

CHAPTER 14

FLOOD PLAIN CODE

14-1-1 **PURPOSE.** This Code is enacted pursuant to the police powers granted to this Village by the Illinois Compiled Statutes, Chapter 65, Sections 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2 in order to accomplish the following purposes:

- (A) To prevent unwise developments from increasing flood or drainage hazards to others;
- (B) To protect new buildings and major improvements to buildings from flood damage;
- (C) To promote human life and health from the hazards of flooding;
- (D) To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
- (E) To maintain property values and a stable tax base by minimizing the potential for creating flood-blighted areas; and
- (F) To make federally subsidized flood insurance available for property in the Village by fulfilling the requirements of the National Flood Insurance Program.

14-1-2 **DEFINITIONS.** For the purposes of this Code, the following definitions are adopted:

Base Flood: The flood having a **one percent (1%)** probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in **Section 14-1-4**.

Building: A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home or a prefabricated building. The term also includes recreational vehicles and travel trailers to be installed on a site for more than **one hundred eighty (180) days** per year.

Development: Any man-made change to real estate, including:

- (A) Demolition, construction, reconstruction, repair, placement of a building, or any addition to a building valued at more than **One Thousand Dollars (\$1,000.00)**;
- (B) Installing a manufactured home on a site, preparing a site for a manufactured home or installing a travel trailer on a site for more than **one hundred eighty (180) days** per year;
- (C) Installing utilities, construction of roads or similar projects;
- (D) Construction or erection of levees, walls, fences, bridges or culverts;
- (E) Drilling, mining, filling, dredging, grading, excavating, or other nonagricultural alterations of the ground surface;

- (F) Storage of materials; or
- (G) Any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include maintenance of existing buildings and facilities such as reroofing; resurfacing roads; or gardening, plowing and similar agricultural practices that do not involve filling, grading, or construction of levees; nor does it include development activities on farms, including farm residences, as exempted by law.

Flood: A general and temporary condition of inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.

Flood Protection Elevation OR FPE: The elevation of the base flood plus one (1) foot at any given location in the SFHA.

Floodway: That portion of the SFHA required to store and convey the base flood. The floodway for each of the SFHAs of the Village shall be according to the best data available to the Illinois State Water Survey Floodplain Information Repository.

Riverine SFHA: Any SFHA subject to flooding from a river, creek, intermittent stream, ditch or any other identified channel. This term does not include areas subject to flooding from lakes (except public bodies of water), ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.

Special Flood Hazard Area or SFHA: Those lands within the jurisdiction of the Village that are subject to inundation by the base flood. The SFHAs of the Village are generally identified as such on the flood insurance rate map of the Village prepared by the Federal Emergency Management Agency and dated **September 18, 1985**. The SFHAs of those parts of unincorporated Moultrie County that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village are generally identified as such on the flood insurance rate map prepared for Moultrie County by the Federal Emergency Management Agency and dated **August 5, 1985**.

14-1-3 ZONING ADMINISTRATOR'S DUTIES. The Zoning Administrator shall be responsible for the general administration and enforcement of this Chapter, including but not limited to the following duties:

- (A) Ensure that all development activities within the SFHAs of the jurisdiction of the Village meet the requirements of this Chapter;
- (B) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- (C) Ensure that construction authorization has been granted by the Illinois Department of Transportation, Division of Water Resources for all development projects subject to **Section 14-1-6**, and maintain a record of such authorization;
- (D) Maintain a record of the “as-built” elevation of the lowest floor (including basement) of all buildings subject to **Section 14-1-7**;
- (E) Maintain a record of the engineer’s certificate and the “as built” floodproofed elevation of all buildings subject to **Section 14-1-7(B)(4)**;

(F) Inspect all development projects to ensure they comply with the provisions of this Chapter;

(G) Cooperate with state and federal floodplain management agencies to improve base flood and floodway data and to improve the administration of this Code and submit reports as required for the National Flood Insurance Program; and

(H) Maintain for public inspection and furnish upon request base flood data, SFHA maps, copies of federal or state permit documents and "as built" elevation and floodproofing data for all buildings constructed subject to this Chapter.

14-1-4 BASE FLOOD ELEVATION. This Code's protection standard is the base flood. The best available base flood elevation data are listed below. **Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to the State Water Survey and the Federal Emergency Management Agency.**

(A) The base flood elevation for each of the remaining SFHAs delineated as an "A Zone" on the flood insurance rate map of the Village shall be according to the best data available to the Illinois State Water Survey Floodplain Information Repository. When no base flood elevation exists, the base flood elevation shall be the 100-year flood depth calculated according to the formulas presented in Depth and Frequency of Floods in Illinois published by the U.S. Geological Survey, 1976.

(B) The base flood elevation for the SFHAs of those parts of unincorporated Moultrie County that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village shall be according to the best available data.

14-1-5 DEVELOPMENT PERMIT REQUIREMENTS. No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the SFHA without first obtaining a development permit from the Zoning Administrator. The Zoning Administrator shall not issue a development permit if the proposed development does not meet the requirements of this Code.

(A) **Application Documents.** The application for development permit shall be accompanied by:

- (1) drawings of the site, drawn to scale showing property line dimensions;
- (2) existing grade elevations and all changes in grade resulting from excavation or filling;
- (3) the location and dimensions of all buildings and additions to buildings;

- (4) the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of **Section 14-1-7**.

(B) **Elevation Comparisons.** Upon receipt of an application for development permit, the Zoning Administrator shall compare the elevation of the site to the base flood elevation. Any development located on land that can be shown to have been higher than the base flood elevation as of the date of the site's first flood insurance rate map identification is not located in the SFHA and therefore not subject to the requirements of this Chapter. The Zoning Administrator shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first flood insurance rate map identification.

(C) The Zoning Administrator shall inform the applicant of any and all other local, state and federal permits that may be required for this type of development activity. The Zoning Administrator shall not issue the development permit unless all required federal and state permits have been obtained.

14-1-6 DAMAGE PREVENTION REQUIREMENTS. No development in the SFHA shall create a damaging or potentially damaging increase in flood height or velocity or threat to public health and safety.

(A) Within all riverine SFHAs, the following standards shall apply:

- (1) In addition to the other requirements of this Chapter, a development permit for a site located in a floodway (or in a riverine SFHA where no floodway has been identified) shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from the Illinois Department of Transportation, Division of Water Resources, issued pursuant to **615 ILCS 5/5 et seq.**
- (2) The following activities may be constructed without the individual permit required in **Section 14-1-6(A)(1)** in accordance with statewide permits issued by the Illinois Department of Transportation, Division of Water Resources, provided the activities do not involve placement of fill, change of grade, or construction in the normal channel. Such activities must still meet the other requirements of this Chapter.
 - (a) The construction of wells, septic tanks, and underground utilities lines not crossing a lake or stream;
 - (b) The construction of light poles, signposts and similar structures;

- (c) The construction of sidewalks, driveways, athletic fields (excluding fences), patios and similar surfaces which are built at grade;
 - (d) The construction of properly anchored, unwallled, open structures such as playground equipment, pavilions, and carports;
 - (e) The placement of properly anchored buildings not exceeding **seventy (70) square feet** in size, nor **ten (10) feet** in any dimension (e.g. animal shelters and tool sheds); and
 - (f) The construction of additions to existing buildings which do not increase the first floor area by more than **twenty percent (20%)**, which are located on the upstream or downstream side of the existing building, and which do not extend beyond the sides of the existing building that are parallel to the flow of floodwaters.
- (3) The total cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the base flood elevation more than **one (1) foot** for the affected hydraulic reach of the stream and will not increase flood damage or potential flood damage.
- (B) Public health standards in all SFHAs:
- (1) No development in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the FPE unless such materials are stored in a storage tank or floodproofed building constructed according to the requirements of **Section 14-1-7(B)(4)**.
 - (2) New and replacement sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other aboveground openings located below the FPE are watertight.

14-1-7 BUILDING PROTECTION REQUIREMENTS.

(A) **Requirements.** In addition to the damage prevention requirements of **Section 14-1-6**, all buildings to be located in the SFHA shall be protected from flood damage below the FPE. This building protection requirement applies to the following situations:

- (1) Construction or placement of a new building valued at more than **One Thousand Dollars (\$1,000.00)**;

- (2) Structural alterations made to an existing building that increase the floor area by more than **twenty percent (20%)**, or the market value of the building by more than **fifty percent (50%)**;
- (3) Reconstruction or repairs made to a damaged building that are valued at more than **fifty percent (50%)** of the market value of the building before the damage occurred;
- (4) Installing a manufactured home on a new site or a new manufactured home on an existing site. This Section does not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage); and
- (5) Installing a travel trailer on a site for more than **one hundred eighty (180) days** per year.

(B) This building protection requirement may be met by one of the following methods. The Building Official shall maintain a record of compliance with these building protection standards as required in **Section 14-1-3**.

- (1) A residential or nonresidential building may be constructed on permanent landfill in accordance with the following:
 - (a) The fill shall be placed in layers no greater than **one (1) foot** deep before compaction.
 - (b) The lowest floor (including basement) shall be at or above the FPE. The fill should extend at least **ten (10) feet** beyond the foundation of the building before sloping below the FPE.
 - (c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than **three (3) horizontal to one (1) vertical (3:1)**.
 - (d) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.
- (2) A residential or nonresidential building may be elevated in accordance with the following:
 - (a) The building or improvements shall be elevated on crawl space, walls, stilts, piles, or other foundation provided:
 - (i) The walls have permanent openings no more than **one (1) foot** above grade; and
 - (ii) The walls and floor are not subject to damage by hydrostatic pressures associated with the base flood.

- (b) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice, and floating debris.
 - (c) All areas below the FPE shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the FPE. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the FPE.
- (3) Manufactured homes and travel trailers to be installed on a site for more than **one hundred eighty (180) days** shall be:
- (a) Elevated at or above the FPE in accordance with **Section 14-1-7(B)(1) or (B)(2)**; and
 - (b) Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to **210 ILCS 120/1 through 120/6**.
- (4) Only a nonresidential building may be floodproofed in accordance with the following:
- (a) A registered professional engineer shall certify that the building has been designed so that below the FPE, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice.
 - (b) Floodproofing measures shall be operable without human intervention and without an outside source of electricity.

14-1-8 **OTHER DEVELOPMENT REQUIREMENTS.** The Village Board of Trustees shall take into account flood hazards, to the extent that they are known, in all official actions related to land management, use and development.

(A) New subdivisions, manufactured home parks, annexation agreements, planned unit developments (PUDs) and additions to manufactured home parks and subdivisions shall meet the requirements of **Sections 14-1-6 and 14-1-7**.

Plats and plans for new subdivisions, manufactured home parks, or planned unit developments (PUDs) shall include a signed statement by a registered professional engineer that the plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (**765 ILCS 205/2**).

(B) Proposals for new subdivisions, manufactured home parks, planned unit developments (PUDs) and additions to manufactured home parks and subdivisions shall include base flood elevation data. Where the base flood elevation is not available from an existing study filed with the Illinois State Water Survey, the applicant shall be responsible for calculating the base flood elevation and submitting it to the State Water Survey for review and approval as best available elevation data.

14-1-9 VARIANCES. Whenever the standards of this Code place undue hardship on a specific development proposal, the applicant may apply to the Board of Appeals for a variance. The Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the Village Board of Trustees. The Village Board of Trustees may attach such conditions to granting of a variance as it deems necessary to further the intent of this Code.

(A) No variance shall be granted unless the applicant demonstrates that:

- (1) The development activity cannot be located outside the SFHA;
- (2) An exceptional hardship would result if the variance were not granted;
- (3) The relief requested is the minimum necessary;
- (4) There will be no additional threat to public health or safety or creation of a nuisance;
- (5) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities; and
- (6) The provisions of **Section 14-1-5(C)** and **Section 14-1-6(A)** are met.

(B) The Zoning Administrator shall notify an applicant in writing that a variance from the requirements of **Section 14-1-7** that would lessen the degree of protection to a building will:

- (1) Result in increased premium rates for flood insurance up to amounts that may be as high as **Twenty-Five Dollars (\$25.00)** for **One Hundred Dollars (\$100.00)** of insurance coverage;
- (2) Increase the risks to life and property; and
- (3) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

(C) Variances to the building protection requirements of **Section 14-1-7** requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of **Section 14-1-9(A)**.

14-1-10 DISCLAIMER OF LIABILITY. The degree of protection required by this Code is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Code does not imply that development either inside or outside of the SFHA will be free from flooding or damage. This Code does not create liability on the part of the Village or any officer or employee thereof for any flood damage that results from reliance on this Code or any administrative decision made lawfully thereunder.

14-1-11 VIOLATION - PENALTY. Failure to obtain a permit for development in the SFHA or failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of this Code. Upon due investigation, the Zoning Administrator may determine that a violation of the minimum standards of this Code exist. The Village Board shall notify the owner in writing of such violation.

(A) If such owner fails after **ten (10) days** notice to correct the violation:

- (1) The Village may make application to the Circuit Court for an injunction requiring conformance with this Code or make such other order as the court deems necessary to secure compliance with this Code.
- (2) Any person who violates this Code shall upon conviction thereof be fined not less than **Twenty-Five Dollars (\$25.00)** nor more than **Two Hundred Dollars (\$200.00)**.
- (3) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(B) The Zoning Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended.

(C) Nothing herein shall prevent the Village from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

14-1-12 ABROGATION AND GREATER RESTRICTIONS. The Code codified in this Chapter repeals and replaces other ordinances adopted by the Village Board of Trustees to fulfill the requirements of the National Flood Insurance Program, including Ordinance 472. However, this Code does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program, nor does this Code repeal, abrogate or impair any existing easements, covenants or deed restrictions. Where this Code and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

(Ord. No. 512)