

## COMMUNITY DEVELOPMENT

### MEMORANDUM

Planning,  
Zoning,  
Building Safety,  
Construction Inspection Services,  
Public Health,  
Housing Inspections,  
Code Enforcement

**To:** Mayor and City Council Members  
**Cc:** Gregg Mandsager, City Administrator  
**From:** Andrew Fangman, Assistant Community Development Director  
**Date:** August 1, 2019  
**Re:** An Ordinance Amending Title 10, Chapter 4, Section 11, the City Code, Floodplain Regulations Definitions

**INTRODUCTION:** The Iowa Department of Natural Resources has requested that the City of Muscatine add six definitions to the City's floodplain management regulations.

**BACKGROUND:** The City of Muscatine's current floodplain management regulations can be found in Chapters 4 and 5 of Title 10 of the City Code of Muscatine. In order for City of Muscatine residents and businesses to be able to continue to participate in the National Flood Insurance Program, the City of Muscatine must have legally enforceable floodplain management regulations that are compliant with Title 44 Code of Federal Regulations 60.3.

Periodically, the Iowa Department of Natural Resources (DNR) periodically reviews the City's adopted floodplain management regulations to determine compliance with Title 44 Code of Federal Regulations 60.3. The DNR has recently completed another such review and is requesting that following definitions be added to the City's floodplain management regulations, in Section 10-4-11 (Definitions)

***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.

***Base Flood Elevation*** - The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

***Flood Insurance Study*** - An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

***Highest Adjacent Grade*** - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

***Minor Project*** – Small development activities (except for, filling, grading, and excavating) valued at less than \$500.

***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:***

- A. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;***
- B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;***
- C. Basement sealing;***
- D. Repairing or replacing damaged or broken window panes;***
- E. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems***

**RECOMMENDATION/RATIONALE:** The Planning and Zoning Commission and Staff recommends that requested definitions be added to Section 10-4-11 of City Code, which contains definitions specifically relating to floodplain management. Such action is required for the City of Muscatine to remain compliant with Title 44 Code of Federal Regulations 60.3 and for residents and businesses to remain eligible to participate in the National Flood Insurance Program.

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING TITLE 10, CHAPTER 4, SECTION 11 OF THE CITY CODE, FLOODPLAIN REGULATIONS DEFINITIONS**

**WHEREAS**, The City of Muscatine's current floodplain management regulations can be found in Chapters 4 and 5 of Title 10 of the City Code of Muscatine; and

**WHEREAS**, In order for City of Muscatine residents and businesses to be able to continue to participate in the National Flood Insurance Program, the City of Muscatine must have legally enforceable floodplain management regulations that are compliant with Title 44 Code of Federal Regulations 60.3; and

**WHEREAS**, Periodically, the Iowa Department of Natural Resources (DNR) periodically reviews the City's adopted floodplain management regulations to determine compliance with Title 44 Code of Federal Regulations 60.3; and

**WHEREAS**, The DNR has recently completed another such review and is requesting that definitions of appurtenant structure, base flood elevation, flood insurance study, highest adjacent grade, minor project, and routine maintenance of existing buildings and facilities, be added to the City's floodplain management regulations, in Section 10-4-11; and

**WHEREAS**, the Planning and Zoning Commission on July 9, 2019 voted to recommend approval the revisions to the floodplain regulation definitions; and

**WHEREAS**, a public hearing, on August 1, 2019, was conducted by the City Council of Muscatine prior to the adoption this ordinance.

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MUSCATINE, IOWA:**

SECTION 1. The following definition contained within in the currently adopted version of Section 11, Chapter 4 of Title 10 is hereby deleted:

**Flood Insurance Study** - A study initiated, funded, and published by the Federal Insurance Administration for the purpose of evaluating in detail the existence and severity of flood hazards; providing the city with the necessary information for adopting a flood plain management program; and establishing actuarial flood insurance rates.

SECTION 2. The following definitions are hereby added, in the appropriate alphabetical position to Section 11, Chapter 4 of Title 10:

**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.

**Base Flood Elevation** - The elevation floodwaters would reach at a particular site during the occurrence of a base flood event.

**Flood Insurance Study** - An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

**Highest Adjacent Grade** - The highest natural elevation of the ground surface prior to construction next to the proposed walls of a structure.

**Minor Project** – Small development activities (except for, filling, grading, and excavating) valued at less than \$500.

**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:

- A. Normal maintenance of structures such as re-roofing, replacing roofing tiles and replacing siding;
- B. Exterior and interior painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work;
- C. Basement sealing;
- D. Repairing or replacing damaged or broken window panes;
- E. Repairing plumbing systems, electrical systems, heating or air conditioning systems and repairing wells or septic systems

SECTION 3. Any Ordinance or part thereof in conflict or inconsistent with the provisions of this Ordinance is repealed.

SECTION 3. This ordinance shall be in effect from and after the passage and approval and publication of this ordinance, as provided by law

**PASSED, APPROVED AND ADOPTED** this 1<sup>st</sup> day of August, 2019.

attest

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Mayor, Diana Broderson

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City Administrator, Gregg Mandsager

First Reading:  
Second Reading:  
Third Reading:  
Publication: