

RESOLUTION

No. 2022-____

A RESOLUTION AMENDING THE ZONING ORDINANCE OF CERRO GORDO COUNTY
(Ordinance No. 15), AMENDING ARTICLE 21: FLOODPLAIN MANAGEMENT AND
ADOPTING UPDATED FLOOD INSURANCE RATE MAPS AND FLOOD INSURANCE
STUDY

WHEREAS, Cerro Gordo County is a member in good standing in the National Flood Insurance Program; and

WHEREAS, areas prone to flooding, known as special flood hazard areas, in Cerro Gordo County have recently been re-mapped by the Federal Emergency Management Agency (FEMA) following further study of county waterbodies; and

WHEREAS, the new maps issued by FEMA have an effective date of December 15, 2022; and

WHEREAS, the Cerro Gordo County Planning and Zoning Commission, after study and hearing, has recommended amendments to the Zoning Ordinance, upon the application of the Zoning Administrator; and

WHEREAS, the final public hearing has been held with notice as required by law.

NOW, THEREFORE, BE IT RESOLVED by the Cerro Gordo County Board of Supervisors that Ordinance No. 15 is hereby amended, and that this Resolution shall be in full force and effect from and after its passage.

1. **Article 4, Definitions**, shall be amended as follows:

Add the following definition of 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. (Applicable to Article 21 Floodplain Management only).

Replace the following definition of 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.

Replace the following definition of 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.

2. **Article 21.3, Lands to which Ordinance Applies** shall be amended as follows:

Repeal and replace with the following:

The provisions of this ordinance shall apply to all lands and development which have significant flood hazards. The Flood Insurance Rate Map (FIRM) for Cerro Gordo County and Incorporated Areas, dated December 15, 2022, which were prepared as part of the Cerro Gordo County Flood Insurance Study, shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the base flood shall be considered as having significant flood hazards. The Cerro Gordo 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.

3. **Article 21.5, Standards for Floodplain Development**, shall be amended as follows:

Repeal the opening paragraph and replace with the following:

All development must be consistent with the need to minimize flood damage and meet the following applicable performance standards. Where base flood elevations have not been provided in the Flood Insurance Study, the Iowa Department of Natural Resources shall be contacted to determine (i) whether the land involved is either wholly or partly within the floodway or floodway fringe and (ii) the base flood elevation. 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.

Review by the Iowa Department of Natural Resources is not required for the proposed construction of new or replacement bridges or culverts where (i) the bridge or culvert is located on a stream that drains less than one hundred (100) square miles, and (ii) 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 (as amended).

Repeal Section 21.5(A)(1) and replace with the following:

1. Be designed and adequately anchored to prevent flotation, collapse, or lateral movement of the structure.

Repeal Section 21.5(B)(1) and replace with the following:

1. New and 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) 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 base flood.

Repeal Section 21.5(B)(3)(c) and replace with the following:

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

Add Section 21.5(B)(3)(d) as follows:

- 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.

Repeal Section 21.5(D) and replace with the following:

- D. Subdivisions (including factory-built home parks and subdivisions)

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 Special Flood Hazard Area.

Repeal Section 21.5(I)(1)(f) and replace with the following:

- c. The structure's walls shall include openings that satisfy the provisions of Section 21.5(B)(3)(a) of this Ordinance.

Repeal Section 21.5(J)(1) and replace with the following:

1. Recreational vehicles are exempt from the requirements of Article 21.5 (C) of this Ordinance regarding anchoring and elevation of factory-built homes when the following criteria are satisfied:
 - a. The recreational vehicle shall be located on the site for less than 180 consecutive days, and,
 - b. 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.
4. **Article 21.6, Administration**, shall be amended as follows:

Repeal Section 21.6(A)(2)(g)((1)) and replace with the following:

- (1) Development placed within the floodway results in any of the following:
 - (a) An increase in the Base Flood Elevations, or
 - (b) Alteration to the floodway boundary

Repeal Section 21.6(B)(2)(g) and replace with the following:

- g. For developments involving more than 5 acres or 50 lots (whichever is less), the base flood elevation.

Repeal Section 21.6(C) and replace with the following:

- C. The Administrator shall review all subdivision proposals within the special flood hazard areas to assure that such proposals are consistent with the purpose and spirit of this ordinance and shall advise the Board of Supervisors of potential conflicts. Floodplain development in connection with a subdivision (including installation of public utilities) shall require Floodplain Development Permit as provided in Article 21.6(B).

NOW, THEREFORE, BE IT RESOLVED by the Cerro Gordo County Board of Supervisors that Ordinance No. 15 is hereby amended and that this Amendment shall be in full force and effect from and after its passage.

Motion was made by Supervisor _____ and seconded by Supervisor _____ that the foregoing Resolution be adopted.

Ayes –

Nays –

Absent/Not Voting –

Date of First Consideration:

Date of Second Consideration:

Date of Third Consideration:

Resolution adopted this ____ day of October 2022.

Chairman, Board of Supervisors
Cerro Gordo County, Iowa

I hereby certify that the foregoing is a full, true, and complete copy of Resolution as full, true, and complete as the same remains on file and of Record in my office.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the Auditor's Office in Mason City, Iowa, this ____ day of October 2022.

Adam V. Wedmore, Auditor
Cerro Gordo County, Iowa