



**Planning & Development
Scott County, Iowa**

Email: planning@scottcountyiowa.com
Office: (563) 326-8643
Fax: (563) 326-8257

Administrative Center
600 West Fourth Street
Davenport, Iowa 52801-1106

February 16, 2024

To: Board of Supervisors
From: Alan Silas, Planning & Development Specialist
Re: Ordinance Text Amendments to Sections Regulating Floodplain Areas

The County was notified by FEMA on January 2, 2024 that the County's updated Flood Insurance Study and Flood Insurance Rate Map (FIRM) have been completed and will be become effective April 11, 2024. While no significant changes have been made to the flood hazard data on the Preliminary FIRM for Scott County, the County is obligated to adopt the map amendments and a floodplain management ordinance that meets or exceeds the minimum National Flood Insurance Program (NFIP) requirements by the effective date.

The County's current floodplain management ordinance by and large meets or exceeds NFIP requirements, with the exception of reference numbers and dates affected by the 2024 update of the FIRM data. Staff consulted with the Iowa Department of Natural Resources (DNR) to locate the appropriate areas of the ordinance to amend.

Once a draft ordinance for the amendments was reviewed and approved by the DNR, the map amendments and ordinance text amendments were considered by the Planning & Zoning Commission at a public hearing on February 6, 2024. In a 4-0 vote, the Commission recommended that the amendments be adopted.

PLANNING & DEVELOPMENT

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**NOTICE OF BOARD OF SUPERVISORS
PUBLIC HEARING FOR AMENDMENTS TO THE ZONING ORDINANCE**

Public Notice is hereby given as required by Section 6-33 of the County Code (Zoning Ordinance for Unincorporated Scott County), that the Scott County Board of Supervisors will hold a public hearing for proposed amendments to said ordinance at a public meeting on **Thursday, February 29, 2024 at 5:00 PM**. The meeting will be held in the **1st Floor Board Room of the Scott County Administrative Center, 600 West 4th Street, Davenport, Iowa 52801**.

The Board of Supervisors will consider amendments to certain sections of Zoning Ordinance Sections 6-23 through 6-26 (Floodways, Floodway Fringes, General Floodplains, and Shallow Flooding Overlay Districts), as required by FEMA in order to address the updated Physical Map Revision (PMR) that will become effective April 11, 2024. The Scott County Planning and Zoning Commission held a public hearing and took public comments on said amendments on February 6, 2024 and, with a 4-0 vote, recommended adoption to the Board of Supervisors.

If you have any questions or comments regarding this meeting or proposal, please call or write the Planning and Development Department, Scott County Administrative Center, 600 West Fourth Street, Davenport, Iowa 52801, (563) 326-8643, planning@scottcountyiowa.gov, or attend the meeting.



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February 7, 2024

To: Mahesh Sharma, County Administrator
From: Alan Silas, Planning and Development Specialist
Re: Planning & Zoning Commission action on February 6, 2024 agenda items

Members Present: Armstrong, Maxwell, Piatak, Schnekloth
Members Absent: Rochau, Scheibe, Steward

1. Public Hearing – Ordinance Text Amendment

Submission by County staff to amend certain sections of Zoning Ordinance Sections 6-23 through 6-26 (Floodways, Floodway Fringes, General Floodplains, and Shallow Flooding Overlay Districts), as required by FEMA in order to address the updated Physical Map Revision (PMR) that will become effective April 11, 2024.

The Commission voted (4-0) to recommend approval of the amendment to the Board of Supervisors in accordance with staff's recommendation. No members of the public spoke for or against the proposal.

The recommendation to approve the amendment is expected be forwarded to the Board of Supervisors for its own hearing on the request.

- **Vote (recommend approval of Ordinance Text Amendment): 4-0, All Ayes**

2. Public Meeting – Site Plan Review

Application from Dollar General Store (DGOG Davenport IA 07262023, LLC) for approval of a site plan to establish a retail store at the property legally described as Lot 1 of RSB Addition in Section 2 of Buffalo Township.

The Commission voted (4-0) to approve the site plan, with conditions, in accordance with staff's recommendation. A representative for the applicant was present. No members of the public spoke for or against the request.

Site Plan approval allows the applicant to begin site work and submit an application for a building permit for the construction of the retail store.

- **Vote (approve Site Plan, with conditions): 4-0, All Ayes**
Conditions of approval:
 - That the applicant adhere to the documentation and reporting requirements described in the County Engineer's memo(s);
 - That a perpetual ingress/egress easement is recorded on both the subject property's deed and the adjacent property for the shared access road. The easement should identify road maintenance responsibilities.



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3. Public Meeting – Site Plan Review

Application from Robert Iossi for approval of a site plan to establish a Private Park and construct a “pavilion” at the property legally described as Subdivided Government Lots 1-8 in Section 11 of Allens Grove Township.

The Commission voted (4-0) to approve the site plan, with conditions, in accordance with staff’s recommendation. The applicant was present with several family members. No members of the public spoke for or against the request.

Site Plan approval allows the applicant to submit an application for a building permit for the construction of the “pavilion.”

- **Vote (approve Site Plan, with conditions): 4-0, All Ayes**

Conditions of approval:

- All requirements of the Health Department regarding water and waste water disposal be continually met;
- That documentation of a recorded legal access easement to the property be provided;
- A building permit be issued for the existing shelter, and storage units on the property, and the pavilion building approved in conjunction with this site plan;
- The pavilion building not be used as a temporary or permanent residence;
- No permanent electric service be provided to the building or property;
- That the property be assigned an address in accordance with Scott County’s E-911 Rural Address system; and
- The property owner record restrictive covenants that state the property will be used for private outdoor recreation purposes and not any public commercial events or commercial recreational uses and any violation of Scott County Zoning Ordinance will result in the issuance of a municipal infraction and civil court action to abate such violation.



FEMA

January 2, 2024

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Ken Beck
Chairperson, Board of Supervisors
Scott County
600 West Fourth Street
Davenport, Iowa 52801

Dear Chairperson Beck:

I commend you for the efforts that have been put forth in implementing the floodplain management measures for Scott County, Iowa, to participate in the National Flood Insurance Program (NFIP). As you implement these measures, I want to emphasize the following:

- a Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) have been completed for your community;
- the FIS and FIRM will become effective on April 11, 2024; and
- by the FIS and FIRM effective date, the Department of Homeland Security's Federal Emergency Management Agency (FEMA) Regional Office is required to approve the legally enforceable floodplain management measures your community adopts in accordance with Title 44 Code of Federal Regulations (CFR) Section 60.3(d).

As noted in FEMA's letter dated October 11, 2023, no significant changes have been made to the flood hazard data on the Preliminary and/or revised Preliminary copies of the FIRM for Scott County. Therefore, Scott County should use the Preliminary and/or revised Preliminary copies of the FIRM as the basis for adopting the required floodplain management measures. Final printed copies of the FIRM for Scott County will be sent to you within the next few months.

If you encounter difficulties in enacting the measures, I recommend you contact the Iowa Department of Natural Resources. You may contact Jason Conn, CFM, the NFIP State Coordinator, by telephone at (515) 725-8333, in writing at 502 East Ninth Street, Des Moines, Iowa 50319, or by electronic mail at jason.conn@dnr.iowa.gov.

The FEMA Regional staff in Kansas City, Missouri, is also available to provide technical assistance and guidance in the development of floodplain management measures. The adoption of compliant floodplain management measures will provide protection for Scott County and will ensure its participation in the NFIP. The Regional Office may be contacted by telephone at (816) 283-7061 or in writing. Please send your written inquiries to the Director, Mitigation Division, FEMA Region 7, at 11224 Holmes Road, Kansas City, Missouri 64131-3626.

Ken Beck
January 2, 2024
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You may have already contacted the NFIP State Coordinator and/or the FEMA Regional Office, and may be in the final adoption process or recently adopted the appropriate measures. However, in the event your community has not adopted the appropriate measures, this letter is FEMA's official notification that you only have until April 11, 2024, to adopt and/or submit a floodplain management ordinance that meets or exceeds the minimum NFIP requirements, and request approval from the FEMA Regional Office by the effective date. Your community's adopted measures will be reviewed upon receipt and the FEMA Regional Office will notify you when the measures are approved.

I appreciate your cooperation to ensure that your community's floodplain management measures are approved by the FEMA Regional Office by April 11, 2024. Your compliance with these mandatory program requirements will enable your community to avoid suspension from the NFIP.

Additional information on community suspensions as proposed, other notices of current NFIP community status information, and details regarding updated publication requirements of community eligibility status information under the NFIP can be found on the Community Status Book section of our website at www.fema.gov/flood-insurance/work-with-nfip/community-status-book. Notices for scheduled suspension will be available on the National Flood Insurance Community Status and Public Notification section of our website at www.fema.gov/flood-insurance/work-with-nfip/community-status-book/public-notification. Individuals without internet access will be able to contact their local floodplain management official and/or NFIP State Coordinating Office directly for assistance.

Sincerely,



Rachel Sears, Director
Floodplain Management Division
Mitigation Directorate | FEMA

cc: Andrea Spillars, Regional Administrator, FEMA Region 7
Jason Conn, CFM, NFIP State Coordinator, Iowa Department of Natural Resources
Chris Still, Interim Director of Planning and Development, Scott County

SCOTT COUNTY ORDINANCE NO. 24 - _____

AN ORDINANCE TO ADOPT AMENDMENTS TO CHAPTER 6 OF THE SCOTT COUNTY CODE TO ADD AND AMEND CERTAIN DEFINITIONS RELATED TO FLOODPLAIN REGULATIONS AND TO ALSO AMEND CERTAIN SPECIFIC FLOODPLAIN REGULATIONS IN ORDER TO COMPLY WITH THE REQUIREMENTS OF THE NATIONAL FLOOD INSURANCE PROGRAM AS REQUIRED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY.

BE IT ENACTED BY THE BOARD OF SUPERVISORS OF SCOTT COUNTY, IOWA:

Section 1 Amend the following sections of Chapter 6, SCOTT COUNTY CODE, 2012.

- | | |
|------------|---|
| 6-5 | DEFINITIONS |
| 6-8 | ESTABLISHMENT OF DISTRICTS AND DISTRICT BOUNDARIES |
| 6-23. | GENERAL PROVISIONS OF THE FLOODWAY, FLOODWAY FRINGE, AND FLOODPLAIN OVERLAY DISTRICTS |
| 6-25. "FF" | Floodway Fringe Overlay District |
| 6-26. "GF" | General Flood Plain Overlay District |

Section 2. Amend certain provisions of Section 6-5 DEFINITIONS to read as follows:

34. ENCLOSED AREA BELOW LOWEST FLOOR – The floor of the lowest enclosed area in a building when all the following criteria are met:
- A. The enclosed area is designed to flood to equalize hydrostatic pressure during flood events with walls or openings that satisfy the provisions of ~~6-23.B(5)~~ 6.23.B.D.(1) of this Ordinance, and

Section 3. Amend certain portions of Section 6-8 ESTABLISHMENT OF DISTRICTS AND DISTRICT BOUNDARIES to read as follows:

- D. Flood Plain Overlay Map: The boundaries of the flood plain overlay districts shall be the same as shown on the Flood Insurance Rate Maps, which were issued by the Federal Emergency Management Agency. The Flood Insurance Rate Maps (FIRM) for Scott County and Incorporated Areas, dated ~~March 23, 2021~~ dated April 11, 2024, which were prepared as part of the Scott County Flood Insurance Study, are hereby adopted by reference and declared to be the Official Flood Plain Zoning Map for unincorporated Scott County. The flood profiles and all explanatory material contained with the Flood Insurance Study are declared to be part of this ordinance. These maps are hereby adopted by reference as the Official Flood Identification Maps, together with the accompanying Flood Insurance Study and all explanatory material therein. These maps shall have the same force and effect as if they were all fully set forth or described herein. Subsequent amendments to these maps and Flood Insurance Study shall be adopted through the procedures established herein.

Section 4. Amend certain portions of Section 6-23 GENERAL PROVISIONS OF THE FLOODWAY, FLOODWAY FRINGE, AND GENERAL FLOODPLAIN OVERLAY DISTRICTS to read as follows:

A. General Provisions of the Floodplain Overlay Districts

2. Establishment of Official Floodplain Zoning Map

The Flood Insurance Rate Maps (FIRM) for Scott County's unincorporated areas, dated ~~March 23, 2021~~ **April 11, 2024**, which was prepared as part of the Flood Insurance Study for Scott County, are hereby adopted by reference and declared to be the Official Floodplain Zoning Map. The Scott 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.

B.1.B.3) Record and maintain a record of (i) the elevation (in relation to North American Vertical Datum 1988 ~~(ALTERNATIVE LANGUAGE: National Geodetic Vertical Datum 1929)~~ [NOTE: ~~reference Flood Insurance Study for the appropriate 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.

B.2.B.6) Elevation (in relation to North American Vertical Datum 1988 ~~[reference Flood Insurance Study for the appropriate datum]~~) of the lowest floor (including basement) of structures or of the level to which a structure is to be floodproofed.

Section 5. Amend certain portions of Section 6-25 "FF" FLOODWAY FRINGE OVERLAY DISTRICT to read as follows:

3.L.1) Recreational vehicles are exempt from the requirements of Section ~~6-23 (3) (D)~~ **(1) 6-25 (3) (E)** of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied:

Section 6. Validity and Severability

Should any section or provision of this Ordinance be declared by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the Ordinance as a whole, or any part thereof other than the part so declared to be invalid.

Section 7. Repealer

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

Section 8. Effective Date.

This ordinance shall be in full force and effective after its final passage and publication as by law provided.

Public Hearing _____,
First Consideration _____,
Second Consideration _____,

Ken Beck
Chairman, Board of Supervisors

Attested by: _____ Published on _____.
Kerri Tomkins
Scott County Auditor