

ORDINANCE NO. 2024-98

AN ORDINANCE AMENDING CHAPTER 15.44 ENTITLED "FLOOD DAMAGE PREVENTION" OF THE MUNICIPAL CODE OF DAVENPORT, IOWA TO ADOPT THE NEW FLOOD INSURANCE STUDY AND FLOOD MAPS, AND TO ALIGN THE ORDINANCE WITH IOWA DEPARTMENT OF NATURAL RESOURCES AND FEMA STANDARDS AND REGULATIONS.

BE IT ENACTED BY THE CITY COUNCIL OF THE CITY OF DAVENPORT, IOWA:

Section 1. That section 15.44.060 **Basis for establishing the areas of special flood hazard** of the Municipal Code of Davenport, Iowa be deleted in its entirety and replaced to read as follows:

The areas of special flood hazard identified by the Federal Insurance Administration through a scientific and engineering report entitled " The Flood Insurance Study for Scott County, Iowa No. 19163CV000CA DATED April 11, 2024," with accompanying Flood Insurance Rate Maps and any revision thereto are adopted by reference and declared to be a part of this chapter. The Flood Insurance Rate Map (FIRM) for Scott County and Incorporated Areas: City of Davenport: Panels 19163C0335H, 0340H, 0345H, 0355H, 0360H, 0365H, 0367H, 0370H, 0376H, 0378H, 0460H, 0476H; dated April 11, 2024 and 0456G, 0458G; dated March 23, 2021, which were prepared as part of the Flood Insurance Study for is (are) hereby adopted by reference and declared to be the Official Floodplain Map. The flood profiles and all explanatory material contained in the Flood Insurance Study are also declared to be a part of this chapter.

Section 2. That section 15.44.070 **Definitions** of the Municipal Code of Davenport, Iowa be and the same is hereby amended to incorporate the following terms and definitions to read as follows:

ENCLOSED AREA BELOW LOWEST FLOOR – Shall mean 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 SECTION 15.44.080 (R)(1) of this Ordinance, and
- B. 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
- C. 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
- D. The enclosed area is not a "basement" as defined in this section.

FACTORY-BUILT HOME - Shall mean 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.

Section 3. That section 15.44.070 **Definitions** of the Municipal Code of Davenport, Iowa, be and the same is hereby amended to revise the following terms and definitions to read as follows:

FACTORY-BUILT HOME PARK OR SUBDIVISION - Shall mean a parcel or contiguous parcels of land divided into two or more factory-built home lots for sale or lease.

FLOOD INSURANCE RATE MAP (FIRM) - Shall mean 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.

FLOOD INSURANCE STUDY (FIS) - Shall mean 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.

FLOODWAY FRINGE - Shall mean those portions of the Special Flood Hazard Area outside the floodway.

LOWEST FLOOR - Shall mean 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.

NEW CONSTRUCTION - (new buildings, factory-built home parks) - Shall mean 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.

REPETITIVE LOSS - Shall mean a building covered by an NFIP flood insurance policy that has incurred flood-related damages on two occasions during a 10-year period ending on the date of the event for which a second claim is made, in which the cost of repairing the flood damage, on average, equaled or exceeded 25% of the market value of the building at the time of each such flood event.

SUBSTANTIAL DAMAGE - Shall mean 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.

Substantial damage also means flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of such flood event, on the average, equals or exceeds 25 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.

SUBSTANTIAL IMPROVEMENT – Shall mean any improvement to a structure which satisfies either of the following criteria:

- A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 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.

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".

- B. 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.

Section 4. That subsection 15.44.080(M) **General Standards for flood hazard reduction** of the Municipal Code of Davenport, Iowa be deleted in its entirety and replaced to read as follows:

M. 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:

1. 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.
2. 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.
3. The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
4. The structure shall be firmly anchored to prevent flotation, collapse, and lateral movement which may result in damage to other structures.
5. 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.
6. The structure's walls shall include openings that satisfy the provisions of (SECTION 15.44.080 (R)(1) of this Ordinance.
7. 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.

Section 5. That subsection 15.44.080(R)(5) **All New and Substantially Improved Structures** of the Municipal Code of Davenport, Iowa be deleted in its entirety.

Section 6. That section 15.44.100 **Standards for areas of shallow flooding (AO zones)** of the Municipal Code of Davenport, Iowa be deleted in its entirety.

Section 7. That subsection 15.44.110(D) **Standards for subdivision proposals including factory-built home parks and subdivisions in all Special Flood Hazard Areas** of the Municipal Code of Davenport, Iowa be deleted in its entirety and replaced to read as follows:

Base flood elevation data shall be provided for all subdivision proposals (regardless of size) and other proposed development which is intended for the construction of any structure.

Section 8. That subsection 15.44.140(F) **Permit Procedures** of the Municipal Code of Davenport, Iowa be deleted in its entirety and replaced to read as follows:

Elevation of the base flood in relation to NAVD;

SEVERABILITY CLAUSE. If any of the provisions of this ordinance are for any reason illegal or void, then the lawful provisions of this ordinance, which are separable from said unlawful provisions shall be and remain in full force and effect, the same as if the ordinance contained no illegal or void provisions.

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

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

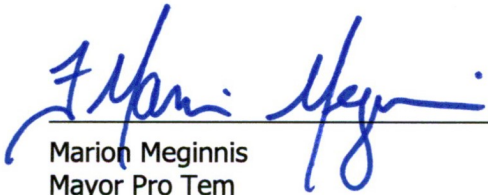
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Attest:


Marion Meginnis
Mayor Pro Tem


Brian Krup
Deputy City Clerk

