maintenance with serious regard to the safety of the traveling public and adjacent property owners.

B. The property owner, organization or authorized representative, at his/her own expense, shall provide all safety measures and warning devices necessary to protect the traveling public such as but not limited to, signs, lights, and barricades during the day and at night if the roadway will be obstructed. Traffic protection shall be in accordance with Part VI of the current Manual on Uniform Traffic Control Devices for Streets and Highways. The Department will loan the required signs to the applicant who shall be responsible for placing the signs and covering or removing when not in use, removal after the work has been completed, and return of the Department owned signs to the Department maintenance facility from which obtained. The applicant shall be responsible for correctly using signs as needed while work is in progress. Flagging operations are the responsibility of the applicant.

C. In placing any drainage structure, no natural drainage course will be altered or blocked.

D. The finished project shall be left in a satisfactory condition subject to the approval of the County Engineer. The traveled portion of the roadway shall not be damaged or disturbed. The property owner, organization or authorized representative assumes all liability and agrees to reimburse Woodbury County for any damage to the roadway or ditch caused by placement of this structure. Permittee is to call County Engineer for upon completion for final inspection.

E. The property owner, organization or authorized representative shall notify all appropriate telephone and utility companies in advance of any excavation and shall check for underground electric or telephone lines.

F. Woodbury County will not assume any of the cost of the construction of the said improvement or structure nor will Woodbury County assume any future costs for maintenance or replacement of said improvement or structure. If in the best interest of Woodbury County, the said improvement or structure may be removed by the County, or may be caused to be removed, without any obligation by Woodbury County to pay damages or cost of replacement.

G. Property owner, organization or authorized representative will reseed and mulch the disturbed areas. Property owner, organization or authorized representative will be responsible for seed, mulch, and labor unless otherwise provided in section L.

H. The property owner, organization, or authorized representative hereby agrees to hold Woodbury County and the Woodbury County Secondary Road Department, its employees and agents harmless against any and all claims for damages and personal injury arising out of work performed or actions taken by the applicant related to the construction or maintenance of the facility. The applicant further agrees to reimburse the County or the Department for any expenditures that the County or Department may have to make on said highway rights of way on account of said applicant's construction or maintenance activity or other activities or lack thereof. The applicant shall also save Woodbury County and the Woodbury County Secondary Road Department harmless of any damage or losses that may be sustained by the traveling public on account of such construction, repair or maintenance operations, or other activities.

I. **FAILURE TO CONFORM TO OR TO ACQUIRE A PERMIT IS A VIOLATION OF SECTION 318.8, 2009 CODE OF IOWA.** This permit is subject to any laws now in effect or any laws that may be hereafter enacted and all applicable rules and regulations of local, state and federal agencies. This permit is subject to all the rules and regulations of Woodbury County and the Woodbury County Secondary Road Department.

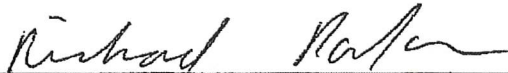
J. This permit is subject to revocation by the Department at any time and at no cost to the Department, when in the judgment of the Department it is necessary in the improvement or maintenance of the highway or for other reasonable cause.

K. All proposed work covered by this permit shall be at the applicant's expense. The applicant shall reimburse the Woodbury County Secondary Road Department for any materials removed from the highway right of way described as follows:

L. Woodbury County agrees to provide the following contribution toward completion of this project:

M. All work done by property owner, organization or authorized representative pursuant to this agreement shall be completed prior to the _____ day of _____, 2022.

Entered into this _____ day of _____, 2022.



Signature of Property Owner or Authorized Representative

Woodbury County Engineer

Chair, Woodbury County Board of Supervisors

Results

Parcel I
Alt Id -
Owner
(Deed)
Acres -
View: Pat
Report | I
Imagery |
new tab



Discharge to Bigelow Park Road

Tank

EcoFlow

Pump Pit

Bigelow Park Rd



Woodbury County Secondary Roads Department

759 E. Frontage Road • Merville, Iowa 51039
Telephone (712) 279-6484 • (712) 873-3215 • Fax (712) 873-3235

COUNTY ENGINEER
Mark J. Nagra, P.E.
mnagra@woodburycountyiowa.gov

ASSISTANT TO THE COUNTY ENGINEER
Benjamin T. Kusler, E.I.T.
bkusler@woodburycountyiowa.gov

SECRETARY
Tish Brice
tbrice@woodburycountyiowa.gov

WOODBURY COUNTY SECONDARY ROAD DEPARTMENT PERMIT & AGREEMENT TO PERFORM WORK WITHIN WOODBURY COUNTY RIGHT OF WAY

Name of Permittee: Danny Jones Phone No.: 712-389-1284

Mailing Address: #2 Lakeview Lane Salix, IA 51052

Township: 87 Section: 33

Woodbury County, State of Iowa, and Danny Jones (hereinafter referred to as property owner, organization or authorized representative) do hereby enter into the following permit and agreement:

1. Woodbury County hereby consents to and grants permission to the property owner, organization or authorized representative, to conduct the following described construction or activities within the right-of-way:

2-inch discharge line will be bored under Lakeview Lane. Outlet for legal septic system will be install in backslope of county ditch. Outlet pipes will be marked. Septic system has been approved by Siouxland District Health Department and issued a permit to install a septic system.

2. In consideration of Woodbury County granting said permission and consent, the property owner, organization or authorized representative hereby promises and agrees to the following:

A. The applicant shall carry on the construction, repair and maintenance with serious regard to the safety of the traveling public and adjacent property owners.

B. The property owner, organization or authorized representative, at his/her own expense, shall provide all safety measures and warning devices necessary to protect the traveling public such as but not limited to, signs, lights, and barricades during the day and at night if the roadway will be obstructed. Traffic protection shall be in accordance with Part VI of the current Manual on Uniform Traffic Control Devices for Streets and Highways. The Department will loan the required signs to the applicant who shall be responsible for placing the signs and covering or removing when not in use, removal after the work has been completed, and return of the Department owned signs to the Department maintenance facility from which obtained. The applicant shall be responsible for correctly using signs as needed while work is in progress. Flagging operations are the responsibility of the applicant.

C. In placing any drainage structure, no natural drainage course will be altered or blocked.

D. The finished project shall be left in a satisfactory condition subject to the approval of the County Engineer. The traveled portion of the roadway shall not be damaged or disturbed. The property owner, organization or authorized representative assumes all liability and agrees to reimburse Woodbury County for any damage to the roadway or ditch caused by placement of this structure. Permittee is to call County Engineer for upon completion for final inspection.

E. The property owner, organization or authorized representative shall notify all appropriate telephone and utility companies in advance of any excavation and shall check for underground electric or telephone lines.

F. Woodbury County will not assume any of the cost of the construction of the said improvement or structure nor will Woodbury County assume any future costs for maintenance or replacement of said improvement or structure. If in the best interest of Woodbury County, the said improvement or structure may be removed by the County, or may be caused to be removed, without any obligation by Woodbury County to pay damages or cost of replacement.

G. Property owner, organization or authorized representative will reseed and mulch the disturbed areas. Property owner, organization or authorized representative will be responsible for seed, mulch, and labor unless otherwise provided in section L.

H. The property owner, organization, or authorized representative hereby agrees to hold Woodbury County and the Woodbury County Secondary Road Department, its employees and agents harmless against any and all claims for damages and personal injury arising out of work performed or actions taken by the applicant related to the construction or maintenance of the facility. The applicant further agrees to reimburse the County or the Department for any expenditures that the County or Department may have to make on said highway rights of way on account of said applicant's construction or maintenance activity or other activities or lack thereof. The applicant shall also save Woodbury County and the Woodbury County Secondary Road Department harmless of any damage or losses that may be sustained by the traveling public on account of such construction, repair or maintenance operations, or other activities.

I. **FAILURE TO CONFORM TO OR TO ACQUIRE A PERMIT IS A VIOLATION OF SECTION 318.8, 2009 CODE OF IOWA.** This permit is subject to any laws now in effect or any laws that may be hereafter enacted and all applicable rules and regulations of local, state and federal agencies. This permit is subject to all the rules and regulations of Woodbury County and the Woodbury County Secondary Road Department.

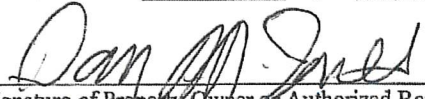
J. This permit is subject to revocation by the Department at any time and at no cost to the Department, when in the judgment of the Department it is necessary in the improvement or maintenance of the highway or for other reasonable cause.

K. All proposed work covered by this permit shall be at the applicant's expense. The applicant shall reimburse the Woodbury County Secondary Road Department for any materials removed from the highway right of way described as follows:

L. Woodbury County agrees to provide the following contribution toward completion of this project:

M. All work done by property owner, organization or authorized representative pursuant to this agreement shall be completed prior to the _____ day of _____, 2022.

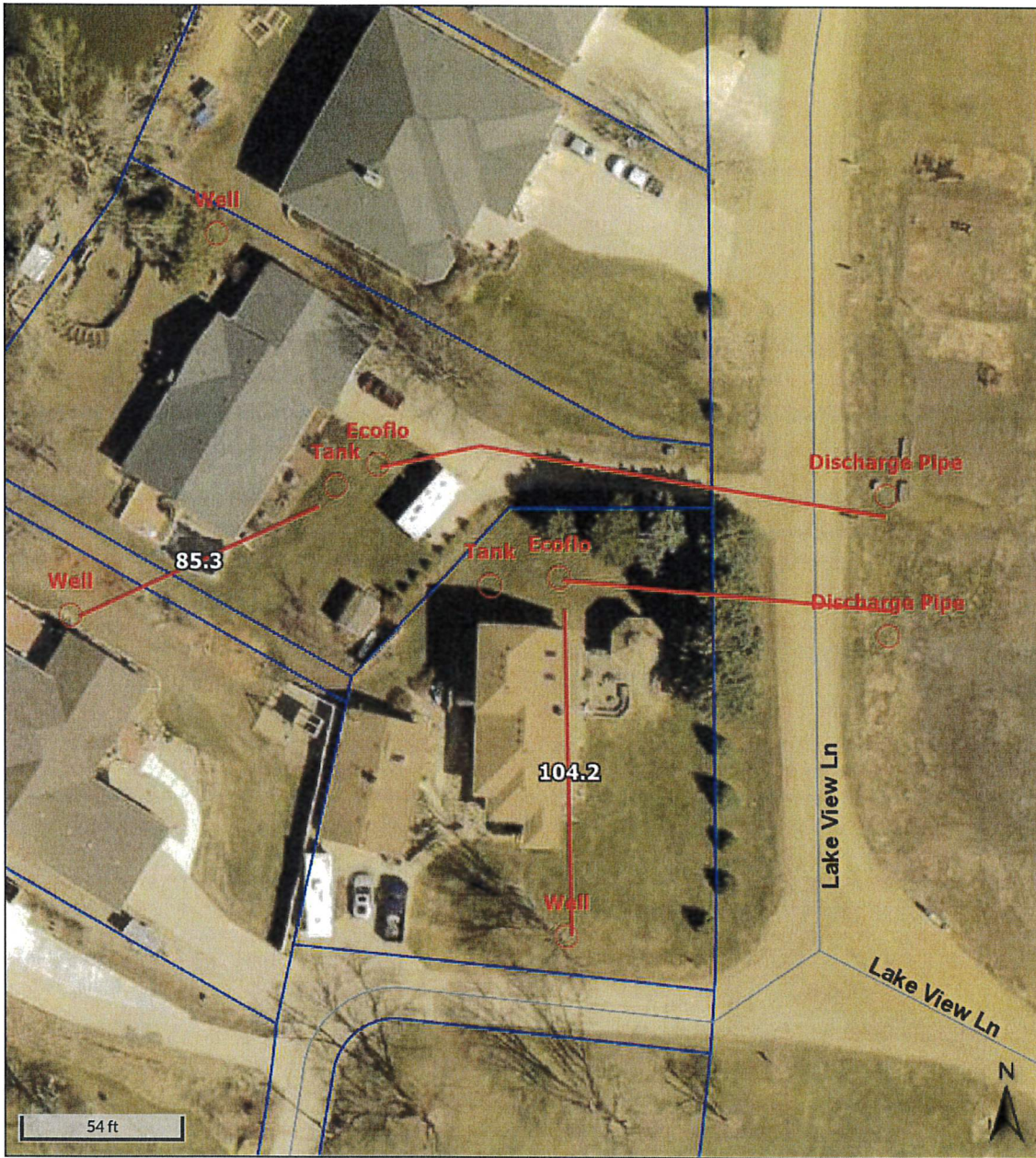
Entered into this _____ day of _____, 2022.



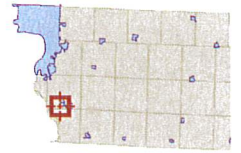
Signature of Property Owner or Authorized Representative

Woodbury County Engineer

Chair, Woodbury County Board of Supervisors



Overview



Legend

- Roads
- Corp Boundaries
- Townships
- Parcels

Date created: 3/3/2022
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Woodbury County Secondary Roads Department

759 E. Frontage Road • Merville, Iowa 51039
Telephone (712) 279-6484 • (712) 873-3215 • Fax: (712) 873-3235

COUNTY ENGINEER
Mark J. Nagra, P.E.
mnagra@woodburycountyia.gov

ASSISTANT TO THE COUNTY ENGINEER
Benjamin T. Kusler, E.I.T.
bkusler@woodburycountyia.gov

SECRETARY
Tish Brice
tbrice@woodburycountyia.gov

WOODBURY COUNTY SECONDARY ROAD DEPARTMENT PERMIT & AGREEMENT TO PERFORM WORK WITHIN WOODBURY COUNTY RIGHT OF WAY

Name of Permittee: Michael Norgelas Phone No.: 712-251-3477

Mailing Address: 21 Lakewind Lane Salix, IA 51052

Township: 87 Section: 33

Woodbury County, State of Iowa, and Michael Norgelas (hereinafter referred to as property owner, organization or authorized representative) do hereby enter into the following permit and agreement:

1. Woodbury County hereby consents to and grants permission to the property owner, organization or authorized representative, to conduct the following described construction or activities within the right-of-way:

Install outlet for legal septic system in back slope of county ditch. Outlet pipe will be marked.
Septic system has been approved by and upgraded in compliance with Stouland District Health and Chapter 64 code requirements.

2. In consideration of Woodbury County granting said permission and consent, the property owner, organization or authorized representative hereby promises and agrees to the following:
 - A. The applicant shall carry on the construction, repair and maintenance with serious regard to the safety of the traveling public and adjacent property owners.
 - B. The property owner, organization or authorized representative, at his/her own expense, shall provide all safety measures and warning devices necessary to protect the traveling public such as but not limited to, signs, lights, and barricades during the day and at night if the roadway will be obstructed. Traffic protection shall be in accordance with Part VI of the current Manual on Uniform Traffic Control Devices for Streets and Highways. The Department will loan the required signs to the applicant who shall be responsible for placing the signs and covering or removing when not in use, removal after the work has been completed, and return of the Department owned signs to the Department maintenance facility from which obtained. The applicant shall be responsible for correctly using signs as needed while work is in progress. Flagging operations are the responsibility of the applicant.
 - C. In placing any drainage structure, no natural drainage course will be altered or blocked.
 - D. The finished project shall be left in a satisfactory condition subject to the approval of the County Engineer. The traveled portion of the roadway shall not be damaged or disturbed. The property owner, organization or authorized representative assumes all liability and agrees to reimburse Woodbury County for any damage to the roadway or ditch caused by placement of this structure. Permittee is to call County Engineer for upon completion for final inspection.
 - E. The property owner, organization or authorized representative shall notify all appropriate telephone and utility companies in advance of any excavation and shall check for underground electric or telephone lines.

F. Woodbury County will not assume any of the cost of the construction of the said improvement or structure nor will Woodbury County assume any future costs for maintenance or replacement of said improvement or structure. If in the best interest of Woodbury County, the said improvement or structure may be removed by the County, or may be caused to be removed, without any obligation by Woodbury County to pay damages or cost of replacement.

G. Property owner, organization or authorized representative will reseed and mulch the disturbed areas. Property owner, organization or authorized representative will be responsible for seed, mulch, and labor unless otherwise provided in section L.

H. The property owner, organization, or authorized representative hereby agrees to hold Woodbury County and the Woodbury County Secondary Road Department, its employees and agents harmless against any and all claims for damages and personal injury arising out of work performed or actions taken by the applicant related to the construction or maintenance of the facility. The applicant further agrees to reimburse the County or the Department for any expenditures that the County or Department may have to make on said highway rights of way on account of said applicant's construction or maintenance activity or other activities or lack thereof. The applicant shall also save Woodbury County and the Woodbury County Secondary Road Department harmless of any damage or losses that may be sustained by the traveling public on account of such construction, repair or maintenance operations, or other activities.

I. **FAILURE TO CONFORM TO OR TO ACQUIRE A PERMIT IS A VIOLATION OF SECTION 318.8, 2009 CODE OF IOWA.** This permit is subject to any laws now in effect or any laws that may be hereafter enacted and all applicable rules and regulations of local, state and federal agencies. This permit is subject to all the rules and regulations of Woodbury County and the Woodbury County Secondary Road Department.


J. This permit is subject to revocation by the Department at any time and at no cost to the Department, when in the judgment of the Department it is necessary in the improvement or maintenance of the highway or for other reasonable cause.

K. All proposed work covered by this permit shall be at the applicant's expense. The applicant shall reimburse the Woodbury County Secondary Road Department for any materials removed from the highway right of way described as follows:

L. Woodbury County agrees to provide the following contribution toward completion of this project:

M. All work done by property owner, organization or authorized representative pursuant to this agreement shall be completed prior to the _____ day of _____, 2022.

Entered into this _____ day of _____, 2022.



Signature of Property Owner or Authorized Representative

Woodbury County Engineer

Chair, Woodbury County Board of Supervisors



Woodbury County Secondary Roads Department

759 E. Frontage Road • Merville, Iowa 51039
Telephone (712) 279-6484 • (712) 873-3215 • Fax (712) 873-3235

COUNTY ENGINEER
Mark J. Nahra, P.E.
mnahra@woodburycountyiowa.gov

ASSISTANT TO THE COUNTY ENGINEER
Benjamin T. Kusler, E.I.T.
bkusler@woodburycountyiowa.gov

SECRETARY
Tish Brice
tbrice@woodburycountyiowa.gov

WOODBURY COUNTY SECONDARY ROAD DEPARTMENT PERMIT & AGREEMENT TO PERFORM WORK WITHIN WOODBURY COUNTY RIGHT OF WAY

Name of Permittee: Richard and Deanna Brown Phone No.: 712-253-6022

Mailing Address: 23 Lakeview Lane Salix, IA 51052

Township: 87 Section: 33

Woodbury County, State of Iowa, and Richard and Deanna Brown (hereinafter referred to as property owner, organization or authorized representative) do hereby enter into the following permit and agreement:

1. Woodbury County hereby consents to and grants permission to the property owner, organization or authorized representative, to conduct the following described construction or activities within the right-of-way:

Install outlet for legal septic system in backslope of county ditch. Outlet pipe will be marked. Septic system has been approved by and upgraded in compliance with Siouxland District Health and Chapter 649 code requirements.

2. In consideration of Woodbury County granting said permission and consent, the property owner, organization or authorized representative hereby promises and agrees to the following:

A. The applicant shall carry on the construction, repair and maintenance with serious regard to the safety of the traveling public and adjacent property owners.

B. The property owner, organization or authorized representative, at his/her own expense, shall provide all safety measures and warning devices necessary to protect the traveling public such as but not limited to, signs, lights, and barricades during the day and at night if the roadway will be obstructed. Traffic protection shall be in accordance with Part VI of the current Manual on Uniform Traffic Control Devices for Streets and Highways. The Department will loan the required signs to the applicant who shall be responsible for placing the signs and covering or removing when not in use, removal after the work has been completed, and return of the Department owned signs to the Department maintenance facility from which obtained. The applicant shall be responsible for correctly using signs as needed while work is in progress. Flagging operations are the responsibility of the applicant.

C. In placing any drainage structure, no natural drainage course will be altered or blocked.

D. The finished project shall be left in a satisfactory condition subject to the approval of the County Engineer. The traveled portion of the roadway shall not be damaged or disturbed. The property owner, organization or authorized representative assumes all liability and agrees to reimburse Woodbury County for any damage to the roadway or ditch caused by placement of this structure. Permittee is to call County Engineer for upon completion for final inspection.

E. The property owner, organization or authorized representative shall notify all appropriate telephone and utility companies in advance of any excavation and shall check for underground electric or telephone lines.

F. Woodbury County will not assume any of the cost of the construction of the said improvement or structure nor will Woodbury County assume any future costs for maintenance or replacement of said improvement or structure. If in the best interest of Woodbury County, the said improvement or structure may be removed by the County, or may be caused to be removed, without any obligation by Woodbury County to pay damages or cost of replacement.

G. Property owner, organization or authorized representative will reseed and mulch the disturbed areas. Property owner, organization or authorized representative will be responsible for seed, mulch, and labor unless otherwise provided in section L.

H. The property owner, organization, or authorized representative hereby agrees to hold Woodbury County and the Woodbury County Secondary Road Department, its employees and agents harmless against any and all claims for damages and personal injury arising out of work performed or actions taken by the applicant related to the construction or maintenance of the facility. The applicant further agrees to reimburse the County or the Department for any expenditures that the County or Department may have to make on said highway rights of way on account of said applicant's construction or maintenance activity or other activities or lack thereof. The applicant shall also save Woodbury County and the Woodbury County Secondary Road Department harmless of any damage or losses that may be sustained by the traveling public on account of such construction, repair or maintenance operations, or other activities.

I. **FAILURE TO CONFORM TO OR TO ACQUIRE A PERMIT IS A VIOLATION OF SECTION 318.8, 2009 CODE OF IOWA.** This permit is subject to any laws now in effect or any laws that may be hereafter enacted and all applicable rules and regulations of local, state and federal agencies. This permit is subject to all the rules and regulations of Woodbury County and the Woodbury County Secondary Road Department.

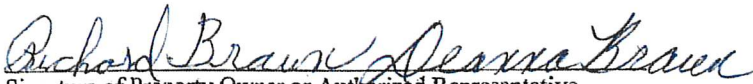
J. This permit is subject to revocation by the Department at any time and at no cost to the Department, when in the judgment of the Department it is necessary in the improvement or maintenance of the highway or for other reasonable cause.

K. All proposed work covered by this permit shall be at the applicant's expense. The applicant shall reimburse the Woodbury County Secondary Road Department for any materials removed from the highway right of way described as follows:

L. Woodbury County agrees to provide the following contribution toward completion of this project:

M. All work done by property owner, organization or authorized representative pursuant to this agreement shall be completed prior to the _____ day of _____, 2022.

Entered into this _____ day of _____, 2022.


Signature of Property Owner or Authorized Representative

Woodbury County Engineer

Chair, Woodbury County Board of Supervisors



Woodbury County Secondary Roads Department

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Mark J. Nahra, P.E.
mnahra@woodburycountyiowa.gov

ASSISTANT TO THE COUNTY ENGINEER
Benjamin T. Kusler, E.I.T.
bkusler@woodburycountyiowa.gov

SECRETARY
Tish Brice
tbrice@woodburycountyiowa.gov

WOODBURY COUNTY SECONDARY ROAD DEPARTMENT PERMIT & AGREEMENT TO PERFORM WORK WITHIN WOODBURY COUNTY RIGHT OF WAY

Name of Permittee: Tracy and Julie Nelson Phone No.: 712-251-4440

Mailing Address: 24 Lakeview Lane Salix, IA 51052

Township: 87 Section: 33

Woodbury County, State of Iowa, and Tracy and Julie Nelson (hereinafter referred to as property owner, organization or authorized representative) do hereby enter into the following permit and agreement:

1. Woodbury County hereby consents to and grants permission to the property owner, organization or authorized representative, to conduct the following described construction or activities within the right-of-way:

Install outlet for legal septic system in backslope of county ditch. Outlet pipe will be marked. Septic system has been approved by and upgraded in compliance with Siouxland District Health and Chapter 64 code requirements.

2. In consideration of Woodbury County granting said permission and consent, the property owner, organization or authorized representative hereby promises and agrees to the following:

A. The applicant shall carry on the construction, repair and maintenance with serious regard to the safety of the traveling public and adjacent property owners.

B. The property owner, organization or authorized representative, at his/her own expense, shall provide all safety measures and warning devices necessary to protect the traveling public such as but not limited to, signs, lights, and barricades during the day and at night if the roadway will be obstructed. Traffic protection shall be in accordance with Part VI of the current Manual on Uniform Traffic Control Devices for Streets and Highways. The Department will loan the required signs to the applicant who shall be responsible for placing the signs and covering or removing when not in use, removal after the work has been completed, and return of the Department owned signs to the Department maintenance facility from which obtained. The applicant shall be responsible for correctly using signs as needed while work is in progress. Flagging operations are the responsibility of the applicant.

C. In placing any drainage structure, no natural drainage course will be altered or blocked.

D. The finished project shall be left in a satisfactory condition subject to the approval of the County Engineer. The traveled portion of the roadway shall not be damaged or disturbed. The property owner, organization or authorized representative assumes all liability and agrees to reimburse Woodbury County for any damage to the roadway or ditch caused by placement of this structure. Permittee is to call County Engineer for upon completion for final inspection.

E. The property owner, organization or authorized representative shall notify all appropriate telephone and utility companies in advance of any excavation and shall check for underground electric or telephone lines.

F. Woodbury County will not assume any of the cost of the construction of the said improvement or structure nor will Woodbury County assume any future costs for maintenance or replacement of said improvement or structure. If in the best interest of Woodbury County, the said improvement or structure may be removed by the County, or may be caused to be removed, without any obligation by Woodbury County to pay damages or cost of replacement.

G. Property owner, organization or authorized representative will reseed and mulch the disturbed areas. Property owner, organization or authorized representative will be responsible for seed, mulch, and labor unless otherwise provided in section L.

H. The property owner, organization, or authorized representative hereby agrees to hold Woodbury County and the Woodbury County Secondary Road Department, its employees and agents harmless against any and all claims for damages and personal injury arising out of work performed or actions taken by the applicant related to the construction or maintenance of the facility. The applicant further agrees to reimburse the County or the Department for any expenditures that the County or Department may have to make on said highway rights of way on account of said applicant's construction or maintenance activity or other activities or lack thereof. The applicant shall also save Woodbury County and the Woodbury County Secondary Road Department harmless of any damage or losses that may be sustained by the traveling public on account of such construction, repair or maintenance operations, or other activities.

I. **FAILURE TO CONFORM TO OR TO ACQUIRE A PERMIT IS A VIOLATION OF SECTION 318.8, 2009 CODE OF IOWA.** This permit is subject to any laws now in effect or any laws that may be hereafter enacted and all applicable rules and regulations of local, state and federal agencies. This permit is subject to all the rules and regulations of Woodbury County and the Woodbury County Secondary Road Department.

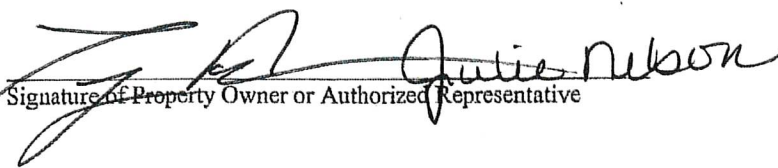
J. This permit is subject to revocation by the Department at any time and at no cost to the Department, when in the judgment of the Department it is necessary in the improvement or maintenance of the highway or for other reasonable cause.

K. All proposed work covered by this permit shall be at the applicant's expense. The applicant shall reimburse the Woodbury County Secondary Road Department for any materials removed from the highway right of way described as follows:

L. Woodbury County agrees to provide the following contribution toward completion of this project:

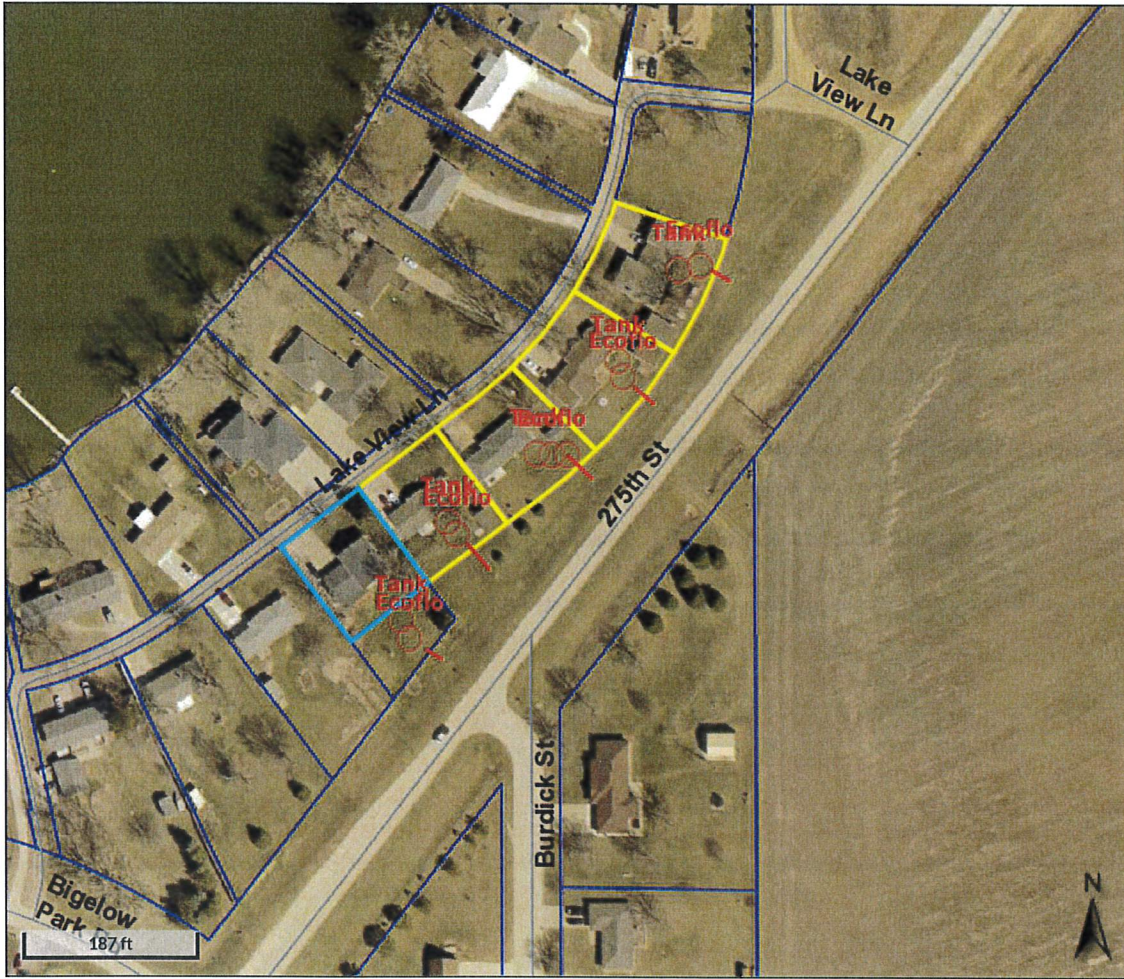
M. All work done by property owner, organization or authorized representative pursuant to this agreement shall be completed prior to the _____ day of _____, 2022.

Entered into this _____ day of _____, 2022.

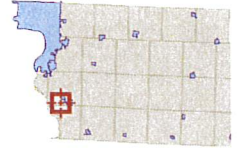

Signature of Property Owner or Authorized Representative

Woodbury County Engineer

Chair, Woodbury County Board of Supervisors



Overview



Legend

- Roads
- ▭ Corp Boundaries
- ▭ Townships
- ▭ Parcels

Parcel ID	874733327008	Alternate ID	765135	Owner Address	NORGELAS MICHAEL C & REGINA M
Sec/Twp/Rng	33-87-47	Class	R		21 LAKEVIEW LANE
Property Address	21 LAKEVIEW LN	Acres	0.28		SALIX, IA 51052-8106
	SALIX				

District 0043
 Brief Tax Description GALLAND LAKEVIEW SUB DIV PT GOVT LOT3 33-87-47 LOT21
 (Note: Not to be used on legal documents)

Date created: 3/3/2022
 Last Data Uploaded: 3/3/2022 6:33:00 PM

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 GEOSPATIAL



Woodbury County Secondary Roads Department

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Telephone (712) 279-6484 • (712) 873-3215 • Fax (712) 873-3235

COUNTY ENGINEER
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bkusler@woodburycountyiowa.gov

SECRETARY
Tish Brice
tbrice@woodburycountyiowa.gov

WOODBURY COUNTY SECONDARY ROAD DEPARTMENT PERMIT & AGREEMENT TO PERFORM WORK WITHIN WOODBURY COUNTY RIGHT OF WAY

Name of Permittee: Debra Westbrook Phone No.: 712-490-9849

Mailing Address: 22 Lakeview Lane Salix, IA 51052

Township: 87 Section: 33

Woodbury County, State of Iowa, and Debra Westbrook (hereinafter referred to as property owner, organization or authorized representative) do hereby enter into the following permit and agreement:

1. Woodbury County hereby consents to and grants permission to the property owner, organization or authorized representative, to conduct the following described construction or activities within the right-of-way:

Install outlet for legal septic system in backslope of county ditch. Outlet pipe will be marked. Septic system has been approved by and upgraded in compliance with Siouxland District Health and Chapter 64 code requirements.

2. In consideration of Woodbury County granting said permission and consent, the property owner, organization or authorized representative hereby promises and agrees to the following:

A. The applicant shall carry on the construction, repair and maintenance with serious regard to the safety of the traveling public and adjacent property owners.

B. The property owner, organization or authorized representative, at his/her own expense, shall provide all safety measures and warning devices necessary to protect the traveling public such as but not limited to, signs, lights, and barricades during the day and at night if the roadway will be obstructed. Traffic protection shall be in accordance with Part VI of the current Manual on Uniform Traffic Control Devices for Streets and Highways. The Department will loan the required signs to the applicant who shall be responsible for placing the signs and covering or removing when not in use, removal after the work has been completed, and return of the Department owned signs to the Department maintenance facility from which obtained. The applicant shall be responsible for correctly using signs as needed while work is in progress. Flagging operations are the responsibility of the applicant.

C. In placing any drainage structure, no natural drainage course will be altered or blocked.

D. The finished project shall be left in a satisfactory condition subject to the approval of the County Engineer. The traveled portion of the roadway shall not be damaged or disturbed. The property owner, organization or authorized representative assumes all liability and agrees to reimburse Woodbury County for any damage to the roadway or ditch caused by placement of this structure. Permittee is to call County Engineer for upon completion for final inspection.

E. The property owner, organization or authorized representative shall notify all appropriate telephone and utility companies in advance of any excavation and shall check for underground electric or telephone lines.

F. Woodbury County will not assume any of the cost of the construction of the said improvement or structure nor will Woodbury County assume any future costs for maintenance or replacement of said improvement or structure. If in the best interest of Woodbury County, the said improvement or structure may be removed by the County, or may be caused to be removed, without any obligation by Woodbury County to pay damages or cost of replacement.

G. Property owner, organization or authorized representative will reseed and mulch the disturbed areas. Property owner, organization or authorized representative will be responsible for seed, mulch, and labor unless otherwise provided in section L.

H. The property owner, organization, or authorized representative hereby agrees to hold Woodbury County and the Woodbury County Secondary Road Department, its employees and agents harmless against any and all claims for damages and personal injury arising out of work performed or actions taken by the applicant related to the construction or maintenance of the facility. The applicant further agrees to reimburse the County or the Department for any expenditures that the County or Department may have to make on said highway rights of way on account of said applicant's construction or maintenance activity or other activities or lack thereof. The applicant shall also save Woodbury County and the Woodbury County Secondary Road Department harmless of any damage or losses that may be sustained by the traveling public on account of such construction, repair or maintenance operations, or other activities.

I. FAILURE TO CONFORM TO OR TO ACQUIRE A PERMIT IS A VIOLATION OF SECTION 318.8, 2009 CODE OF IOWA. This permit is subject to any laws now in effect or any laws that may be hereafter enacted and all applicable rules and regulations of local, state and federal agencies. This permit is subject to all the rules and regulations of Woodbury County and the Woodbury County Secondary Road Department.

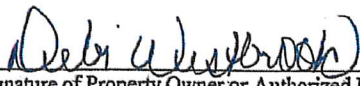
J. This permit is subject to revocation by the Department at any time and at no cost to the Department, when in the judgment of the Department it is necessary in the improvement or maintenance of the highway or for other reasonable cause.

K. All proposed work covered by this permit shall be at the applicant's expense. The applicant shall reimburse the Woodbury County Secondary Road Department for any materials removed from the highway right of way described as follows:

L. Woodbury County agrees to provide the following contribution toward completion of this project:

M. All work done by property owner, organization or authorized representative pursuant to this agreement shall be completed prior to the _____ day of _____, 2022.

Entered into this _____ day of _____, 2022.



Signature of Property Owner or Authorized Representative

Woodbury County Engineer

Chair, Woodbury County Board of Supervisors

Site Plan: 22 Lakeview Lane

ry County, IA / Sioux City

Log In  Search

Results Comp Results Parcel Report Soil Report Pictometry Imagery



327010
7
VIEWLN

Alternate ID 765150
Class R
Acreage 0.28

Owner Address WESTBROOK DEBRA JOANE
22 LAKEVIEW LN
SALIX, IA 51052

0043
GALLAND LAKEVIEW SUB DIV PT GOVT LOT3 33-87-47 LOT22
(Note: Not to be used on legal documents)

WOODBURY COUNTY BOARD OF SUPERVISORS AGENDA ITEM(S) REQUEST FORM

Date: 3/17/22

Weekly Agenda Date: 3/22/22

ELECTED OFFICIAL / DEPARTMENT HEAD / CITIZEN: Daniel Priestley, CED Zoning Co

WORDING FOR AGENDA ITEM:

Public Hearing and First Reading to Amend the Text in Section 5.03: Floodplain Management Ordinance in the Woodbury County Zoning Ordinance

ACTION REQUIRED:

Approve Ordinance

Approve Resolution

Approve Motion

Public Hearing

Other: Informational

Attachments

EXECUTIVE SUMMARY:

The Board will hold a public hearing to discuss a proposed amendment to the Zoning Ordinance. Upon closing the public hearing and subject to the Board's will based on public testimony, the Board may approve the Ordinance and conduct the first reading of the proposed amendment.

BACKGROUND:

In 2019, the Iowa Department of Natural Resources (IDNR) provided the Woodbury County Community and Economic Development staff with an updated draft floodplain ordinance that meets both federal and state guidelines in terms of regulating the Special Flood Hazard Area (SFHA). This language is compliant with maintaining the county's status in the National Flood Insurance Program (NFIP). As Woodbury County is a delegated community, the IDNR has review and approval authority over the ordinances in which the county uses to regulate the SFHA.

The enclosed draft ordinance has been provided and approved by the IDNR and recommended by the Woodbury County Zoning Commission following a series of public meetings that occurred on July 22, 2019, November 25, 2019, January 27, 2020, March 23, 2020, April 26, 2021, May 24, 2021, and February 28, 2022. The Zoning Commission held its required public hearing on May 24, 2021 to discuss the proposed amendment to the Zoning Ordinance. There were no persons from the public/county in attendance and no written or verbal comments were received via mail, email, fax or phone. After review, the Commission voted unanimously (5-0) in favor to recommend the Board of Supervisors approve the ordinance amendments as proposed. As required, the IDNR provided comment and approval of the draft on June 1, 2021 and February 17, 2022. Following the final approval by the IDNR, the draft was returned to the Zoning Commission who voted once again in a 4-0 vote to offer their recommendation for adoption on February 28, 2022.

The adoption of this ordinance is in anticipation of the ongoing adoption process of FEMA's draft floodplain maps (<https://ifis.iowafloodcenter.org/ifis/newmaps/hazard/>) as well as bringing the ordinance into compliance with FEMA's latest regulations. The IDNR stated that their approved floodplain ordinance has been adopted by the following regional counties: Cherokee; Crawford; O'Brien; Emmet; Lyon; Palo Alto; Clay; and Osceola. Also, the following counties are currently in the process of updating their ordinances: Monona; Ida; Sac; and Sioux. Lastly, Plymouth, Dickinson, and Buena Vista are expected to be adopted before this fall.

Staff recommends approval of the amendment as proposed.

FINANCIAL IMPACT:

0

IF THERE IS A CONTRACT INVOLVED IN THE AGENDA ITEM, HAS THE CONTRACT BEEN SUBMITTED AT LEAST ONE WEEK PRIOR AND ANSWERED WITH A REVIEW BY THE COUNTY ATTORNEY'S OFFICE?

Yes No

RECOMMENDATION:

Approve the Ordinance to amend Section 5.03: Floodplain Management Ordinance in the Woodbury County Zoning Ordinance.

Conduct the 1st reading of the Ordinance.

ACTION REQUIRED / PROPOSED MOTION:

Motion to approve the Ordinance to amend Section 5.03: Floodplain Management Ordinance in the Woodbury County Zoning Ordinance.

Motion to conduct the 1st reading of the ordinance.



WOODBURY COUNTY
COMMUNITY & ECONOMIC DEVELOPMENT

620 DOUGLAS STREET – SIOUX CITY, IA 51101

Dan Priestley · Zoning Coordinator · dpriestley@woodburycountyiowa.gov
Dawn Norton · Sr. Clerk · dnorton@woodburycountyiowa.gov
Telephone (712) 279-6609 Fax (712) 279-6530

REPORT – March 17, 2022

ZONING ORDINANCE TEXT AMENDMENT PROPOSAL

Section 5.03: FLOODPLAIN MANAGEMENT ORDINANCE

BACKGROUND, ZONING COMMISSION RECOMMENDATION AND STAFF RECOMMENDATION:

In 2019, the Iowa Department of Natural Resources (IDNR) provided the Woodbury County Community and Economic Development staff with an updated draft floodplain ordinance that meets both federal and state guidelines in terms of regulating the Special Flood Hazard Area (SFHA). This language is compliant with maintaining the county's status in the National Flood Insurance Program (NFIP). As Woodbury County is a delegated community, the IDNR has review and approval authority over the ordinances in which the county uses to regulate the SFHA.

The enclosed draft ordinance has been provided and approved by the IDNR and recommended by the Woodbury County Zoning Commission following a series of public meetings that occurred on July 22, 2019, November 25, 2019, January 27, 2020, March 23, 2020, April 26, 2021, May 24, 2021, and February 28, 2022. The Zoning Commission held its required public hearing on May 24, 2021 to discuss the proposed amendment to the Zoning Ordinance. There were no persons from the public/county in attendance and no written or verbal comments were received via mail, email, fax or phone. After review, the Commission voted unanimously (5-0) in favor to recommend the Board of Supervisors approve the ordinance amendments as proposed. As required, the IDNR provided comment and approval of the draft on June 1, 2021 and February 17, 2022. Following the final approval by the IDNR, the draft was returned to the Zoning Commission who voted once again in a 4-0 vote to offer their recommendation for adoption on February 28, 2022.

The adoption of this ordinance is in anticipation of the ongoing adoption process of FEMA's draft floodplain maps (<https://ifis.iowafloodcenter.org/ifis/newmaps/hazard/>) as well as bringing the ordinance into compliance with FEMA's latest regulations. The IDNR stated that their approved floodplain ordinance has been adopted by the following regional counties: Cherokee; Crawford; O'Brien; Emmet; Lyon; Palo Alto; Clay; and Osceola. Also, the following counties are currently in the process of updating their ordinances: Monona; Ida; Sac; and Sioux. Lastly, Plymouth, Dickinson, and Buena Vista are expected to be adopted before this fall.

Staff recommends approval of the amendment as proposed.

PUBLIC COMMENTS:

No public comments have been received as of March 17, 2022.

SUMMARY OF ZONING ORDINANCE TEXT AMENDMENT: Floodplain Management Ordinance. A proposal to amend the text of the Woodbury County Zoning Ordinance to repeal and replace Section 5.03: Floodplain Management Ordinance with a revised Floodplain Management Ordinance. The ordinance establishes floodplain zoning overlay districts for the flood hazard areas within the unincorporated area of Woodbury County as identified by the flood insurance study and regulates development only in those floodplain zones. This ordinance establishes a development permit system which requires a permit for all development within the floodplain zones. The proposed ordinance is designed to meet the minimum requirements for acceptance in the National Flood Insurance Program as required by the Federal Emergency Management Agency. Specific floodplain management criteria are set forth in Section 60.3(d) of the rules and regulations as published in the October 1, 1994, Federal Register. This ordinance is a special-purpose zoning ordinance established under authority of Chapter 335 of the Iowa Code. Violations of the provision of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than 30 days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Woodbury County from taking such other lawful action as it is necessary to prevent or remedy violation.

PUBLICATION:

Publication of the public hearing dates and times before the Woodbury County Board of Supervisors was placed in the public notices sections of the following papers: Danbury Review (March 16, 2022); Merville Record (March 17, 2022); Sergeant Bluff Advocate (March 17, 2022); and the Sioux City Journal (March 17, 2022).

ZONING COMMISSION MINUTES – MAY 24, 2021

Minutes - Woodbury County Zoning Commission Meeting – May 24, 2021

The Zoning Commission (ZC) meeting convened on the 24th of May 2021 at 6:00 PM in the first-floor board room of the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present: Chris Zellmer Zant, Tom Bride, Barb Parker, Corey Meister, Jeffrey O'Tool
County Staff Present: David Gleiser, Dan Priestley
Public Present: Joshua Watson, Agent of US Cellular (USC)

Call to Order

Chair Zellmer Zant formally called the meeting to order at 6:02 PM.

Public Comment on Matters Not on the Agenda

None.

Approval of Minutes

The 4/26/21 minutes were approved. Motion to approve: O'Tool. Second: Parker. Vote: 5-0.

Public Hearing on Floodplain Management Ordinance Proposal

Director Gleiser read the summary of zoning ordinance text amendment into the record and provided a chronological timeline of the county's work with the floodplain management ordinance. The Commission recognized reviewing the ordinance at 5 of their previous public meetings and during their current public hearing. Throughout the Commission's review of the ordinance, there has been unanimous consensus on adopting the least restrictive criteria possible. As proposed, the ordinance complies with both federal and state regulations. Motion to recommend approval of the ordinance as proposed to the Board of Supervisors: Parker. Second: Bride. Motion passed: 5-0.

Conditional Use Permit (CUP) – Cellular Tower Proposal

Director Gleiser read the preliminary report and staff recommendation into the record. Gleiser noted the application was complete, thorough, and adequately met the criteria to be issued a CUP. Joshua Watson, representative agent of USC was present and addressed the Commission's general questions relating the CUP application. Coordinator Priestley stated that since the printing/distribution of the meeting packet, Northern Natural Gas (NNG) was the only entity to contact the CED office regarding the project. NNG stated they have no issues with the project. Motion to recommend approval of the CUP application the Board of Adjustment: O'Tool. Second: Parker. Motion passed: 5-0.

Public Comment on Matters Not on the Agenda

None.

Commissioner Comment or Inquiry

None.

Adjourn

Motion to adjourn: Parker. Second: Meister. Motion passed: 5-0. Meeting adjourned at 6:22 PM.

ZONING COMMISSION DRAFT MINUTES – FEBRUARY 28, 2022

Minutes - Woodbury County Zoning Commission Meeting – February 28, 2022

The Zoning Commission (ZC) meeting convened on the 28th of February at 6:00 PM in the first-floor board room of the Woodbury County Courthouse. The meeting was also made available via teleconference.

ZC Members Present: Chris Zellmer Zant, Tom Bride, Jeff O'Tool, Corey Meister
County Staff Present: Dan Priestley
Public Present: Gwendolyn Hodges (teleconference), Craig Beedle (teleconference)

Call to Order

Chair Chris Zellmer Zant formally called the meeting to order at 6:00 PM.

Public Comment on Matters Not on the Agenda

None.

Approval of Minutes

The 1/24/22 minutes were approved. Motion to approve: Bride. Second: Meister. Motion approved 3-0 with 1 Abstention: O'Tool.

Public Hearing: Infinite View Addition Minor Subdivision Proposal

Priestley read the staff report into the record. Gwendolyn M. Hodges has filed an application for a three-lot minor subdivision on the property as referenced above. The purpose is to divide the parcel into three lots including one for the homestead and two for agricultural lots that will continue to be farmed. This proposal has been properly noticed in the Sioux City Journal Legals Section on February 11, 2022. The neighbors within 1000 FT have been duly notified via a February 11, 2022 letter about the February 28, 2022 Zoning Commission Public Hearing. As of February 21, 2022, two phone inquiries and one written comment about the potential for industrial development were received. Appropriate stakeholders including government agencies, utilities, and organizations have been notified and have been requested to comment. No comments of opposition were received. The Woodbury County Engineer found the proposal in compliance with Iowa Code closure requirements and found that the lots have adequate access. Extraterritorial review was waived by the City of Salix via Resolution No. 2022-3 on January 12, 2022. The property is located in the Special Flood Hazard Area (Zone A - Floodplain). The applicant received the Base Flood Elevation (BFE) determination from the Iowa DNR and that data will be subsequently recorded in the Woodbury County Recorder's office (Lot 1: 1083.7 FT; Lot 2: 1084.2 FT; Lot 3: 1084.3 FT). Based on the information received and the requirements set forth in the Zoning and Subdivision Ordinances, this proposal meets the appropriate criteria for approval. It is the recommendation of staff to approve this proposal. Bride inquired if the well and septic were contained on Lot 1. Priestley stated that according to the surveyor, they are contained on the lot. Motion to close the public hearing: O'Tool. Second: Meister. Motion approved. 4-0. Motion to recommend approval of the Infinite View Addition to the Board of Supervisors: O'Tool. Second: Meister. Motion approved 4-0.

Rules of Procedure for Zoning Commission Adoption

Priestley presented the Zoning Commission Rules of Procedure that were formally approved by the Woodbury County Board of Supervisors on February 8, 2022. Motion to adopt: Meister. Second: O'Tool. Motion approved 4-0.

Draft Floodplain Ordinance Update

Priestley offered an update about the status of the draft floodplain development ordinance that was recommended for approval to the Board of Supervisors by the Zoning Commission on May 24, 2021. The approval process was placed on hold during the summer of 2021. The Iowa Department of Natural Resources (IDNR) reviewed the ordinance draft on June 1, 2021 and February 17, 2022 and provided approval with some minor adjustments for clarification and formatting. The IDNR revisions were presented to Zoning Commission for their review and recommendation to the Board of Supervisors. Motion to accept the IDNR changes and recommend approval of the draft floodplain ordinance to the Board of Supervisors: O'Tool. Second: Meister. Motion approved 4-0.

Public Comment on Matters Not on the Agenda

None.

Commissioner Comment or Inquiry

None.

Staff Update

Priestley stated that the approval of the draft floodplain maps are being delayed by FEMA due to an issue with the proposed panel numbers. The draft floodplain maps are the same. The FEMA public notice process will likely begin again around July of 2022 and the maps could likely be adopted in February of 2024.

Adjourn

Motion to adjourn: O'Tool. Second: Meister. Motion approved 4-0. Meeting adjourned at 6:30 PM.

WOODBURY COUNTY, IOWA

ORDINANCE NO. ____

AN ORDINANCE AMENDING THE TEXT OF THE WOODBURY COUNTY ZONING ORDINANCE TO REPEAL AND REPLACE SECTION 5.03 ENTITLED "FLOODPLAIN MANAGEMENT ORDINANCE" WITH A REVISED "FLOODPLAIN MANAGEMENT ORDINANCE" THAT MEETS THE MINIMUM REQUIREMENTS FOR ACCEPTANCE IN THE NATIONAL FLOOD INSURANCE PROGRAM FOR COUNTIES WHICH HAVE A DETAILED FLOOD INSURANCE STUDY (FIS) ISSUED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY (FEMA).

NOW, THEREFORE, BE IT ENACTED BY THE BOARD OF SUPERVISORS OF WOODBURY COUNTY, IOWA THAT THE BELOW ZONING ORDINANCE LANGAUGE AMENDMENT BE MADE:

Amendment #1 –

Beginning on page 56: remove Section 5.03: Floodplain Management Ordinance and replace with the following:

Section 5.03: Floodplain Management Ordinance

1. Definitions

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

- A. Appurtenant Structure** – A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
- B. Base Flood** - The flood having one (1) percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the "100-year flood").
- C. Base Flood Elevation (BFE)** – The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
- D. Basement** - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
- E. Development** - Any man-made 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, and similar practices that do not involve filling or grading.
- F. Enclosed Area Below Lowest Floor** – 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 5.03-7 B(4)(a) of this Ordinance, 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, furnace, electrical service) 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.

- G. Existing Construction** - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.
- H. Existing Factory-Built Home Park Or Subdivision** - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
- I. Expansion Of Existing Factory-Built Home Park Or SUBDIVISION** - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- J. Factory-Built Home** - 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 Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
- K. Factory-Built Home Park Or Subdivision** - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
- L. Five Hundred (500) Year Flood** – A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.
- M. Flood** - 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.
- N. Flood Insurance Rate Map (FIRM)** - 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.
- O. Flood Insurance Study (FIS)** – A report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
- P. Floodplain** - Any land area susceptible to being inundated by water as a result of a flood.
- Q. Floodplain Management** - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
- R. Floodproofing** - 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.
- S. Floodway** - The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
- T. Floodway Fringe** - Those portions of the Special Flood Hazard Area outside the floodway.
- U. Highest Adjacent Grade** – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure
- V. Historic Structure** - 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 of 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 communities with historic preservation programs 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.

W. Lowest Floor - The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

X. Maximum Damage Potential Development - 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.

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

Z. New Construction - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

AA. New Factory-Built Home Park Or Subdivision - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.

BB. Recreational Vehicle - A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less 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.

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

- (1) Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- (2) Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- (3) Basement sealing;
- (4) Repairing or replacing damaged or broken window panes;
- (5) Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.

DD. Special Flood Hazard Area (SFHA) – The land within a community subject to the "base flood". This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.

EE. 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.

FF. Structure - 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, grain storage facilities and/or other similar uses.

GG. Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

HH. Substantial Improvement - Any improvement to a structure which satisfies either of the following criteria:

- (1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement, or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.
- (2) The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
- (3) Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.

II. Variance - A grant of relief by a community from the terms of the floodplain management regulations.

JJ. Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.

2. Statutory Authority, Findings of Fact and Purpose

A. The Legislature of the State of Iowa has in Chapter 335, Code of Iowa, as amended, delegated the power to counties to enact zoning regulations to secure safety from flood and to promote health and the general welfare.

B. Findings of Fact

- (1) The flood hazard areas of Woodbury County 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.

- (2) These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
- (3) This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

C. **Statement of Purpose.** It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of Woodbury County 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 5.03-2.B(1) of this Ordinance with provisions designed to:

- (1) Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
- (2) 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.
- (3) 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.
- (4) Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
- (5) Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

3. General Provisions

- A. **Lands to Which Ordinance Apply.** The provisions of this Ordinance shall apply to all lands within the jurisdiction of Woodbury County shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Floodplain and Shallow Flooding (Overlay) Districts, as established in section 5.03-5 below.
- B. **Establishment of Official Floodplain Zoning Map.** The Flood Insurance Rate Map (FIRM) for Woodbury County and Incorporated Areas, dated March 2, 2015, which were prepared as part of the Flood Insurance Study for Woodbury County, is (are) hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The Woodbury County Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.
- C. **Rules for Interpretation of District Boundaries.** The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Director shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Director in the enforcement or administration of this Ordinance.
- D. **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 Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.
- E. **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

- F. Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
- G. Warning and Disclaimer of Liability. The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Woodbury County or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.
- H. Severability. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

4. Administration

A. Appointment, Duties and Responsibilities of Local Official

- (1) The Zoning Director is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.
- (2) Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:
 - (a) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
 - (b) Review floodplain development 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 floodplain construction.
 - (c) Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988 of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.
 - (d) Notify adjacent communities/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.
 - (e) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.
 - (f) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
 - (g) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
 - (h) Review subdivision proposals to ensure such proposals are consistent with the purpose of this ordinance and advise the Zoning Commission of potential conflict.
 - (i) Maintain the accuracy of the community's Flood Insurance Rate Maps when;
 - (i) Development placed within the Floodway (Overlay) District results in any of the following:
 - (1) An increase in the Base Flood Elevations, or
 - (2) Alteration to the floodway boundary
 - (ii) 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
 - (iii) 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.

- (j) Perform site inspections to ensure compliance with the standards of this Ordinance.
- (k) Forward all requests for Variances to the Board of Adjustment for consideration. Ensure all requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.

B. Floodplain Development Permit

- (1) Permit Required - A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, storage of materials and equipment, excavation or drilling operations), including the placement of factory-built homes..
- (2) Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:
 - (a) Description of the work to be covered by the permit for which application is to be made.
 - (b) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
 - (c) Location and dimensions of all structures and additions
 - (d) Indication of the use or occupancy for which the proposed work is intended.
 - (e) Elevation of the base flood.
 - (f) Elevation (in relation to North American Vertical Datum 1988 of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.
 - (g) For structures being improved or rebuilt, the estimated cost of improvements and market value of the structure prior to the improvements.
 - (h) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
- (3) Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the County Board of Adjustment.
- (4) Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based 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 Ordinance. 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, structure floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

5. Establishment of Zoning (Overlay) Districts. The floodplain areas within the jurisdiction of this ordinance are hereby divided into the following districts:

- A. Floodway (Overlay) District (FW) – those areas identified as Floodway on the Official Flood Plain Zoning Map;
- B. Floodway Fringe (Overlay) District (FF) – those areas identified as Zone AE on the Official Flood Plain Zoning Map but excluding those areas identified as Floodway;

- C. General Floodplain (Overlay) District (GF) – those areas identified as Zone A on the Official Flood Plain Zoning Map, and;
- D. Shallow Flooding (Overlay) District (SF) – those areas identified as Zone AO or AH on the Official Flood Plain Zoning Map.

The boundaries shall be as shown on the Official Floodplain Zoning Map. Within these districts, all uses not allowed as Permitted Uses are prohibited unless a variance to the terms of this ordinance is granted after due consideration by the Board of Adjustment.

6. Floodway (Overlay) District (FW)

A. Permitted Uses

All development within the Floodway District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway District.

B. Performance Standards

All Floodway District uses allowed as a Permitted Use shall meet the following standards.

- (1) No development shall be permitted in the Floodway District that would result in any increase in the base flood elevation. 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 development within the Floodway District 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 development 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, 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.
- (5) Structures, if permitted, shall have 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 District 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.

7. Floodway Fringe (Overlay) District (FF)

A. Permitted Uses

All development within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

B. Performance Standards

All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1) foot. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

(1) All development shall:

- (a) Be designed and adequately anchored to prevent flotation, collapse or lateral movement.
- (b) Use construction methods and practices that will minimize flood damage.
- (c) Use construction materials and utility equipment that are resistant to flood damage.

(2) Residential structures - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the base flood elevation. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the base flood elevation and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or extended foundations) may be allowed 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 located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

(3) Non-residential structures - All new or substantially improved non-residential structures shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the base flood elevation, 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 base flood; and that the structure, below the base 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 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:
 - (i) A minimum of two (2) 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.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.
 - (iii) 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 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 on non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation.
 - (d) New and substantially improved structures 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 (1) foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.
- (5) Factory-built homes:
- (a) All new and substantially improved 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 (1) foot above the base flood elevation.
 - (b) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.
- (6) Utility and Sanitary Systems:
- (a) On-site wastewater 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 (1) foot above the base 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 (1) foot above the base 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 that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood elevation. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
- (8) Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the base flood with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.
- (9) Watercourse alterations or relocations 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.

(10) 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 Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the base flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include base flood elevation data for those areas located within the Floodway Fringe (Overlay) District.

(11) Accessory Structures to Residential Uses

- (a) 1) Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the base flood elevation requirements where the following criteria are satisfied:
- (i) The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.
 - (ii) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
 - (iii) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 - (iv) The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.
 - (v) e. The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
 - (vi) f. The structure's walls shall include openings that satisfy the provisions of 5.03-7 B (4)(a) of this Ordinance.
- b. 2) Exemption from the base 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 5.03-7 B (5) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
- (i) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
 - (ii) 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 5.03-7 B (5) of this Ordinance regarding anchoring and elevation of factory-built homes.

(13) 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.

(14) Maximum Damage Potential Development – All new or substantially improved maximum damage potential development 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 0.2% annual chance flood; and that the structure, below the 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 Administrator. Where 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 will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

8. General Floodplain (Overlay) District (GF)

A. Permitted Uses

(1) All development within the General Floodplain District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the General Floodplain District. .

(2) Any development which involves 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 Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.

(3) Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:

- (a) The bridge or culvert is located on a stream that drains less than one hundred (100) square miles, and
- (b) The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(1)b, Iowa Administrative Code.

B. Performance Standards

(1) All development, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District subsection 5.03-6.

(2) All development, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District subsection 5.03-7.

9. Shallow Flooding (Overlay) District (SF)

A. Permitted Uses. All development within the Shallow Flooding District shall be permitted to the extent that it is not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District.

B. Performance Standards. The performance standards for the Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:

(1) In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of 2.0 ft. 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 floodproofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.

- (3) In shallow flooding areas designated as either an AH or AO Zone on the Flood Insurance Rate Map, drainage paths are required around structures on slopes to adequately guide floodwaters around and away from proposed structures.

10. Appointment and Duties of Board of Adjustment

A Board of Adjustment is hereby established which shall hear and decide (i) appeals, and (ii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the Board.

- A. Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.
- B. Variance - The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.
 - (1) 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.
 - (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base 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.
 - (3) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (4) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, 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 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
 - (5) All variances granted shall have the concurrence or approval of the Department of Natural Resources.
- C. Hearings and Decisions of the Board of Adjustment
 - (1) Hearings. Upon the filing with the Board of Adjustment of an Appeal or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.
 - (2) Decisions. The Board shall arrive at a decision on an Appeal or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Variance, the

Board shall consider such factors as contained in this section and all other relevant sections of this ordinance and may prescribe such conditions as contained in subsection (b) below.

- (a) Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:
- (i) The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - (ii) The danger that materials may be swept on to other land or downstream to the injury of others.
 - (iii) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - (iv) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (v) The importance of the services provided by the proposed facility to the County.
 - (vi) The requirements of the facility for a floodplain location.
 - (vii) The availability of alternative locations not subject to flooding for the proposed use.
 - (viii) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (ix) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - (x) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (xi) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
 - (xii) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
 - (xiii) Such other factors which are relevant to the purpose of this Ordinance.
- (b) Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:
- (i) Modification of waste disposal and water supply facilities.
 - (ii) Limitation of periods of use and operation.
 - (iii) Imposition of operational controls, sureties, and deed restrictions.
 - (iv) 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 Ordinance.
 - (v) Floodproofing measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the

floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

- (3) Appeals to the Court - Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

11. Nonconforming Uses

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
 - (1) If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.
 - (2) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
 - (3) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. 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.
- B. Except as provided in 5.03-11 A (2), any use which has been permitted as a Variance shall be considered a conforming use.

12. Penalties for Violation

Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than 30 days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Woodbury County from taking such other lawful action as is necessary to prevent or remedy violation.

13. Amendments

The regulations and standards set forth in this Ordinance 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.

ADOPTED AND PASSED by the Board of Supervisors of Woodbury County, Iowa

Dated this ____ day of _____ 2022.

THE WOODBURY COUNTY, IOWA BOARD OF SUPERVISORS:

Keith Radig, Chairman

Jeremy Taylor, Vice Chairman

Rocky De Witt

Matthew Ung

Justin Wright

ATTEST

Patrick F. Gill, Woodbury County Auditor

Adoption Timeline

Public Hearing & 1st Reading:

2nd Reading:

3rd Reading:

Adopted:

Effective:

CURRENT - EFFECTIVE ORDINANCE

8. Standards for off-premise advertising signs.

A. Standards for off-premise advertising signs (e.g. billboards) are set forth in the following table:

	Allowed?	Required Separation	Maximum Size	Required Setbacks	Maximum Height
AP	No	N/A	N/A	N/A	N/A
AE					
NR					
SR					
GC	Conditional Use approved by Board of Adjustment	1000 ft. between off-premise signs; 1000 ft. from AE, NR, SR zones	500 sq. ft. + 1 add'l. sq.ft. per 1' add'l separation up to 672 sq.ft.	Zoning district setbacks	35 ft.
HC					
LI	No	N/A	N/A	N/A	N/A
GI					

B. No off-premise advertising signs shall be located within 660 feet of the nearest right-of-way line or in a location visible from the nearest right-of-way line of U.S. Highway 75 between its intersection with U.S. Highway 20 and the Plymouth County line.

Section 5.03: Floodplain Management Ordinance

1. Statutory Authority, Findings of Fact and Purpose.

- A. The Legislature of the State of Iowa has in Chapter 335, Code of Iowa, as amended, delegated the power to counties to enact zoning regulations to secure safety from flood and to promote health and the general welfare.
- B. Findings of Fact
 - (1) The flood hazard areas of Woodbury County 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.
 - (2) These flood losses, hazards, and related adverse effects are caused by:
 - (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
 - (3) This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.

SUPPLEMENTAL REQUIREMENTS

- C. **Statement of Purpose.** It is the purpose of this Section 5.03 (referred to as “this Ordinance” within this Section 5.03) to protect and preserve the rights, privileges and property of Woodbury County 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 5.03-1.B(1) of this Ordinance with provisions designed to:
- (1) Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
 - (2) 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.
 - (3) 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.
 - (4) Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
 - (5) Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

2. General Provisions

- A. **Lands to Which Ordinance Apply.** The provisions of this Ordinance shall apply to all lands within the jurisdiction of Woodbury County shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Floodplain and Shallow Flooding (Overlay) Districts, as established in section 5.03-3 below.
- B. **Establishment of Official Floodplain Zoning Map.** The Flood Insurance Rate Map 01-56 for unincorporated areas of Woodbury County Iowa - Community Number 190536, dated June 17, 1991 is hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this ordinance.
- C. **Rules for Interpretation of District Boundaries.** The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Director shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Director in the enforcement or administration of this Ordinance.
- D. **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 Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.
- E. **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provi-

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sion of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.

- F. Interpretation. In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
- G. Warning and Disclaimer of Liability. The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Woodbury County or any officer or employee thereof for any flood damages that from reliance on this Ordinance or any administrative decision lawfully made thereunder.
- H. Severability. If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

3. Establishment of Zoning (Overlay) Districts. The floodplain areas within the jurisdiction of this ordinance are hereby divided into the following districts:

- A. Floodway District (FW),
- B. Floodway Fringe District (FF),
- C. General Floodplain District (FP),
- D. Shallow Flooding District (SF) and
- E. Dam Failure Inundation District (DI).

The boundaries shall be as shown on the Official Floodplain Zoning Map and those areas identified by the Natural Resource Conservation Service as potentially subject to inundation by waters released due to partial or complete failure of a dam or other water retention or detention facility. Within these districts, all uses not allowed as Permitted Uses or permissible as Conditional Uses are prohibited unless a variance to the terms of this ordinance is granted after due consideration by the Board of Adjustment.

4. Floodway (Overlay) District (FW)

- A. Permitted Uses. The following uses shall be permitted within the Floodway District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of material or equipment, excavation or alteration of a watercourse.
 - (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish

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hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.

- (4) Residential uses such as lawns, gardens, parking areas and play areas.
 - (5) Such other open-space uses similar in nature to the above uses.
- B. Conditional Uses. The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment, excavation or alteration of a watercourse may be permitted only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 5.03-9.C. Such uses must also meet the applicable provisions of the Floodway District Performance Standards.
- (1) Uses or structures accessory to open-space uses.
 - (2) Circuses, carnivals, and similar transient amusement enterprises.
 - (3) Drive-in theaters, new and used car lots, roadside stands, signs and billboards.
 - (4) Extraction of sands, gravel and other materials.
 - (5) Marinas, boat rentals, docks, piers and wharves.
 - (6) Utility transmission lines and underground pipelines.
 - (7) Other uses similar in nature to uses described in subsections 5.03-4.A or 4.B which are consistent with the provisions of subsection 5.03-4.C and the general spirit and purpose of this ordinance.
- C. Performance Standards. All Floodway District uses allowed as a Permitted or Conditional Use shall meet the following standards.
- (1) No use shall be permitted in the Floodway District 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 District 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) 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.
 - (e) Structures, buildings 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.
 - (f) Buildings, if permitted, shall have low flood damage potential and shall not be for human habitation.

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- (g) 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 District within the time available after flood warning.
- (h) 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.
- (i) Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
- (j) 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.

5. Floodway Fringe (Overlay) District FF

- A. Permitted Uses. All uses within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.
- B. Performance Standards. All uses must be consistent with the need to minimize flood damage and meet the following applicable performance standards.
 - (1) All structures shall:
 - (a) Be adequately anchored to prevent flotation, collapse or lateral movement of the structure.
 - (b) Use construction methods and practices that will minimize flood damage.
 - (c) Use construction materials and utility equipment that are resistant to flood damage.
 - (2) Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. 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 Board of Adjustment, 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) Non-residential buildings - All new or substantially improved non-residential buildings shall have the lowest floor (including basement) ele-

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vated a minimum of one (1) foot above the 100-year flood level, 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 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 floodproofed shall be maintained by the Director.

- (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:
 - (i) 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.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.
 - (iii) 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 elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.
 - (b) 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 in-

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clude, but are not limited to, use of over-the-top or frame ties to ground anchors.

- (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 (1) 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 (1) 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 that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
- (8) 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 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.
- (9) Watercourse alterations or relocations 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.
- (10) 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 Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-

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year flood elevation data for those areas located within the Floodplain (Overlay) District.

(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.
 - (i) The structure shall not be used for human habitation.
 - (ii) The structure shall be designed to have low flood damage potential.
 - (iii) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 - (iv) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
 - (v) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least 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 5.03-5.B(5) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
 - (i) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
 - (ii) 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 5.03-5.B(5) of this Ordinance regarding anchoring and elevation of factory-built homes.

- (13) 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.

6. General Floodplain (Overlay) District FP

- A. Permitted Uses. The following uses shall be permitted within the General Floodplain District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of

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structures, factory-built homes, fill or other obstructions, the storage of materials or equipment, excavation or alteration of a watercourse.

- (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
 - (4) Residential uses such as lawns, gardens, parking areas and play areas.
- B. Conditional Uses. Any uses which involve placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse may be allowed only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 8.C. All such uses shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the 100 year flood level. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.
- C. Performance Standards
- (1) All conditional uses, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District (subsection 5.03-4).
 - (2) All conditional uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District (subsection 5.03-5).

7. Shallow Flooding (Overlay) District (SF)

- A. Permitted Uses. All uses within the Shallow Flooding District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District.
- B. Performance Standards. The performance standards for the Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:
- (1) In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of 2.0 ft. 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 floodproofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.

8. Dam Failure Inundation (Overlay) District (DI)

- A. Areas identified by the Natural Resource Conservation Service (NRCS) as potentially subject to inundation by waters released due to partial or complete failure of a dam or other water retention or detention shall be defined as comprising the Dam Failure Inundation (DI) overlay district
- B. Permitted Uses. The following uses shall be permitted within the DI District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of any structures,.
 - (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
 - (4) Residential uses such as lawns, gardens, parking areas and play areas.
 - (5) Such other open-space uses similar in nature to the above uses.
- C. Conditional Uses. The following uses which involve structures (temporary or permanent), may be permitted only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 5.03-9.C. Such uses must also meet the applicable provisions of the DI District Performance Standards.
 - (1) Uses or structures accessory to agricultural uses.
 - (2) Uses or structures accessory to open-space uses.
 - (3) Uses or structures accessory to commercial uses such as drive-in theaters, new and used car lots, roadside stands, signs and billboards.
 - (4) Extraction of sands, gravel and other materials.
 - (5) Marinas, boat rentals, docks, piers and wharves.
 - (6) Utility transmission lines and underground pipelines.
 - (7) Other uses similar in nature to uses described in subsections 5.03-8.B or 8.C above which are consistent with the provisions of subsection 5.03-8.D below and the general spirit and purpose of this ordinance.
- D. Performance Standards. All DI District uses allowed as a Permitted or Conditional Use shall meet the following standards.
 - (1) No use shall be permitted in the DI District that would result in any increase in the size or depth of inundation for other properties. Considera-

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tion of the effects of any development on inundation 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 DI District 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) Structures, buildings and sanitary and utility systems, if permitted:
 - (i) Shall be constructed or aligned to present the minimum possible resistance to flood flows.
 - (ii) Shall have low flood damage potential and
 - (iii) Shall not be for human habitation.
 - (e) 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 DI District within the time available after flood warning.
 - (f) Any fill allowed in the dam failure inundation area must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

9. Administration

A. Appointment, Duties and Responsibilities of Zoning Director

- (1) The Zoning Director is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Director.
- (2) Duties and responsibilities of the Director shall include, but not necessarily be limited to the following:
 - (a) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
 - (b) Review floodplain development 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 floodplain construction.
 - (c) Record and maintain a record of (i) the elevation (in relation to National Geodetic Vertical Datum) of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.
 - (d) Notify adjacent communities/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.

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- (e) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.
- (f) Submit to the Federal Insurance Director an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Director.
- (g) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
- (h) Review subdivision proposals to insure such proposals are consistent with the purpose of this ordinance and advise the Board of Adjustment of potential conflict.

B. Floodplain Development Permit

- (1) Permit Required - A Floodplain Development Permit issued by the Director shall be secured prior to any floodplain development (any man-made 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.
- (2) Application for Permit - Application shall be made on forms furnished by the Director and shall include the following:
 - (a) Description of the work to be covered by the permit for which application is to be made.
 - (b) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
 - (c) Indication of the use or occupancy for which the proposed work is intended.
 - (d) Elevation of the 100-year flood.
 - (e) 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 floodproofed.
 - (f) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
 - (g) Such other information as the Director deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
- (3) Action on Permit Application - The Director shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Director shall not issue permits for variances except as directed by the Board of Adjustment.

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- (4) Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based 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 Ordinance. 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, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

C. Conditional Uses, Appeals and Variances

- (1) Appointment and Duties of Board of Adjustment - A Board of Adjustment is hereby established which shall hear and decide (i) applications for Conditional Uses upon which the Board is authorized to pass under this ordinance, (ii) appeals, and (iii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the Board.
- (2) Conditional Uses - Requests for Conditional Uses shall be submitted to the Director, who shall forward such to the Board of Adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.
- (3) Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.
- (4) Variance - The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance 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

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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 Ordinance, the applicant shall be notified in writing over the signature of the Director that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 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.
- (5) Hearings and Decisions of the Board of Adjustment
- (a) Hearings. Upon the filing with the Board of Adjustment of an Appeal, an application for a Conditional Use or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.
 - (b) Decisions. the Board shall arrive at a decision on an Appeal, Conditional Use or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Conditional Use or Variance, the board shall consider such factors as contained in subsection (i) below and all other relevant sections of this ordinance and may prescribe such conditions as contained in subsection (ii) below.
 - (i) Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:
 - The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - The danger that materials may be swept on to other land or downstream to the injury of others.

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- The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - The importance of the services provided by the proposed facility to the County.
 - The requirements of the facility for a floodplain location.
 - The availability of alternative locations not subject to flooding for the proposed use.
 - The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
 - The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
 - Such other factors which are relevant to the purpose of this Ordinance.
- (ii) Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:
- Modification of waste disposal and water supply facilities.
 - Limitation of periods of use and operation.
 - Imposition of operational controls, sureties, and deed restrictions.
 - 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 Ordinance.
 - Floodproofing measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise,

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hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

- (6) Appeals to the Court - Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

10. Nonconforming Uses

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
 - (1) If such use is discontinued for 6 (six) consecutive months, any future use of the building premises shall conform to this Ordinance.
 - (2) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
 - (3) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance.
 - (4) Except as provided in subsection 5.03-10.A(2), any use which has been permitted as a Conditional Use or Variance shall be considered a conforming use

11. Penalties for Violation. Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Conditional Uses or Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 (five hundred) or imprisoned for not more than 30 (thirty) days. Each day such violation continues shall be considered a separate offense. Nothing herein contained prevent Woodbury County from taking such other lawful action as is necessary to prevent or remedy violation.

12. Amendments.

The regulations and standards set forth in this Ordinance 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.

13. Definitions.

Unless specifically defined below, words or phrases used in this Ordinance shall be

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interpreted so as to give them the meaning they have in common usage and to give this Ordinance its most reasonable application.

- A. Base Flood - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).
- B. Basement - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
- C. Development - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- D. Existing Construction - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.
- E. Existing Factory-Built Home Park or Subdivision - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.
- F. Expansion of Existing Factory-Built Home Park or Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- G. Factory-Built Home - 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 Ordinance factory-built homes include mobile homes, manufactured homes 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.
- H. Factory-Built Home Park - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
- I. Flood - 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.
- J. Flood Elevation - 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.
- K. Flood Insurance Rate Map (FIRM) - 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.
- L. Floodplain - Any land area susceptible to being inundated by water as a result of a flood.
- M. Floodplain Management - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, in-

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- cluding but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
- N. Floodproofing - 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.
- O. Floodway - The channel of a river or stream and those portions of the floodplain s adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
- P. Floodway Fringe - Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
- Q. Historic Structure - 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 of 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 communities with historic preservation programs 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.
- R. Lowest Floor - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
- (1) The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of subsection 5.03-5.B.(4)(a) of this Ordinance 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, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
 - (4) The enclosed area is not a "basement" as defined in this subsection.

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- (5) In cases where the lowest enclosed area satisfies criteria (1), (2), (3) and (4) above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.
- S. New Construction - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.
- T. New Factory-Built Home Park or Subdivision - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.
- U. One Hundred (100) Year Flood - A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.
- V. Recreational Vehicle - A vehicle which is:
 - (1) Built on a single chassis;
 - (2) Four hundred (400) square feet or less 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.
- W. Special Flood Hazard Area - The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.
- X. 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.

SUPPLEMENTAL REQUIREMENTS

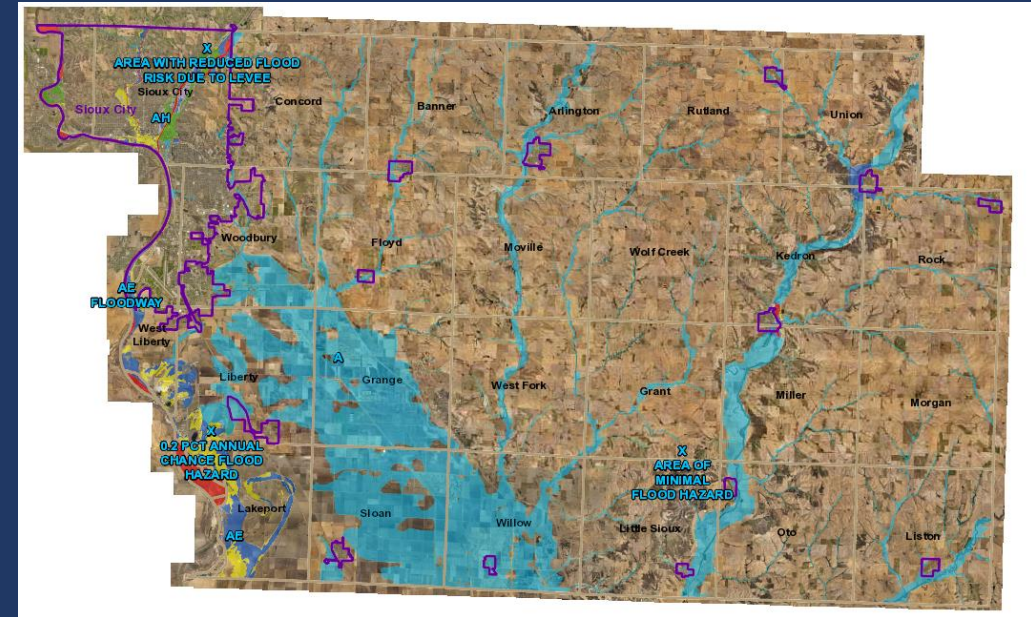
- Y. Structure - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factor-built homes, storage tanks, and other similar uses.
- Z. Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
- AA. Substantial Improvement - Any improvement to a structure which satisfies either of the following criteria:
 - (1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement , or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.
 - (2) The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
 - (3) Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.
- BB. Variance - A grant of relief by a community from the terms of the floodplain management regulations.
- CC. Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations

Section 5.04: Adult Use Regulations

1. **Applicability.** The regulations in this section apply to adult uses as allowed in Section 3.03-4 (i.e., as allowed uses in the GI, General Industrial Zoning District) and hereby establish specific locational and development requirements intended to minimize potential negative secondary effects of those adult uses.
2. **Locational requirements.** No adult use shall be established less than 1000 feet from any of the following:
 - A. Any other adult use.
 - B. Residentially zoned or used property.
 - C. Public parks or recreational areas.
 - D. A church or similar place of religious worship or study.
 - E. A public or private elementary or secondary school.
 - F. A library, museum or other cultural facility.

Floodplain Management Ordinance Comparison

Current vs. Draft Ordinance



The following slides illustrate a side-by-side comparison of the current floodplain management ordinance and the proposed draft ordinance.



CURRENT ORDINANCE

1	Statutory Authority, Findings of Fact and Purpose
2	General Provisions
3	Establishment of Zoning (Overlay) Districts
4	Floodway (Overlay) District (FW)
5	Floodway Fringe (Overlay) District FF
6	General Floodplain (Overlay) District FP
7	Shallow Flooding (Overlay) District (SF)
8	Dam Failure Inundation (Overlay) District (DI)
9	Administration
10	Nonconforming Uses
11	Penalties for Violation
12	Amendments
13	Definitions

DRAFT ORDINANCE

1	Definitions
2	Statutory Authority, Findings of Fact and Purpose
3	General Provisions
4	Administration
5	Establishment of Zoning (Overlay) Districts
6	Floodway (Overlay) District (FW)
7	Floodway Fringe (Overlay) District FF
8	General Floodplain (Overlay) District FP
9	Shallow Flooding (Overlay) District (SF)
10	Appointment and Duties of Board of Adjustment
11	Nonconforming Uses
12	Penalties for Violation
13	Amendments

The following slides provide a comparison of the current floodplain ordinance and the proposed draft floodplain ordinance. Any highlighted areas include the addition, revision, and/or content that must be present in the local ordinance to meet federal guidelines.

Definitions (5.03.1)

CURRENT ORDINANCE – 5.03.13

13. Definitions.

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

- A. **Base Flood** - The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood).
- B. **Basement** - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
- C. **Development** - Any man-made change to improved or unimproved real estate, including but not limited to building or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.
- D. **Existing Construction** - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.
- E. **Existing Factory-Built Home Park or Subdivision** - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

PROPOSED ORDINANCE – 5.03.1

Section 5.03: Floodplain Management Ordinance

1. Definitions

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

- A. **Appurtenant Structure** – A structure which is on the same parcel of the property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
- B. **Base Flood** - The flood having one (1) percent chance of being equaled or exceeded in any given year. (Also commonly referred to as the "100-year flood").
- C. **Base Flood Elevation (BFE)** – The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.
- D. **Basement** - Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor."
- E. **Development** - Any man-made 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, and similar practices that do not involve filling or grading.
- F. **Enclosed Area Below Lowest Floor** – 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 5.03-7 B(4)(a) of this Ordinance, 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, furnace, electrical service) 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.
- G. **Existing Construction** - Any structure for which the "start of construction" commenced before the effective date of the first floodplain management regulations adopted by the community.
- H. **Existing Factory-Built Home Park Or Subdivision** - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community.

Definitions (5.03.1)

CURRENT ORDINANCE – 5.03.13

- F. Expansion of Existing Factory-Built Home Park or Subdivision - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- G. Factory-Built Home - 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 Ordinance factory-built homes include mobile homes, manufactured homes 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.
- H. Factory-Built Home Park - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
- I. Flood - 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.
- J. Flood Elevation - 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.
- K. Flood Insurance Rate Map (FIRM) - 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.
- L. Floodplain - Any land area susceptible to being inundated by water as a result of a flood.
- M. Floodplain Management - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
- N. Floodproofing - 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.
- O. Floodway - The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
- P. Floodway Fringe - Those portions of the floodplain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.

PROPOSED ORDINANCE – 5.03.1

- I. Expansion Of Existing Factory-Built Home Park ~~Or~~ SUBDIVISION - The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).
- J. Factory-Built Home - 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 Ordinance factory-built homes include mobile homes, manufactured homes, and modular homes; and also include "recreational vehicles" which are placed on a site for greater than 180 consecutive days and not fully licensed for and ready for highway use.
- K. Factory-Built Home Park ~~Or~~ Subdivision - A parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.
- L. Five Hundred (500) Year Flood – A flood, the magnitude of which has a two-tenths (0.2) percent chance of being equaled or exceeded in any given year or which, on average, will be equaled or exceeded at least once every five hundred (500) years.
- M. Flood - 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.
- N. Flood Insurance Rate Map (FIRM) - 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.
- O. Flood Insurance Study (FIS) – A report published by FEMA for a community issued along with the community's Flood Insurance Rate Map(s). The study contains such background data as the base flood discharge and water surface elevations that were used to prepare the FIRM.
- P. Floodplain - Any land area susceptible to being inundated by water as a result of a flood.
- Q. Floodplain Management - An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of floodplains, including but not limited to emergency preparedness plans, flood control works, floodproofing and floodplain management regulations.
- R. Floodproofing - 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.
- S. Floodway - The channel of a river or stream and those portions of the floodplains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not cumulatively increase the water surface elevation of the base flood by more than one (1) foot.
- T. Floodway Fringe - Those portions of the Special Flood Hazard Area outside the floodway.
- U. Highest Adjacent Grade – The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure

Definitions (5.03.1)

CURRENT ORDINANCE – 5.03.13

Q. Historic Structure - 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 of 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 communities with historic preservation programs 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.

R. Lowest Floor - The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:

- (1) The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of subsection 5.03-5.B.(4)(a) of this Ordinance 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, furnace, electrical service) contained in the enclosed area are located at least one (1) foot above the 100-year flood level, and
- (4) The enclosed area is not a "basement" as defined in this subsection.
- (5) In cases where the lowest enclosed area satisfies criteria (1), (2), (3) and (4) above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.

S. New Construction - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

T. New Factory-Built Home Park or Subdivision - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the effective date of the first floodplain management regulations adopted by the community.

U. One Hundred (100) Year Flood - A flood, the magnitude of which has a one (1) percent chance of being equaled or exceeded in any given year or which, on the average, will be equaled or exceeded a least once every one hundred (100) years.

PROPOSED ORDINANCE – 5.03.1

V. Historic Structure - 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 of 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 communities with historic preservation programs 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.

W. Lowest Floor - The floor of the lowest enclosed area in a building including a basement except when the criteria listed in the definition of Enclosed Area below Lowest Floor are met.

X. Maximum Damage Potential Development - 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.

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

Z. New Construction - (new buildings, factory-built home parks) - Those structures or development for which the start of construction commenced on or after the effective date of the first floodplain management regulations adopted by the community.

AA. New Factory-Built Home Park Or Subdivision - A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the first floodplain management regulations adopted by the community.

BB. Recreational Vehicle - A vehicle which is:

- (1) Built on a single chassis;
- (2) Four hundred (400) square feet or less 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.

Definitions (5.03.1)

CURRENT ORDINANCE – 5.03.13

- V. Recreational Vehicle - A vehicle which is:
- (1) Built on a single chassis;
 - (2) Four hundred (400) square feet or less 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.
- W. Special Flood Hazard Area - The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map.
- X. 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.
- Y. Structure - 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.
- Z. Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.

PROPOSED ORDINANCE – 5.03.1

- CC. Routine Maintenance of Existing Buildings and Facilities – Repairs necessary to keep a structure in a safe and habitable condition that do not trigger a building permit, provided they are not associated with a general improvement of the structure or repair of a damaged structure. Such repairs include:
- (1) Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
 - (2) Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
 - (3) Basement sealing;
 - (4) Repairing or replacing damaged or broken window panes;
 - (5) Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems.
- DD. Special Flood Hazard Area (SFHA) – The land within a community subject to the "base flood". This land is identified on the community's Flood Insurance Rate Map as Zone A, A1-30, AE, AH, AO, AR, and/or A99.
- EE. 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.
- FF. Structure - 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, grain storage facilities and/or other similar uses.
- GG. Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred. Volunteer labor and donated materials shall be included in the estimated cost of repair.

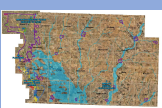
Definitions (5.03.1)

CURRENT ORDINANCE – 5.03.13

- Y. Structure - Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factor-built homes, storage tanks, and other similar uses.
- Z. Substantial Damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred.
- AA. Substantial Improvement - Any improvement to a structure which satisfies either of the following criteria:
 - (1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement , or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.
 - (2) The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
 - (3) Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.
- BB. Variance - A grant of relief by a community from the terms of the floodplain management regulations.
- CC. Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations

PROPOSED ORDINANCE – 5.03.1

- HH. Substantial Improvement - Any improvement to a structure which satisfies either of the following criteria:
 - (1) Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) percent of the market value of the structure either (i) before the "start of construction" of the improvement , or (ii) if the structure has been "substantially damaged" and is being restored, before the damage occurred.
 - (2) The term does not, however, include any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions. The term also does not include any alteration of an "historic structure", provided the alteration will not preclude the structure's designation as an "historic structure".
 - (3) Any addition which increases the original floor area of a building by 25 percent or more. All additions constructed after the effective date of the first floodplain management regulations adopted by the community shall be added to any proposed addition in determining whether the total increase in original floor space would exceed 25 percent.
- II. Variance - A grant of relief by a community from the terms of the floodplain management regulations.
- JJ. Violation - The failure of a structure or other development to be fully compliant with the community's floodplain management regulations.



Statutory Authority, Findings of Fact and Purpose (5.03.2)

CURRENT ORDINANCE – 5.03.1

Section 5.03: Floodplain Management Ordinance

1. Statutory Authority, Findings of Fact and Purpose.

- A. The Legislature of the State of Iowa has in Chapter 335, Code of Iowa, as amended, delegated the power to counties to enact zoning regulations to secure safety from flood and to promote health and the general welfare.
- B. Findings of Fact
 - (1) The flood hazard areas of Woodbury County 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.
 - (2) These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
 - (3) This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.
- C. Statement of Purpose. It is the purpose of this Section 5.03 (referred to as "this Ordinance" within this Section 5.03) to protect and preserve the rights, privileges and property of Woodbury County 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 5.03-1.B(1) of this Ordinance with provisions designed to:
 - (1) Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
 - (2) 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.
 - (3) 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.
 - (4) Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
 - (5) Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

PROPOSED ORDINANCE – 5.03.2

2. Statutory Authority, Findings of Fact and Purpose

- A. The Legislature of the State of Iowa has in Chapter 335, Code of Iowa, as amended, delegated the power to counties to enact zoning regulations to secure safety from flood and to promote health and the general welfare.
- B. Findings of Fact
 - (1) The flood hazard areas of Woodbury County 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.
 - (2) These flood losses, hazards, and related adverse effects are caused by: (i) The occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and (ii) the cumulative effect of obstructions on the floodplain causing increases in flood heights and velocities.
 - (3) This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Department of Natural Resources.
- C. Statement of Purpose. It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of Woodbury County 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 5.03-2.B(1) of this Ordinance with provisions designed to:
 - (1) Reserve sufficient floodplain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
 - (2) 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.
 - (3) 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.
 - (4) Protect individuals from buying lands which may not be suited for intended purposes because of flood hazard.
 - (5) Assure that eligibility is maintained for property owners in the community to purchase flood insurance through the National Flood Insurance Program.

General Provisions (5.03.3)

CURRENT ORDINANCE – 5.03.2

2. General Provisions

- A. **Lands to Which Ordinance Apply.** The provisions of this Ordinance shall apply to all lands within the jurisdiction of Woodbury County shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Floodplain and Shallow Flooding (Overlay) Districts, as established in section 5.03-3 below.
- B. **Establishment of Official Floodplain Zoning Map.** The Flood Insurance Rate Map 01-56 for unincorporated areas of Woodbury County Iowa - Community Number 190536, dated September 29, 2011 is hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study are also declared to be a part of this ordinance.
- C. **Rules for Interpretation of District Boundaries.** The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Director shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Director in the enforcement or administration of this Ordinance.
- D. **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 Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.
- E. **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.
- F. **Interpretation.** In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
- G. **Warning and Disclaimer of Liability.** The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Woodbury County or any officer or employee thereof for any flood damages that from reliance on this Ordinance or any administrative decision lawfully made thereunder.
- H. **Severability.** If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

PROPOSED ORDINANCE – 5.03.3

3. General Provisions

- A. **Lands to Which Ordinance Apply.** The provisions of this Ordinance shall apply to all lands within the jurisdiction of Woodbury County shown on the Official Floodplain Zoning Map as being within the boundaries of the Floodway, Floodway Fringe, General Floodplain and Shallow Flooding (Overlay) Districts, as established in section 5.03-5 below.
- B. **Establishment of Official Floodplain Zoning Map.** The Flood Insurance Rate Map (FIRM) for Woodbury County and Incorporated Areas, dated March 2, 2015, which were prepared as part of the Flood Insurance Study for Woodbury County, is (are) hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The Woodbury County Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering floodplain management regulations.
- C. **Rules for Interpretation of District Boundaries.** The boundaries of the zoning district areas shall be determined by scaling distances on the Official Floodplain Zoning Map. When an interpretation is needed as to the exact location of a boundary, the Zoning Director shall make the necessary interpretation. The Board of Adjustment shall hear and decide appeals when it is alleged that there is an error in any requirement, decision, or determination made by the Zoning Director in the enforcement or administration of this Ordinance.
- D. **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 Ordinance and other applicable regulations which apply to uses within the jurisdiction of this Ordinance.
- E. **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provision of this Ordinance shall prevail. All other ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only.
- F. **Interpretation.** In their interpretation and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
- G. **Warning and Disclaimer of Liability.** The standards required by this Ordinance are considered reasonable for regulatory purposes. This Ordinance does not imply that areas outside the designated Floodplain (Overlay) District areas will be free from flooding or flood damages. This Ordinance shall not create liability on the part of Woodbury County or any officer or employee thereof for any flood damages that result from reliance on this Ordinance or any administrative decision lawfully made there under.
- H. **Severability.** If any section, clause, provision or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this Ordinance shall not be affected thereby.

CURRENT ORDINANCE – 5.03.9

9. Administration

A. Appointment, Duties and Responsibilities of Zoning Director

- (1) The Zoning Director is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Director.
- (2) Duties and responsibilities of the Director shall include, but not necessarily be limited to the following:
 - (a) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
 - (b) Review floodplain development 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 floodplain construction.
 - (c) Record and maintain a record of (i) the elevation of the lowest floor (including basement) of all new or substantially improved structures or (ii) the elevation to which new or substantially improved structures have been floodproofed.
 - (d) Notify adjacent communities/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.
 - (e) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.
 - (f) Submit to the Federal Insurance Director an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Director.
 - (g) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
 - (h) Review subdivision proposals to insure such proposals are consistent with the purpose of this ordinance and advise the Board of Adjustment of potential conflict.

PROPOSED ORDINANCE – 5.03.4

4. Administration

A. Appointment, Duties and Responsibilities of Local Official

- (1) The Zoning Director is hereby appointed to implement and administer the provisions of this Ordinance and will herein be referred to as the Administrator.
- (2) Duties and responsibilities of the Administrator shall include, but not necessarily be limited to the following:
 - (a) Review all floodplain development permit applications to assure that the provisions of this Ordinance will be satisfied.
 - (b) Review floodplain development 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 floodplain construction.
 - (c) Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988 of the lowest floor (including basement) of all new or substantially improved **structures** or (ii) the elevation to which new or substantially improved structures have been floodproofed.
 - (d) Notify adjacent communities/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.
 - (e) Keep a record of all permits, appeals and such other transactions and correspondence pertaining to the administration of this Ordinance.
 - (f) Submit to the Federal Insurance Administrator an annual report concerning the community's participation, utilizing the annual report form supplied by the Federal Insurance Administrator.
 - (g) Notify the Federal Insurance Administration of any annexations or modifications to the community's boundaries.
 - (h) Review subdivision proposals to ensure such proposals are consistent with the purpose of this ordinance and advise the Zoning Commission of potential conflict.
 - (i) **Maintain the accuracy of the community's Flood Insurance Rate Maps when:**
 - (i) **Development placed within the Floodway (Overlay) District results in any of the following:**
 - (1) **An increase in the Base Flood Elevations, or**
 - (2) **Alteration to the floodway boundary**
 - (ii) **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**
 - (iii) **Development relocates or alters the channel.****Within 6 months of the completion of the development, the applicant shall submit to FEMA a scientific and technical data necessary for a Letter of Map Revision.**
 - (j) **Perform site inspections to ensure compliance with the standards of this Ordinance.**
 - (k) **Forward all requests for Variances to the Board of Adjustment for consideration. Ensure requests include the information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.**

CURRENT ORDINANCE – 5.03.9

B. Floodplain Development Permit

- (1) Permit Required - A Floodplain Development Permit issued by the Director shall be secured prior to any floodplain development (any man-made 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.
- (2) Application for Permit - Application shall be made on forms furnished by the Director and shall include the following:
 - (a) Description of the work to be covered by the permit for which application is to be made.
 - (b) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
 - (c) Indication of the use or occupancy for which the proposed work is intended.
 - (d) Elevation of the 100-year flood.
 - (e) Elevation of the lowest floor (including basement) of buildings or of the level to which a building is to be floodproofed.
 - (f) For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
 - (g) Such other information as the Director deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
- (3) Action on Permit Application - The Director shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Director shall not issue permits for variances except as directed by the Board of Adjustment.
- (4) Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based 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 Ordinance. 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, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.

PROPOSED ORDINANCE – 5.03.4

B. Floodplain Development Permit

- (1) Permit Required - A Floodplain Development Permit issued by the Administrator shall be secured prior to any floodplain development (any man-made change to improved and unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, **storage of materials and equipment**, excavation or drilling operations), including the placement of factory-built homes..
- (2) Application for Permit - Application shall be made on forms furnished by the Administrator and shall include the following:
 - (a) Description of the work to be covered by the permit for which application is to be made.
 - (b) Description of the land on which the proposed work is to be done (i.e., lot, block, track, street address or similar description) that will readily identify and locate the work to be done.
 - (c) Location and dimensions of all structures and additions**
 - (d) Indication of the use or occupancy for which the proposed work is intended.
 - (e) Elevation of the **base flood**.
 - (f) Elevation (in relation to North American Vertical Datum 1988 of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.
 - (g) For **structures** being improved or rebuilt, the estimated cost of improvements and market value of the **structure** prior to the improvements.
 - (h) Such other information as the Administrator deems reasonably necessary (e.g., drawings or a site plan) for the purpose of this Ordinance.
- (3) Action on Permit Application - The Administrator shall, within a reasonable time, make a determination as to whether the proposed floodplain development meets the applicable standards of this Ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the County Board of Adjustment.
- (4) Construction and Use to be as Provided in Application and Plans - Floodplain Development Permits based 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 Ordinance. 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, **structure** floor elevations, floodproofing, or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.



Establishment of Zoning (Overlay) Districts (5.03.5)

CURRENT ORDINANCE – 5.03.3

3. **Establishment of Zoning (Overlay) Districts.** The floodplain areas within the jurisdiction of this ordinance are hereby divided into the following districts:

- A. Floodway District (FW),
- B. Floodway Fringe District (FF),
- C. General Floodplain District (FP),
- D. Shallow Flooding District (SF) and
- E. Dam Failure Inundation District (DI).

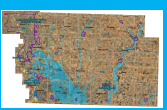
The boundaries shall be as shown on the Official Floodplain Zoning Map and those areas identified by the Natural Resource Conservation Service as potentially subject to inundation by waters released due to partial or complete failure of a dam or other water retention or detention facility. Within these districts, all uses not allowed as Permitted Uses or permissible as Conditional Uses are prohibited unless a variance to the terms of this ordinance is granted after due consideration by the Board of Adjustment.

PROPOSED ORDINANCE – 5.03.5

5. **Establishment of Zoning (Overlay) Districts.** The floodplain areas within the jurisdiction of this ordinance are hereby divided into the following districts:

- A. Floodway (Overlay) District (FW) – those areas identified as Floodway on the Official Flood Plain Zoning Map;
- B. Floodway Fringe (Overlay) District (FF) – those areas identified as Zone AE on the Official Flood Plain Zoning Map but excluding those areas identified as Floodway;
- C. General Floodplain (Overlay) District (GF) – those areas identified as Zone A on the Official Flood Plain Zoning Map, and;
- D. Shallow Flooding (Overlay) District (SF) – those areas identified as Zone AO or AH on the Official Flood Plain Zoning Map.

The boundaries shall be as shown on the Official Floodplain Zoning Map. Within these districts, all uses not allowed as Permitted Uses are prohibited unless a variance to the terms of this ordinance is granted after due consideration by the Board of Adjustment.



Floodway (Overlay) District (5.03.6)

CURRENT ORDINANCE – 5.03.4

4. Floodway (Overlay) District (FW)

- A. Permitted Uses. The following uses shall be permitted within the Floodway District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstruction, the storage of material or equipment, excavation or alteration of a watercourse.
- (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
 - (4) Residential uses such as lawns, gardens, parking areas and play areas.
 - (5) Such other open-space uses similar in nature to the above uses.
- B. Conditional Uses. The following uses which involve structures (temporary or permanent), fill, storage of materials or equipment, excavation or alteration of a watercourse may be permitted only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 5.03-9.C. Such uses must also meet the applicable provisions of the Floodway District Performance Standards.
- (1) Uses or structures accessory to open-space uses.
 - (2) Circuses, carnivals, and similar transient amusement enterprises.
 - (3) Drive-in theaters, new and used car lots, roadside stands, signs and billboards.
 - (4) Extraction of sands, gravel and other materials.
 - (5) Marinas, boat rentals, docks, piers and wharves.
 - (6) Utility transmission lines and underground pipelines.
 - (7) Other uses similar in nature to uses described in subsections 5.03-4.A or 4.B which are consistent with the provisions of subsection 5.03-4.C and the general spirit and purpose of this ordinance.
- C. Performance Standards. All Floodway District uses allowed as a Permitted or Conditional Use shall meet the following standards.
- (1) No use shall be permitted in the Floodway District 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.

PROPOSED ORDINANCE – 5.03.6

6. Floodway (Overlay) District (FW)

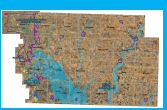
A. Permitted Uses

All **development** within the Floodway District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway District.

B. Performance Standards

All Floodway District uses allowed as a Permitted Use shall meet the following standards.

- (1) No **development** shall be permitted in the Floodway District that would result in any increase in the **base flood elevation**. 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 **development** within the Floodway District 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 **development** 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, **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.
- (5) **Structures**, if permitted, shall have 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 District 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.



CURRENT ORDINANCE – 5.03.4

- (2) All uses within the Floodway District 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) 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.
 - (e) Structures, buildings 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.
 - (f) Buildings, if permitted, shall have low flood damage potential and shall not be for human habitation.
 - (g) 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 District within the time available after flood warning.
 - (h) 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.
 - (i) Any fill allowed in the floodway must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.
 - (j) 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.

PROPOSED ORDINANCE – 5.03.6

See previous page. Conditional Uses Section removed.



Floodway Fringe (Overlay) District (5.03.6)

CURRENT ORDINANCE – 5.03.5

5. Floodway Fringe (Overlay) District FF

A. Permitted Uses. All uses within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

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

(1) All structures shall:

- (a) Be adequately anchored to prevent flotation, collapse or lateral movement of the structure.
- (b) Use construction methods and practices that will minimize flood damage.
- (c) Use construction materials and utility equipment that are resistant to flood damage.

(2) Residential buildings - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the 100-year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. 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 Board of Adjustment, 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) Non-residential buildings - All new or substantially improved non-residential buildings shall have the lowest floor (including basement) elevated a minimum of one (1) foot above the 100-year flood level, 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 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 floodproofed shall be maintained by the Director.

PROPOSED ORDINANCE – 5.03.6

7. Floodway Fringe (Overlay) District (FF)

A. Permitted Uses

All **development** within the Floodway Fringe District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet applicable performance standards of the Floodway Fringe District.

B. Performance Standards

All **development** must be consistent with the need to minimize flood damage and meet the following applicable performance standards. **Until a regulatory floodway is designated, no development may increase the Base Flood Elevation more than one (1) foot.** The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination.

(1) All **development** shall:

- (a) Be **designed and adequately** anchored to prevent flotation, collapse or lateral movement.
- (b) Use construction methods and practices that will minimize flood damage.
- (c) Use construction materials and utility equipment that are resistant to flood damage.

(2) **Residential structures** - All new or substantially improved residential structures shall have the lowest floor, including basement, elevated a minimum of one (1) foot above the **base flood elevation**. Construction shall be upon compacted fill which shall, at all points, be no lower than 1.0 ft. above the **base flood elevation** and extend at such elevation at least 18 feet beyond the limits of any structure erected thereon. Alternate methods of elevating (such as piers or **extended foundations**) may be allowed 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 located in areas that would become isolated due to flooding of surrounding ground shall be provided with a means of access that will be passable by wheeled vehicles during the base flood. However, this criterion shall not apply where the Administrator determines there is sufficient flood warning time for the protection of life and property. When estimating flood warning time, consideration shall be given to the criteria listed in 567-75.2(3), Iowa Administrative Code.

(3) **Non-residential structures** - All new or substantially improved non-residential **structures** shall have the lowest floor (including basement) elevated a minimum of one (1) foot above **the base flood elevation**, 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 base flood; and that the structure, below the **base 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 Administrator.



Floodway Fringe (Overlay) District (5.03.6)

CURRENT ORDINANCE – 5.03.5

(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:
 - (i) 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.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.
 - (iii) 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 elevated on a permanent foundation such that the lowest floor of the structure is a minimum of one (1) foot above the 100-year flood level.
- (b) 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.

PROPOSED ORDINANCE – 5.03.6

(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:
 - (i) A minimum of two (2) 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.
 - (ii) The bottom of all openings shall be no higher than one foot above grade.
 - (iii) 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 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 on non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation.

(d) New and substantially improved structures 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 (1) foot above the base flood elevation or designed to be watertight and withstand inundation to such a level.

(5) Factory-built homes:

- (a) All new and substantially improved 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 (1) foot above the base flood elevation.**
- (b) All new and substantially improved factory-built homes, including those placed in existing factory-built home parks or subdivisions, shall be anchored to resist flotation, collapse, or lateral movement. Anchorage systems may include, but are not limited to, use of over-the-top or frame ties to ground anchors as required by the State Building Code.**



Floodway Fringe (Overlay) District (5.03.6)

CURRENT ORDINANCE – 5.03.5

- (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 (1) 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 (1) 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 that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the 100-year flood level. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
- (8) 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 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, structural flood control works shall be approved by the Department of Natural Resources.
- (9) Watercourse alterations or relocations 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.
- (10) 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 Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the 100-year flood. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Floodplain (Overlay) District.

PROPOSED ORDINANCE – 5.03.6

- (6) Utility and Sanitary Systems:
- (a) On-site wastewater 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 (1) foot above the **base 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 (1) foot above the **base 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 that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one (1) foot above the base flood elevation. Other material and equipment must either be similarly elevated or (i) not be subject to major flood damage and be anchored to prevent movement due to flood waters or (ii) be readily removable from the area within the time available after flood warning.
- (8) Flood control structural works such as levees, flood walls, etc. shall provide, at a minimum, protection from the **base flood** with a minimum of 3 ft. of design freeboard and shall provide for adequate interior drainage. In addition, the Department of Natural Resources shall approve structural flood control works.
- (9) Watercourse alterations or relocations 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.
- (10) 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 Ordinance. Subdivision proposals intended for residential use shall provide all lots with a means of access which will be passable by wheeled vehicles during the **base flood**. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include **base flood elevation** data for those areas located within the Floodway Fringe (Overlay) District.



Floodway Fringe (Overlay) District (5.03.6)

CURRENT ORDINANCE – 5.03.5

(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.
 - (i) The structure shall not be used for human habitation.
 - (ii) The structure shall be designed to have low flood damage potential.
 - (iii) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 - (iv) The structure shall be firmly anchored to prevent flotation which may result in damage to other structures.
 - (v) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least 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 5.03-5.B(5) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
 - (i) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
 - (ii) 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 5.03-5.B(5) of this Ordinance regarding anchoring and elevation of factory-built homes.

- (13) 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.

PROPOSED ORDINANCE – 5.03.6

(11) Accessory Structures to Residential Uses

- (a) Detached garages, sheds, and similar structures that are incidental to a residential use are exempt from the **base flood elevation** requirements where the following criteria are satisfied:
 - (i) **The structure shall be designed to have low flood damage potential. Its size shall not exceed 600 sq. ft. in size. Those portions of the structure located less than 1 foot above the base flood elevation must be constructed of flood-resistant materials.**
 - (ii) The structure shall be used solely for low flood damage potential purposes such as vehicle parking and limited storage. The structure shall not be used for human habitation.
 - (iii) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
 - (iv) The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.
 - (v) The structure's service facilities such as electrical and heating equipment shall be elevated or floodproofed to at least one foot above the base flood elevation.
 - (vi) The structure's walls shall include openings that satisfy the provisions of 5.03-7 B (4)(a) of this Ordinance.
- b. 2) Exemption from the base 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 5.03-7 B (5) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied.
 - (i) The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
 - (ii) 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 5.03-7 B (5) of this Ordinance regarding anchoring and elevation of factory-built homes.

- (13) 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.



CURRENT ORDINANCE – 5.03.5

Added Section →

PROPOSED ORDINANCE – 5.03.6

(14) Maximum Damage Potential Development – All new or substantially improved maximum damage potential development 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 0.2% annual chance flood; and that the structure, below the 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 Administrator. Where 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 will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determinations.

General Floodplain (Overlay) District (5.03.8)

CURRENT ORDINANCE – 5.03.6

6. General Floodplain (Overlay) District FP

- A. Permitted Uses. The following uses shall be permitted within the General Floodplain District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of structures, factory-built homes, fill or other obstructions, the storage of materials or equipment, excavation or alteration of a watercourse.
- (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
 - (4) Residential uses such as lawns, gardens, parking areas and play areas.
- B. Conditional Uses. Any uses which involve placement of structures, factory-built homes, fill or other obstructions, storage of materials or equipment, excavation or alteration of a watercourse may be allowed only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 8.C. All such uses shall be reviewed by the Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the 100 year flood level. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.
- C. Performance Standards
- (1) All conditional uses, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District (subsection 5.03-4).
 - (2) All conditional uses, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District (subsection 5.03-5).

PROPOSED ORDINANCE – 5.03.8

8. General Floodplain (Overlay) District (GF)

A. Permitted Uses

- (1) All development within the General Floodplain District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the General Floodplain District.
- (2) Any **development** which involves 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 Department of Natural Resources to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. The applicant shall be responsible for providing the Department of Natural Resources with sufficient technical information to make the determination.
- (3) Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where:
 - (a) The bridge or culvert is located on a stream that drains less than one hundred (100) square miles, and
 - (b) The bridge or culvert is not associated with a channel modification that constitutes a channel change as specified in 567-71.2(1)b, Iowa Administrative Code.

B. Performance Standards

- (1) All development, or portions thereof, to be located in the floodway as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway (Overlay) District subsection 5.03-6.
- (2) All development, or portions thereof, to be located in the floodway fringe as determined by the Department of Natural Resources shall meet the applicable provisions and standards of the Floodway Fringe (Overlay) District subsection 5.03-7.

CONDITIONAL USES SECTION REMOVED



Shallow Flooding (Overlay) District (5.03.9)

CURRENT ORDINANCE – 5.03.7

7. Shallow Flooding (Overlay) District (SF)

- A. Permitted Uses. All uses within the Shallow Flooding District shall be permitted to the extent that they are not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District.
- B. Performance Standards. The performance standards for the Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:
 - (1) In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of 2.0 ft. 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 floodproofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.

PROPOSED ORDINANCE – 5.03.9

9. Shallow Flooding (Overlay) District (SF)

- A. Permitted Uses. All **development** within the Shallow Flooding District shall be permitted to the extent that **it is** not prohibited by any other ordinance (or underlying zoning district) and provided they meet the applicable performance standards of the Shallow Flooding District.
- B. Performance Standards. The performance standards for the Shallow Flooding District shall be the same as the performance standards for the Floodway Fringe District with the following exceptions:
 - (1) In shallow flooding areas designated as an AO Zone on the Flood Insurance Rate Map, the minimum floodproofing/flood protection elevation shall be equal to the number of feet as specified on the FIRM (or a minimum of 2.0 ft. 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 floodproofing/flood protection elevation shall be equal to the elevation as specified on the FIRM.
 - (3) In shallow flooding areas designated as either an AH or AO Zone on the Flood Insurance Rate Map, drainage paths are required around structures on slopes to adequately guide floodwaters around and away from proposed structures.



Dam Failure Inundation (Overlay) District REMOVED

CURRENT ORDINANCE – 5.03.8

8. Dam Failure Inundation (Overlay) District (DI)

- A. Areas identified by the Natural Resource Conservation Service (NRCS) as potentially subject to inundation by waters released due to partial or complete failure of a dam or other water retention or detention shall be defined as comprising the Dam Failure Inundation (DI) overlay district
- B. Permitted Uses. The following uses shall be permitted within the DI District to the extent they are not prohibited by any other ordinance (or underlying zoning district) and provided they do not include placement of any structures,.
 - (1) Agricultural uses such as general farming, pasture, grazing, outdoor plant nurseries, horticulture, viticulture, truck farming, forestry, sod farming and wild crop harvesting.
 - (2) Industrial-commercial uses such as loading areas, parking areas, airport landing strips.
 - (3) Private and public recreational uses such as golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming areas, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
 - (4) Residential uses such as lawns, gardens, parking areas and play areas.
 - (5) Such other open-space uses similar in nature to the above uses.
- C. Conditional Uses. The following uses which involve structures (temporary or permanent), may be permitted only upon issuance of a Conditional Use Permit by the Board of Adjustment as provided for in subsection 5.03-9.C. Such uses must also meet the applicable provisions of the DI District Performance Standards.
 - (1) Uses or structures accessory to agricultural uses.
 - (2) Uses or structures accessory to open-space uses.
 - (3) Uses or structures accessory to commercial uses such as drive-in theaters, new and used car lots, roadside stands, signs and billboards.
 - (4) Extraction of sands, gravel and other materials.
 - (5) Marinas, boat rentals, docks, piers and wharves.
 - (6) Utility transmission lines and underground pipelines.
 - (7) Other uses similar in nature to uses described in subsections 5.03-8.B or 8.C above which are consistent with the provisions of subsection 5.03-8.D below and the general spirit and purpose of this ordinance.
- D. Performance Standards. All DI District uses allowed as a Permitted or Conditional Use shall meet the following standards.
 - (1) No use shall be permitted in the DI District that would result in any increase in the size or depth of inundation for other properties. Considera-

tion of the effects of any development on inundation 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 DI District 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) Structures, buildings and sanitary and utility systems, if permitted:
 - (i) Shall be constructed or aligned to present the minimum possible resistance to flood flows.
 - (ii) Shall have low flood damage potential and
 - (iii) Shall not be for human habitation.
- (e) 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 DI District within the time available after flood warning.
- (f) Any fill allowed in the dam failure inundation area must be shown to have some beneficial purpose and shall be limited to the minimum amount necessary.

PROPOSED ORDINANCE – NONE

Dam Failure Inundation (Overlay) District Removed from draft ordinance.



Appointment and Duties of Board of Adjustment (5.03.10)

CURRENT ORDINANCE – 5.03.9(C)

C. Conditional Uses, Appeals and Variances

- (1) Appointment and Duties of Board of Adjustment - A Board of Adjustment is hereby established which shall hear and decide (i) applications for Conditional Uses upon which the Board is authorized to pass under this ordinance, (ii) appeals, and (iii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the Board.
- (2) Conditional Uses - Requests for Conditional Uses shall be submitted to the Director, who shall forward such to the Board of Adjustment for consideration. Such requests shall include information ordinarily submitted with applications as well as any additional information deemed necessary to the Board of Adjustment.
- (3) Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.
- (4) Variance - The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance 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 Ordinance, the applicant shall be notified in writing over the signature of the Director that: (i) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 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.

PROPOSED ORDINANCE – 5.03.10

10. Appointment and Duties of Board of Adjustment

A Board of Adjustment is hereby established which shall hear and decide (i) appeals, and (ii) requests for variances to the provisions of this ordinance, and shall take any other action which is required of the Board.

- A. Appeals - Where it is alleged there is any error in any order, requirement, decision, or determination made by an administrative official in the enforcement of this ordinance, the aggrieved party may appeal such action. The notice of appeal shall be filed with the Board of Adjustment and with the official from whom the appeal is taken and shall set forth the specific reason for the appeal. The official from whom the appeal is taken shall transmit to the Board of Adjustment all the documents constituting the record upon which the action appealed from was taken.
- B. Variance - The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this Ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this Ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.
 - (1) 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.
 - (2) Variances shall not be issued within any designated floodway if any increase in flood levels during the base 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.
 - (3) Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (4) In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, 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 for \$100 of insurance coverage and (ii) such construction increases risks to life and property.
 - (5) All variances granted shall have the concurrence or approval of the Department of Natural Resources.

Appointment and Duties of Board of Adjustment (5.03.10)

CURRENT ORDINANCE

(5) Hearings and Decisions of the Board of Adjustment

- (a) Hearings. Upon the filing with the Board of Adjustment of an Appeal, an application for a Conditional Use or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.
- (b) Decisions. The Board shall arrive at a decision on an Appeal, Conditional Use or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Conditional Use or Variance, the board shall consider such factors as contained in subsection (i) below and all other relevant sections of this ordinance and may prescribe such conditions as contained in subsection (ii) below.
- (i) Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:
- The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - The danger that materials may be swept on to other land or downstream to the injury of others.

- The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
- The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
- The importance of the services provided by the proposed facility to the County.
- The requirements of the facility for a floodplain location.
- The availability of alternative locations not subject to flooding for the proposed use.
- The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
- The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
- The safety of access to the property in times of flood for ordinary and emergency vehicles.
- The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
- The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
- Such other factors which are relevant to the purpose of this Ordinance.

PROPOSED ORDINANCE 5.03.10

C. Hearings and Decisions of the Board of Adjustment

- (1) Hearings. Upon the filing with the Board of Adjustment of an Appeal or a request for a Variance, the Board shall hold a public hearing. The Board shall fix a reasonable time for the hearing and give public notice thereof, as well as due notice to parties in interest. At the hearing, any party may appear in person or by agent or attorney and present written or oral evidence. The Board may require the appellant or applicant to provide such information as is reasonably deemed necessary and may request the technical assistance and/or evaluation of a professional engineer or other expert person or agency, including the Department of Natural Resources.
- (2) Decisions. The Board shall arrive at a decision on an Appeal or Variance within a reasonable time. In passing upon an Appeal, the Board may, so long as such action is in conformity with the provisions of this ordinance, reverse or affirm, wholly or in part, or modify the order, requirement, decision, or determination appealed from, and it shall make its decision, in writing, setting forth the findings of fact and the reasons for its decision. In granting a Variance, the Board shall consider such factors as contained in this section and all other relevant sections of this ordinance and may prescribe such conditions as contained in subsection (b) below.
- (a) Factors Upon Which the Decision of the Board of Adjustment Shall be Based. In passing upon applications for Variances, the Board shall consider all relevant factors specified in other sections of this Ordinance and:
- (i) The danger to life and property due to increased flood heights or velocities caused by encroachments.
 - (ii) The danger that materials may be swept on to other land or downstream to the injury of others.
 - (iii) The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
 - (iv) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
 - (v) The importance of the services provided by the proposed facility to the County.
 - (vi) The requirements of the facility for a floodplain location.
 - (vii) The availability of alternative locations not subject to flooding for the proposed use.
 - (viii) The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
 - (ix) The relationship of the proposed use to the comprehensive plan and floodplain management program for the area.
 - (x) The safety of access to the property in times of flood for ordinary and emergency vehicles.
 - (xi) The expected heights, velocity, duration, rate of rise and sediment transport of the flood water expected at the site.
 - (xii) The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities (sewer, gas, electrical and water systems), facilities, streets and bridges.
 - (xiii) Such other factors which are relevant to the purpose of this Ordinance.



Appointment and Duties of Board of Adjustment (5.03.10)

CURRENT ORDINANCE

- (ii) Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:
 - Modification of waste disposal and water supply facilities.
 - Limitation of periods of use and operation.
 - Imposition of operational controls, sureties, and deed restrictions.
 - 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 Ordinance.
 - Floodproofing measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.

(6) Appeals to the Court - Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.

PROPOSED ORDINANCE – 5.03.10

- (b) Conditions Attached to Variances - Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this Ordinance. Such conditions may include, but not necessarily be limited to:
 - (i) Modification of waste disposal and water supply facilities.
 - (ii) Limitation of periods of use and operation.
 - (iii) Imposition of operational controls, sureties, and deed restrictions.
 - (iv) 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 Ordinance.
 - (v) Floodproofing measures. Floodproofing measures shall be designed consistent with the flood protection elevation for the particular area, flood velocities, durations, rate of rise, hydrostatic and hydrodynamic forces, and other factors associated with the regulatory flood. The Board of Adjustment shall require that the applicant submit a plan or document certified by a registered professional engineer that the floodproofing measures are consistent with the regulatory flood protection elevation and associated flood factors for the particular area.
- (3) Appeals to the Court - Any person or persons, jointly or severally, aggrieved by any decision of the Board of Adjustment may present to a court of record a petition, duly verified, setting forth that such decision is illegal, in whole or in part, specifying the grounds of the illegality. Such petition shall be presented to the court within thirty days after the filing of the decision in the office of the Board.



Nonconforming Uses (5.03.11)

CURRENT ORDINANCE – 5.03.10

10. Nonconforming Uses

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
- (1) If such use is discontinued for 6 (six) consecutive months, any future use of the building premises shall conform to this Ordinance.
 - (2) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
 - (3) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance.
 - (4) Except as provided in subsection 5.03-10.A(2), any use which has been permitted as a Conditional Use or Variance shall be considered a conforming use

PROPOSED ORDINANCE – 5.03.11

11. Nonconforming Uses

- A. A structure or the use of a structure or premises which was lawful before the passage or amendment of this Ordinance, but which is not in conformity with the provisions of this Ordinance, may be continued subject to the following conditions:
- (1) If such use is discontinued for six (6) consecutive months, any future use of the building premises shall conform to this Ordinance.
 - (2) Uses or adjuncts thereof that are or become nuisances shall not be entitled to continue as nonconforming uses.
 - (3) If any nonconforming use or structure is destroyed by any means, including flood, it shall not be reconstructed if the cost is more than fifty (50) percent of the market value of the structure before the damage occurred, unless it is reconstructed in conformity with the provisions of this Ordinance. **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.**
- B. Except as provided in 5.03-11 A (2), any use which has been permitted as a Variance shall be considered a conforming use.



Penalties for Violation (5.03.12)

CURRENT ORDINANCE – 5.03.11

11. Penalties for Violation. Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Conditional Uses or Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 (five hundred) or imprisoned for not more than 30 (thirty) days. Each day such violation continues shall be considered a separate offense. Nothing herein contained prevent Woodbury County from taking such other lawful action as is necessary to prevent or remedy violation.

PROPOSED ORDINANCE – 5.03.12

12. Penalties for Violation

Violations of the provisions of this Ordinance or failure to comply with any of the requirements (including violations of conditions and safeguards established in connection with grants of Variances) shall constitute a misdemeanor. Any person who violates this Ordinance or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500 or imprisoned for not more than 30 days. Each day such violation continues shall be considered a separate offense. Nothing herein contained shall prevent Woodbury County from taking such other lawful action as is necessary to prevent or remedy violation.



Amendments (5.03.13)

CURRENT ORDINANCE – 5.03.12

12. Amendments.

The regulations and standards set forth in this Ordinance 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.

PROPOSED ORDINANCE – 5.03.13

13. Amendments

The regulations and standards set forth in this Ordinance 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.