



**Planning & Development
Scott County, Iowa**

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

April 1, 2024

To: Mahesh Sharma, County Administrator
From: Alan Silas, Planning & Development Specialist
Re: Ordinance Text Amendments to Sections Regulating Floodplain Areas

The Planning & Zoning Commission held a public hearing on February 6, 2024 for proposed ordinance text amendments regarding certain sections of the Zoning Ordinance that regulate floodplain areas. The Commission's recommendation to approve the amendments was forwarded to the Board of Supervisors, which held its own public hearing and conducted the required readings that resulted in the passage of the amendments on March 14, 2024.

In order to properly amend the text, a County representative had begun collaboration with the Iowa Department of Natural Resources (DNR) to draft an ordinance in December 2023. The Iowa DNR reviewed the final draft and provided the County with a final list of revisions. Upon review of the approved and recorded ordinance, representatives from the Iowa DNR and the Flood Emergency Management Agency discovered that certain items on the list of revisions were not implemented and notified current staff.

Staff and the Iowa DNR have now identified the final required amendments, which need to undergo the same hearing and adoption process as the incomplete text amendment ordinance, beginning with a public hearing by the Planning & Zoning Commission on April 2, 2024, followed by a public hearing and subsequent text readings by the Board of Supervisors. A draft of the ordinance showing the final remaining changes is enclosed.

Staff recommends that the ordinance text amendments be approved and adopted in order for Scott County to remain a participating community in the National Flood Insurance Program.

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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, April 11, 2024 at 5:00 PM**. The meeting will be held in **Conference Room 258 in the Scott County Courthouse, 400 West 4th Street, Davenport, Iowa 52801**.

The Board of Supervisors will consider amendments to certain sections of Zoning Ordinance Section 6-25 ("FF" Floodway Fringe Overlay District), as required by FEMA in order for Scott County to remain a participating community in the National Flood Insurance Program (NFIP). The Scott County Planning and Zoning Commission held a public hearing and took public comments on said amendments on April 2, 2024.

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.

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, 2022.

- 6-2 SCOPE AND PURPOSE
- 6-5 DEFINITIONS
- 6-23 GENERAL PROVISIONS OF THE FLOODWAY, FLOODWAY FRINGE, GENERAL FLOODPLAIN, AND SHALLOW FLOODING OVERLAY DISTRICTS
- 6-25. "FF" FLOODWAY FRINGE OVERLAY DISTRICT

Section 2. Amend certain provisions of Section 6-2 SCOPE AND PURPOSE to read as follows:

- 3. Statement of Purpose - It is the purpose of this Ordinance to protect and preserve the rights, privileges and property of unincorporated Scott 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 Section 6.2.2.A. of this Ordinance with provisions designed to:

Section 3. 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 6.25.3.D.(1) of this Ordinance, and

ADD 51. 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.

- 114. START OF NEW CONSTRUCTION: Includes substantial improvement, and means the date the development permit was issued, provided the actual start of construction, repair, re-construction, 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.

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

B(1)(b)9.c Development relocates or alters the channel

ADD B(1)(b)9.d 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

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

3.C. Non-residential structures - All new or substantially improved nonresidential 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.

3.D.3. 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 of non-residential structures, optionally floodproofed to) a minimum of one (1) foot above the base flood elevation.

ADD 3.D.4. 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.

3.K.1(f) The structure’s walls shall include openings that satisfy the provisions of Section 6-25.3.D (1) of this Ordinance.

3.L.2 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 Section 6-25.3.E of this Ordinance regarding anchoring and elevation of factory-built homes.

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: _____
Kerri Tomkins
Scott County Auditor

Published on _____.

SCOTT COUNTY ORDINANCE NO. 24-

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 - 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.D(1)~~ 6.25.3.D.(1) of this Ordinance, and

ADD **51. 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.**

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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.

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B(1)(b)9.c Development relocates or alters the channel ~~within 6 months of the completion of the development, the applicant shall submit to FEMA all scientific and technical data necessary for a Letter of Map Revision.~~

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3.K.1(f) The structure’s walls shall include openings that satisfy the provisions of Section 6-24~~5.3.D~~ **(1)** of this Ordinance.

3.L.2 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 Section 6-23~~5.3.E(2)~~ of this Ordinance regarding anchoring and elevation of factory-built homes.

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.

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