

**CHAPTER 3 - FLOOD PLAIN MANAGEMENT ORDINANCE  
OF DUBUQUE COUNTY, IOWA**

Adopted August 29, 1983  
Amended June 4, 2001  
Amended October 10, 2011  
Amended August 12, 2013

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**PART 1  
INTRODUCTION**

- 3-1       **LEGAL AUTHORITY.** Chapter 358A and Chapter 331 of the Code of Iowa grants to counties the authority to enact zoning ordinances regulating the uses of land located within the county and lying outside the corporate limits of any city for certain stated purposes, including the protection of health and general welfare and the securing of safety from flood.
- 3-2       **FINDINGS OF FACT.**
- 3-2.1      The flood hazard areas of Dubuque County are subject to periodic inundation which can result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief and impairment of the tax base, all of which adversely affect the peace, safety, health, welfare, comfort and convenience of its residents.
- 3-2.2      These flood losses, hazards and related adverse effects are caused by:
- a       the occupancy of flood hazard areas by uses vulnerable to flood damages which create hazardous conditions as a result of being inadequately elevated or otherwise protected from flooding and
- b       the cumulative effect of obstructions on the flood plain causing increases in flood heights and velocities.
- 3-2.3      This ordinance relies upon engineering methodology for analyzing flood hazards which is consistent with the standards established by the Iowa Department of Natural Resources.
- 3-3       **STATEMENT OF PURPOSE.** It is the purpose of this ordinance to protect and preserve the rights, privileges and property of Dubuque 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 3-2.2 with provisions designed to:
- 3-3.1      Reserve sufficient flood plain area for the conveyance of flood flows so that flood heights and velocities will not be increased substantially.
- 3-3.2      Restrict or prohibit uses which are dangerous to health, safety or property in times of flood or which cause excessive increases in flood heights or velocities.
- 3-3.3      Requires that uses vulnerable to floods, including public utilities which serve such uses, be protected against flood damage at the time of initial construction.
- 3-3.4      Protect individuals from buying lands which are unsuited for intended purposes because of flood hazard.
- 3-3.5      Assure that eligibility is maintained for property owners in the County to purchase flood insurance through the National Flood Insurance Program.
- 3-4       **DEFINITIONS.** Unless specifically defined below, words or phrases used in this ordinance shall be interpreted so as to give them the meaning they have in

- common usage and to give this ordinance its most reasonable application.
- 3-4.1 **"Base Flood"** The flood having one (1) percent chance of being equaled or exceeded in any given year. (See 100-year flood). [Amended October 10, 2011]
- 3-4.2 **"Basement"** Any enclosed area of a building which has its floor or lowest level below ground level (subgrade) on all sides. Also see "lowest floor".
- 3-4.3 **"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 or drilling operations.
- 3-4.4 **"Existing Factory-built Home Park or Subdivision"** A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the first floodplain management regulations adopted by the community. [Amended October 10, 2011]
- 3-4.5 **"Expansion of Existing Factory-built Home Park or Subdivision"** The preparation of additional sites by the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads). [Amended October 10, 2011]
- 3-4.6 **"Factory-built Home"** 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 park trailers, travel trailers and other similar vehicles placed on a site for greater than 180 consecutive days.
- 3-4.7 **"Factory-build Home Park"** A parcel or contiguous parcels of land divided into two or more factory-building home lots for rent or sale.
- 3-4.8 **"Flood"** A general and temporary condition of partial or complete inundation of normally dry land areas resulting from the overflow of streams or rivers or from the unusual and rapid runoff of surface waters from any source.
- 3-4.9 **"Flood elevation"** The elevation flood waters would reach at a particular site during the occurrence of a specific flood. For instance, the one hundred (100) year flood elevation is the elevation of flood waters related to the occurrence of the one hundred (100) year flood.
- 3-4.10 **"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.
- 3-4.11 **"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.
- 3-4.12 **"Flood Plain"** Any land area susceptible to being inundated by water as a result of a flood.
- 3-4.13 **"Flood Plain Management"** An overall program of corrective and preventive measures for reducing flood damages and promoting the wise use of flood plains, including but not limited to emergency preparedness plans, flood control works, flood-proofing and flood plain management regulations.
- 3-4.14 **"Flood-proofing"** Any combination of structural and nonstructural additions, changes, or adjustments to structures, including utility and sanitary facilities, which will reduce or eliminate flood damage to such structures.
- 3-4.15 **"Floodway"** The channel of a river or stream and those portions of the flood plains adjoining the channel, which are reasonably required to carry and discharge flood waters or flood flows so that confinement of flood flows to the floodway area will not result in substantially higher flood levels and flow velocities.
- 3-4.16 **"Floodway Fringe"** Those portions of the flood plain, other than the floodway, which can be filled, leveed, or otherwise obstructed without causing substantially higher flood levels or flow velocities.
- 3-4.17 **"Lowest Floor"** The floor of the lowest enclosed area in a building including a basement except when all the following criteria are met:
- a The enclosed area is designed to flood to equalize hydrostatic pressure during floods with walls or openings that satisfy the provisions of Section 3-13.5h 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 one hundred (100) year level, and
  - d The enclosed area is not a "basement" as defined in this section.
  - e In cases where the lowest enclosed area satisfies criteria a, b, c and d above, the lowest floor is the floor of the next highest enclosed area that does not satisfy the criteria above.
- 3-4.18 **"New Construction"** (new buildings, factory-built home parks) Those structures or development for which the start of construction commenced on or after the effective date of the Flood Insurance Rate Map and this Ordinance [29 August 1983].
- 3-4.19 **"New Factory-built Home Park or Subdivision"** A factory-built home park or subdivision for which the construction of facilities for servicing the lots on which the factory-built homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of first floodplain management regulations adopted by the community. [Amended October 10, 2011]
- 3-4.20 **"One Hundred (100) Year Flood"** A flood, the magnitude of which has a one (1) percent chance of being equalled or exceeded in any given year or which, on the average, will be equalled or exceeded at least once every one hundred (100)

- years.
- 3-4.21 **"Program Deficiency"** A defect in a community's flood plain management regulations or administrative procedures that impairs effective implementation of those flood plain management regulations or of the standards.
- 3-4.22 **"Recreational Vehicle"** A vehicle which is:
- a Built on a single chassis;
  - b Four hundred (400) square feet or less when measured at the largest horizontal projection;
  - c Designed to be self-propelled or permanently towable by a light duty truck; and
  - d Designed primarily not for use as a permanent dwelling but as a temporary living quarters for recreational, camping, travel, or seasonal use. [Amended October 10, 2011]
- 3-4.23 **"Special Flood Hazard Area"** - The land within a community subject to the "100-year flood". This land is identified as Zone A on the community's Flood Insurance Rate Map. [Amended October 10, 2011]
- 3-4.24 **"Start of Construction"** Includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement or other improvement was within one-hundred eighty (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 the pouring of slab or footings, the installation of piles, construction of columns or any work beyond the stage of excavation; of the placement of a manufactured 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.
- 3-4.25 **"Structure"** Anything constructed or erected on the ground or attached to the ground, including, but not limited to, buildings, factories, sheds, cabins, factory-built homes, storage tanks, and other similar uses.
- 3-4.26 **"Substantial Damage"** 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. [Amended October 10, 2011]
- 3-4.27 **"Substantial Improvement"** Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceed fifty percent (50%) of the market value of the structure either (a) before the improvement or repair is started or (b) if the structure has been damaged, and is being restored, before the damage occurred. For the purposes of this definition, "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term does not, however, include any

- project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions. Any addition which increases the original floor area of a building by twenty-five percent (25%) or more. All additions constructed after August 29, 1983 shall be added to any proposed addition in determining whether the total increase in original floor space would exceed twenty-five (25) percent.
- 3-4.28 **“Violation”** The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. [Amended October 10, 2011]
- 3-5 through 3-10 Reserved.

## PART 2 GENERAL PROVISIONS

- 3-11 LANDS TO WHICH REGULATIONS APPLY. These flood plain management regulations shall apply to all lands and uses which have significant flood hazards. The Flood Insurance Rate Map, dated August 19, 2013, which were prepared as part of the Dubuque County Flood Insurance Study, shall designate the F-1 District as the Floodway Area, and the F-2 District as the Flood Fringe Area, and shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the one hundred (100) year flood. This area shall be used to identify such flood hazard areas and all areas shown thereon to be within the boundaries of the one hundred (100) year flood. This area shall be considered as having significant flood hazard potential. Where uncertainty exists with respect to the precise location of the one hundred (100) year flood boundary, the location shall be determined on the basis of the one hundred (100) year flood elevation at the particular site in question. The Dubuque County Flood Insurance Study is hereby adopted by reference and is made a part of this ordinance for the purpose of administering flood plain management regulations. [Amended October 11, 2011 and August 12, 2013]
- 3-11.1 Establishment of Official Flood Plain Zoning Map. The Dubuque County and Incorporated Areas Flood Insurance Rate Map (FIRM) prepared as part of the Flood Insurance Study (FIS) for Dubuque County and Incorporated Areas, dated August 19, 2013 is hereby adopted by reference and declared to be the Official Flood Plain Zoning Map. The flood profiles and all explanatory material contained with the Flood Insurance Study (FIS) are also declared to be a part of this ordinance.[Amended October 10, 2011 and August 12, 2013]
- 3-12 "F-1" FLOODWAY DISTRICT RESTRICTIONS.
- 3-12.1 Permitted Principal Uses and Structures. The following uses to the extent they are

not prohibited by other ordinance or law shall be permitted uses provided they do not require placement of structures, factory built homes, fill or other obstruction, the storage of materials or equipment, excavation or alteration of a floodway within the district.

- a General farming, pasture, grazing, outdoor plant nurseries, horticulture, viticultural, truck farming, forestry, sod farming and wild crop harvesting.
  - b Private and public recreational uses, including, but not limited to golf courses, tennis courts, driving ranges, archery ranges, picnic grounds, boat launching ramps, swimming parks, parks, wildlife and nature preserves, game farms, fish hatcheries, shooting preserves, target ranges, trap and skeet ranges, hunting and fishing areas, hiking and horseback riding trails.
  - c Soil and water conservation, sustained yield forestry, stream banks and lakeshore protection and the preservation of scenic, historic and scientific areas.
  - d Nonstructure residential uses such as lawns, gardens, parking areas and play areas.
  - e Any use or structure allowed in the underlying district, except mobile homes, subject to a permit being issued by the Board of Supervisors with concurrence of the Army Corps of Engineers, and the Iowa Department of Natural Resources. [Amended September, 6, 1983.]
- 3-12.2 Special Permit Uses. The Board of Adjustment may, by special permit, authorize the following special permit uses and structures in the F-1 District, when it is authorized in accordance with the requirements of Section 1-103 in the Dubuque County Zoning Ordinance. A filing fee may be required as set out in an official schedule of fees for zoning and development services established by resolution of the Board of Supervisors. [Amended June 4, 2001]
- a Uses or structures accessory to permitted principal uses.
  - b Open space uses similar in nature to the permitted principal uses and structures accessory thereto.
  - c Circuses, carnivals and similar transient amusement enterprises.
  - d Extraction of sand, gravel and other materials.
  - e Marine use, boat dock rentals, docks, piers and wharves.
  - f Underground pipelines.
  - g Drive-in theaters, new and used car lots, roadside stands, signs and billboards.
  - h Parking areas, loading areas, airport landing strips and similar industrial-commercial open space uses.
- 3-12.3 Applicable Standards.
- a No permitted or special permit use or structure may result in any increase in the one hundred (100) year flood level.
  - b All uses shall:
    - (1) be consistent with the need to minimize flood damage,
    - (2) use construction methods and practices that will minimize flood damage,
    - (3) use construction material and utility equipment that are resistant to flood damage.
  - c No use shall affect the capacity or conveyance of the channel or floodway or any

- tributary to the main stream, drainage ditch or any other drainage facility or system.
- d Structures, if permitted, shall be constructed or aligned to present the minimum possible resistance to flood flows.
  - e Structures, if permitted, shall have a low flood damage potential and shall not be for human habitation.
  - f No materials or equipment that are buoyant, flammable, explosive or injurious to human, animal or plant-life shall be stored upon the property. Storage of other material, if permitted, must be readily removable from the floodway district within a reasonable time after flood warning.
  - g Water course alterations or relocations, if permitted, must be designed to maintain the flood carrying capacity within the altered or relocated portion and must be approved by the Iowa Department of Natural Resources.
  - h Pipeline river or stream crossings must be buried in the stream bed and banks or otherwise sufficiently protected to prevent rupture due to channel degradation and meandering or due to the acting of flood flows.
- 3-13 "F-2" FLOODWAY FRINGE DISTRICT REGULATIONS
- 3-13.1 Permitted Principal Uses and Structures. The floodway fringe district is an overlapping zoning district. Permitted principal uses and structures and special permit uses and structures, together with permitted accessory uses and structures are all as set forth in the underlying zoning classification except as limited by this overlaying zoning district. Where 100-year flood data has not been provided on the Flood Insurance Rate Map, the Iowa Department of Natural Resources shall be contacted to compute such data. The applicant will be responsible for providing the Department of Natural Resources with sufficient technical information to make such determination. [Amended October 10, 2011]
  - 3-13.2 Permitted Accessory Uses and Structures.
    - a As in the underlying zoning district except as limited by the F-2 applicable standards.
  - 3-13.3 Special Permit Uses and Structures.
    - a As in the underlying zoning district except as limited by the F-2 applicable standards.
  - 3-13.4 Permitted Signs.
    - a As in the underlying zoning district except as limited by the F-2 applicable standards.
  - 3-13.5 Applicable Standards.
    - a As set forth in the underlying zoning district.
    - b All structures shall be adequately anchored to prevent flotation, collapse or lateral movement of structure.
    - c All structures shall be constructed with materials and utility equipment resistant to flood damage.
    - d All structures shall be constructed by methods and practices that minimize flood



- damage.
- e All new or substantially improved residential structures shall have the lowest floor, including basements, elevated a minimum of one-foot (1') above the one hundred (100) year flood level. Construction shall be upon compacted fill which shall, at all points, be no lower than one foot (1') above the one hundred (100) year flood level and extend at such elevation at least eighteen feet (18') beyond the limits of any structure erected thereon.
  - f Alternate methods of elevation of residential buildings, may, by special permit, be authorized by the Board of Adjustment where existing topography, street grades or other factors preclude elevating by fill and the methods used are adequate to support the structure as well as withstand the various forces and hazards associated with flooding.
  - g All new or substantially improved nonresidential buildings shall have the lowest floor (including basement) elevated a minimum of one foot (1') above the base flood level (one hundred (100) year flood plain), or together with attendant utility and sanitary systems, be flood-proofed to such a level (see section 3-4.14). Where flood-proofing is utilized, a registered engineer or architect, registered in the State of Iowa, shall develop and/or review structural design, specifications and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice to assure that such structures are adequate to withstand the flood depths, pressures, velocities, impact and uplift forces associated with a one hundred (100) year flood. A record of such certificates which includes the specific elevation (in relation to mean sea level) to which such structures are flood proofed shall be maintained with the County Zoning Administrator. (see section 3-21.2c).
  - h Effective on October 1, 1986, for all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect, or must meet or exceed the following minimum criteria:
    - (1) A minimum of two (2) openings having a total net area of not less than one square inch (1" square) for every square foot of enclosed area subject to flooding shall be provided.
    - (2) The bottom of all openings shall be no higher than one foot (1') above grade.
    - (3) Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of flood waters.
    - (4) Such areas shall be used solely for parking of vehicles, building access and low damage potential storage. [Amended October 10, 2011]
  - i All factory built homes, including those in factory built home parks or subdivisions shall be anchored to resist flotation, collapse or lateral movement by providing over-the-top and frame ties to ground anchors, in accordance with the

- following minimum specific requirements. [Amended October 10, 2011]
- j All factory built homes, including those placed in factory built home parks or subdivisions, shall be placed on pads or lots elevated by means of compacted fill so that the lowest floor of the factory built home will be a minimum of one foot (1') above the one-hundred (100) year flood level. In addition the tie-down specifications and anchorage as required in Section 3-13.5 above shall be followed. Adequate surface drainage and access for a hauler must be provided. [Amended October 10, 2011]
- k All factory built homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the factory built home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the following minimum specific requirements. (See also Manufactured Home Installation in Flood Hazard Areas. FEMA #85.)
- l All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge of effluent into flood waters. Any waste water treatment facility shall be provided with a level of flood protection equal to or greater than one foot (1') above the one hundred (100) year flood elevation.
- m On site waste disposal systems shall be located or designed to avoid impairment to the system or contamination from the system during flooding.
- n New or replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system. Water supply treatment facilities shall be provided with a level of protection equal to or greater than one foot (1') above the one hundred (100) year flood elevation.
- o Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.
- p Storage of materials and/or equipment that are flammable, explosive or injurious to human, animal or plant life is prohibited unless elevated a minimum of one foot (1') above the one hundred (100) year flood level. Other material and equipment must be readily removable from the area within the time available after flood warning except that other material not subject to major flood damage may be anchored to prevent movement due to flood waters.
- q Flood control structural works, including levies, floodwalls, etc., shall minimally provide protection three feet (3') above the one hundred (100) year flood level, shall provide for adequate interior drainage and must be approved by the Iowa Department of Natural Resources.
- r Watercourse alterations or relocations (channel changes and modifications) must be designed to maintain the flood carrying capacity within the altered or relocated portion. No use or structure shall affect the capacity or conveyance of the channel or floodway of any tributary to a mainstream, drainage ditch or other drainage

facility or system. In addition, such alterations or relocations must be approved by the Department of Natural Resources. [Amended October 10, 2011]

- s Subdivisions shall be planned and constructed consistent with the need to minimize flood damages and shall provide adequate drainage 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. Subdivisions intended for residential development shall provide all lots with a means of vehicular access above the one hundred (100) year flood level. Proposals for subdivisions greater than five (5) acres or fifty (50) lots (whichever is less) shall include 100-year flood elevation data for those areas located within the Floodplain (Overlay) District. [Amended October 10, 2011]
- t ACCESSORY STRUCTURES. [Added June 4, 2001]

- (1) Detached garages, sheds, and similar structures accessory to a residential use are exempt from the 100-year flood elevation requirements where the following criteria are satisfied:
  - (a) The structure shall not be used for human habitation.
  - (b) The structure shall be designed to have low flood damage potential.
  - (c) The structure shall be constructed and placed on the building site so as to offer minimum resistance to the flow of floodwaters.
  - (d) The structure shall be firmly anchored to prevent flotation, which may result in damage to other structures.
  - (e) The structure's service facilities such as electrical and heating equipment shall be elevated or flood-proofed to at least one foot above the 100-year flood level.
- (2) Exemption from the 100-year flood elevation requirements for such a structure may result in increased premium rates for flood insurance coverage of the structure and its contents.

u RECREATIONAL VEHICLES. [Added June 4, 2001]

- (1) Recreational vehicles are exempt from the requirements of Sections 3-13.5(i) and 3-13.5(j) 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.
- (2) Recreational vehicles that are located on the site for more than 180 consecutive days and are not ready for highway use must satisfy requirements of Sections 3-13.5(i) and 3-13.5(j) of this ordinance regarding anchoring and elevation of factory-built homes.

- v All new and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the system as well as the discharge

of effluent into flood waters. Any waste water treatment facility shall be provided with a level of flood protection equal to or greater than one foot (1') above the one hundred (100) year flood elevation. [Amended October 10, 2011]

- 3-14 COMPLIANCE. No structure or land shall hereafter be used and no structure shall be located, extended, converted or structurally altered without full compliance with the terms of this ordinance and other applicable regulations which apply to uses within the jurisdiction of this ordinance.
- 3-15 ABROGATION AND GREATER RESTRICTIONS. It is not intended by this ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance imposes a greater restriction than is imposed or required by other ordinances or laws, the provisions of this ordinance shall prevail. All other ordinances inconsistent with this ordinance are hereby repealed to the extent of the inconsistency only.
- 3-16 INTERPRETATION. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements and shall be literally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State statutes.
- 3-17 WARNING AND DISCLAIMER OF LIABILITY. The degree of flood protection required by this ordinance is considered reasonable for regulatory purposes and is based on engineering and scientific methods of study. Larger floods may occur on rare occasions. Flood heights may be increased by man-made or natural causes, such as ice jams and bridge openings restricted by debris. This ordinance does not imply that areas outside the regulated areas or that uses permitted within the regulated areas will be free from flooding or flood damages. This ordinance shall not create liability on the part of Dubuque County or any officer or employee thereof for any flood damages that result from reliance on this ordinance or any administrative decision lawfully made thereunder.
- 3-18 SEVERABILITY. If any section, clause, provision or portion of this ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction, the remainder of this ordinance shall not be affected thereby.
- 3-19 through 3-20 Reserved.

### **PART 3 ADMINISTRATION**

- 3-21 APPOINTMENT, DUTIES AND RESPONSIBILITIES OF ADMINISTRATOR

- 3-21.1 The Dubuque County Zoning Administrator shall administer and enforce the provisions of this ordinance and will herein be referred to as the Administrator.
- 3-21.2 Duties and Responsibilities of the Administrator shall include, but not necessarily be limited to, the following:
- a Review all flood plain development permit applications to ensure that the provisions of this ordinance will be satisfied.
  - b Review all flood plain development permit applications to ensure that all necessary permits have been obtained from federal, state or local governmental agencies.
  - c Record and maintain a record of:
    - (1) the elevation (in relation to mean sea level) of the lowest floor of all new or substantially improved buildings or
    - (2) the elevation to which new or substantially improved structures have been flood-proofed or
    - (3) elevation of structures which may be modified so as to comply with the requirement to equalize hydrostatic forces. (See Section 3-13.5h or FR60.3(c)(5).)
  - d Notify adjacent communities and/or counties and the Iowa Department of Natural Resources prior to any proposed alteration or relocation of a water course.
  - e The local administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source as criteria for requiring that new construction, substantial improvements, or other development in Zone A comply with all applicable requirements of this ordinance. Lowest floor elevations shall be obtained in all special flood hazard areas other than Zone A.
- 3-22 FLOOD PLAIN DEVELOPMENT PERMIT REQUIRED
- 3-22.1 Permit Required. A Flood Plain Development Permit issued by the Administrator shall be secured prior to initiation of any flood plain development (any man-made change to improve or unimproved real estate, including but not limited to buildings or other structures, mining, filling, grading, paving, excavation or drilling operations) including the placement of factory built homes. The flood plain development permit shall be in addition to and not in lieu of the required zoning certificate and occupancy certificate but may be combined with the zoning certificate if shown thereon. A fee may be required for a flood plain development permit. The amount of the fee shall be as set out in an official schedule of fees for zoning and development services established by resolution of the Board of Supervisors. [Amended June 4, 2001]
- 3-22.2 Application for Permit. Application for a Flood Plain Development Permit shall be made on forms supplied by the Administrator and shall include the following information:
- a Description of the work to be covered by the permit for which application is to be made.

- b Description of the land on which the proposed work is to be done i.e. - lot, block, tract, street address or similar description) that will readily identify and locate the work to be done.
  - c Indication of the use or occupancy for which the proposed work is intended.
  - d Elevation of the one-hundred (100) year flood.
  - e Elevation (in relation to mean sea level) of the lowest floor (including basement) of buildings or of the level to which a building is to be flood-proofed.
  - f For buildings being improved or rebuilt, the estimated cost of improvements and market value of the building prior to the improvements.
  - g Such other information as the Administrator deems reasonably necessary for the purpose of this ordinance.
- 3-22.3 Action on Permit Application. The Administrator shall, within seven (7) days, make a determination as to whether the proposed flood plain development application meets the applicable standards of this ordinance and shall approve or disapprove the application. For disapprovals, the applicant shall be informed, in writing, of the specific reasons therefore. The Administrator shall not issue permits for variances except as directed by the Zoning Board of Adjustment.
- 3-22.4 Construction and Use to be as Provided in Application and Plans. Flood Plain Development Permits issued on the basis of approved plans and application authorize only the use, arrangement, and construction set forth in such approved plans and applications and no other use, arrangement or construction. Any use, arrangement, or construction at variance with that authorized shall be deemed a violation of this Ordinance. The applicant shall be required to submit certification by a professional engineer or land surveyor, as appropriate, registered in the State of Iowa, that the finished fill, building flood elevations, flood-proofing or other flood protection measures were accomplished in compliance with the provisions of this Ordinance, prior to the use or occupancy of any structure.
- 3-23 VARIANCE
- 3-23.1 The Board of Adjustment may authorize upon request in specific cases such variances from the terms of this ordinance that will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this ordinance will result in unnecessary hardship. Variances granted must meet the following applicable standards.
- a No variance shall be granted for any development within the floodway which would result in any increase in floods during the occurrence of the one-hundred (100) year flood.
  - b Variances shall only be granted upon:
    - (1) a showing of good and sufficient cause,
    - (2) a determination that failure to grant the variance would result in exceptional hardship to the applicant, and
    - (3) a determination that the granting of the variance will not result in increased flood heights, additional threats to public safety, extraordinary public

- expense, create nuisances, cause fraud on or victimization of the public.
- c Variances shall only be granted upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
  - d In cases where the variance involves a lower level of flood protection for buildings than what is ordinarily required by this Ordinance, the applicant shall be notified in writing over the signature of the Administrator that:
    - (1) the issuance of a variance will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25) for one-hundred dollars (\$100) in insurance coverage and
    - (2) such construction increases risks to life and property.
  - e All variances granted shall have the concurrence or approval of the Iowa Department of Natural Resources.
- 3-23.2 Factors upon which the decision of the Board shall be based. In passing upon applications for variances, the Board of Adjustment shall consider all relevant factors specified in other sections of this ordinance and:
- a The danger to life and property due to increased flood heights or to the injury of others.
  - b The danger that materials may be swept on to other lands or downstream to the injury of others.
  - c The proposed water supply and sanitation systems and the ability of these systems to prevent disease, contamination and unsanitary conditions.
  - d The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner.
  - e The importance of the services provided by the proposed facility to the county.
  - f The requirements of the facility for a flood plain location.
  - g The availability of alternative locations not subject to flooding for the proposed use.
  - h The compatibility of the proposed use with existing development and development anticipated in the foreseeable future.
  - i The relationship of the proposed use to the comprehensive plan and flood plain management program for the area.
  - j The safety of access to the property in times of flood for ordinary and emergency vehicles.
  - k The expected heights, velocity, duration, rate of raise and sediment transport of the flood water expected at the site.
  - l Such other factors which are relevant to the purpose of this ordinance to facilitate the protection of health and safety and the minimization of flood losses.
- 3-23.3 Conditions attached to Variances. Upon consideration of the factors listed above, the Board of Adjustment may attach such conditions to the granting of variances as it deems necessary to further the purpose of this ordinance. Such conditions may include, but not necessarily be limited to:
- a Modification of waste disposal and water supply facilities.
  - b Limitation on periods of use and operation.

- c Imposition of operational controls, sureties, and deed restrictions.
  - d Requirements for construction of channel modifications, dikes, levees, and other protective measures, provided such are approved by the Iowa Department of Natural Resources and are deemed the only practical alternative to achieving the purpose of this ordinance.
  - e Flood-proofing measures.
- 3-24 PENALTIES FOR VIOLATION. [Amended June 4, 2001]
- 3-24.1 Simple Misdemeanor. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this ordinance shall, upon conviction, be subject to a penalty of not more than \$500.00 and imprisoned for not more than 30 days for each offense. Each day that a violation is permitted by the defendant to exist shall constitute a separate offense.
  - 3.24.2 County Infraction. Any person, firm or corporation who violates, disobeys, omits, neglects or refuses to comply with or resists the enforcement of any of the provisions of this ordinance shall be guilty of a county infraction and shall be subject to the penalties and remedies provided in Iowa Code Section 331.307. Each day a violation occurs or is permitted by the defendant to exist shall constitute a separate infraction.
- 3-25 AMENDMENTS. The regulations and standards set forth in this ordinance may from time to time be amended, supplemented, changed, or repealed. No amendment, supplement, change, or modification shall be undertaken without prior approval of the Iowa Department of Natural Resources.
- 3-26 through 3-30 Reserved.

**PART 4  
ENACTMENT**

- 3-31 EFFECTIVE DATE. This ordinance to be in full force and effect upon the date of official publication as required by law.