

CITY OF ELDORADO, ILLINOIS

ORDINANCE NO. 1137

AN ORDINANCE REGULATING
DEVELOPMENT IN FLOODPLAIN AREAS

ADOPTED BY THE
CITY COUNCIL
OF THE
CITY OF ELDORADO

The 14th day of February, 2012

Published in pamphlet form by authority of the City Council of Eldorado, Saline County, IL
this 15th day of February, 2012.


Stacy James, City Clerk

<u>Section 13.</u>	Penalty
<u>Section 14.</u>	Abrogation and Greater Restrictions
<u>Section 15.</u>	Severability
<u>Section 16.</u>	Effective Date

BE IT ORDAINED by the **CITY COUNCIL OF THE CITY OF ELDORADO, SALINE COUNTY, ILLINOIS**, as follows:

Section 1. Purpose.

This ordinance is enacted pursuant to the police powers granted to this city by the Illinois Municipal Code (65 ILCS 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. protect new buildings and major improvements to buildings from flood damage;
- C. to promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
- D. to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- E. maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- F. make federally subsidized flood insurance available, and
- G. to preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

7. storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include routine maintenance of existing buildings and facilities, resurfacing roads, or gardening, plowing, and similar practices that do not involve filing, grading, or construction of levees.

Existing Manufactured Home Park or Subdivision- A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (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 floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision- The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA- Federal Emergency Management Agency

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

Flood Fringe- That portion of the floodplain outside of the regulatory floodway.

Flood Insurance Rate Map- A map prepared by the Federal Emergency Management Agency that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

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

Floodplain and Special Flood Hazard Area (SFHA) - These two terms are synonymous. Those lands within the jurisdiction of the City of Eldorado, the extraterritorial jurisdiction of the City of Eldorado, or that may be annexed into the City of Eldorado, that are subject to inundation by the base flood. The floodplains of the City of Eldorado are generally identified as such on panel number(s) 0129C, 0133C, 0137C and 0141C of the countywide Flood Insurance Rate Map of Saline prepared by the Federal Emergency Management Agency and dated December 16, 2011. Floodplain also includes those areas of known flooding as identified by the community.

The floodplains of those parts of unincorporated Saline County that are within the extraterritorial jurisdiction of the City of Eldorado, or that may be annexed into the City of Eldorado are generally identified as such on the Flood Insurance Rate map prepared for Saline County by the Federal Emergency Management Agency and dated December 16, 2011.

area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 7 of this ordinance.

Manufactured Home- A structure transportable in one or more sections that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

Manufactured Home Park or Subdivision- A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

New Construction- Structures for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

New Manufactured Home Park or Subdivision- A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (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 the floodplain management regulations adopted by a community.

NFIP- National Flood Insurance Program.

Recreational Vehicle or Travel Trailer- A vehicle which is:

1. built on a single chassis;
2. four hundred (400) square feet or less in size;
3. designed to be self-propelled or permanently towable by a light duty truck and designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

Repetitive Loss- Flood related damages sustained by a structure on two separate occasions during a ten year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds twenty-five percent (25%) of the market value of the structure before the damage occurred.

SFHA- See definition of floodplain.

Start of Construction- Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction

available from federal, state or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

- B. The base flood elevation for the floodplains of those parts of unincorporated Saline County that are within the extraterritorial jurisdiction of the City of Eldorado, or that may be annexed into the City of Eldorado, shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Saline County prepared by the Federal Emergency Management Agency and dated December 16, 2011.

Section 4. Duties of the Code Enforcement Officer

The Code Enforcement Officer shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of the City of Eldorado meet the requirements of this ordinance. Specifically, the Code Enforcement Officer shall:

- A. Process development permits in accordance with Section 5;
- B. ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 6;
- C. ensure that the building protection requirements for all buildings subject to Section 7 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;
- D. assure that all subdivisions and annexations meet the requirements of Section 8;
- E. ensure that water supply and waste disposal systems meet the Public Health standards of Section 9;
- F. if a variance is requested, ensure that the requirements of Section 11 are met and maintain documentation of any variances granted;
- G. inspect all development projects and take any and all penalty actions outlined in Section 13 as a necessary to ensure compliance with this ordinance;
- H. assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- I. notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- J. provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

first Flood Insurance Rate Map is not in the floodplain and therefore not subject to the provisions of this ordinance. The Code Enforcement Officer 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.

The Code Enforcement Officer shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The Code Enforcement Officer shall not issue a permit unless all other federal, state, and local permits have been obtained.

Section 6. Preventing Increased Flood Heights and Resulting Damages.

Within any floodway identified on the countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

- A. Except as provided in Section 6(B) of this ordinance, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement*:
1. Bridge and culvert crossings of streams in rural areas meeting the conditions of the Illinois Department of Natural Resources, Office of Water Resources Statewide Permit Number 2;
 2. Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit Number 3;
 3. Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 4;
 4. Minor boat docks meeting the following conditions of IDNR/OWR Statewide Permit Number 5:
 5. Minor, non-obstructive activities such as underground utility lines, light poles, sign posts, driveways, athletic fields, patios, playground equipment, minor storage buildings not exceeding 70 square feet and raising buildings on the same footprint which does not involve fill and any other activity meeting the conditions of IDNR/OWR Statewide Permit Number 6;
 6. Outfall Structures and drainage ditch outlets meeting the following conditions of IDNR/OWR Statewide Permit Number 7:
 7. Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit Number 8:

damaged the entire structure must meet the flood protection standards of this section within 24 months of the date the damage occurred.

4. Installing a manufactured home on a new site or a new manufactured home on an existing site. (The building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage).
 5. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.
 6. Repetitive loss to an existing building as defined in Section 2.
- B. Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

1. The building may be constructed on permanent land fill in accordance with the following:
 - a. The lowest floor (including basement) shall be at or above the flood protection elevation.
 - b. The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten (10) feet beyond the foundation before sloping below the flood protection elevation.
 - c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.
 - d. The fill shall be composed of rock or soil and not incorporated debris or refuse material, and
 - e. shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary stormwater management techniques such as swales or basins shall be incorporated.
2. The building may be elevated on solid walls in accordance with the following:
 - a. The building or improvements shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.

one opening on each wall having a total net area of not less than one (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade.

- c. The interior grade of the crawlspace below the flood protection elevation must not be more than two (2) feet below the lowest adjacent exterior grade.
- d. The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four (4) feet at any point.
- e. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
- f. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage, and
- g. Utility systems within the crawlspace must be elevated above the flood protection elevation.

C. Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:

- 1. Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood.
- 2. The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and the impact from debris and ice.
- 3. Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
- 4. Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

D. Manufactured homes or travel trailers to be permanently installed on site shall be:

- 1. Elevated to or above the flood protection elevation in accordance with Section 7(B), and

3. The garage or shed must be located outside of the floodway or have the appropriate state and/or federal permits.
4. The garage or shed must be on a single family lot and be accessory to an existing principle structure on the same lot.
5. Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage.
6. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation.
7. The garage or shed must have at least one permanent opening on each wall not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area.
8. The garage or shed must be less than fifteen thousand dollars (\$15,000) in market value or replacement cost whichever is greater or less than five hundred and seventy six (576) square feet (24'x24').
9. The structure shall be anchored to resist floatation and overturning.
10. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation.
11. The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

Section 8. Subdivision Requirements

The city council shall take into account 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, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of Sections 6 and 7 of this ordinance. Any proposal for such development shall include the following data:
 1. The base flood elevation and the boundary of the floodplain, where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation;
 2. the boundary of the floodway when applicable, and
 3. a signed statement by a Licensed Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

In addition, the City of Eldorado shall notify adjacent communities in writing thirty (30) days prior to the issuance of a permit for the alteration or relocation of the watercourse.

Section 11. Variances.

Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the city council for a variance. The city council shall review the applicant's request for a variance and shall submit its recommendation to the city council. The city council may attach such conditions to granting of a variance as it deems necessary to further the intent of this ordinance.

- A. No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
1. The development activity cannot be located outside the floodplain.
 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, 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.
 6. The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP, and
 7. all other state and federal permits have been obtained.
- B. The city council shall notify an applicant in writing that a variance from the requirements of the building protections standards of Section 7 that would lessen the degree of protection to a building will:
1. Result in increased premium rates for flood insurance up to twenty-five dollars (\$25) per one hundred dollars (\$100) of insurance coverage;
 2. increase the risk 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. Historic Structures
- a. Variances to the building protection requirements of Section 7 of this ordinance which are requested in connection with reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic

7. The agricultural structures must comply with the floodplain management floodway provisions of Section 6 of this ordinance. No variances may be issued for agricultural structures within any designated floodway.
8. Wet-floodproofing construction techniques must be reviewed and approved by the floodplain administrator and a registered professional engineer or architect prior to the issuance of any floodplain development permit for construction.

Section 12. Disclaimer of Liability.

The degree of protection required by this ordinance 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 ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on the part of the City of Eldorado or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder.

Section 13. Penalty.

Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of this ordinance. Upon due investigation, the Code Enforcement Officer may determine that a violation of the minimum standards of this ordinance exists. The Code Enforcement Officer shall notify the owner in writing of such violation.

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

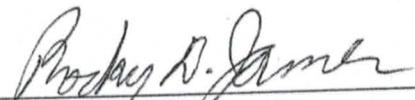
1. The City of Eldorado shall make application to the circuit court for an injunction requiring conformance with this ordinance or make such other order as the court deems necessary to secure compliance with the ordinance.
2. Any person who violates this ordinance shall upon conviction thereof be fined not less than fifty dollars (\$50) or more than seven hundred fifty (\$750) for each offense.
3. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues, and
4. the City of Eldorado shall record a notice of violation on the title of the property.

- B. The Code Enforcement Officer 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.

PASSED this 14th day of February, 2012, by roll call as follows:

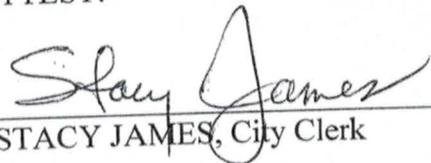
	<u>Ayes</u>	<u>Nays</u>	<u>Absent</u>
Comm. Price	_____	_____	<u> x </u>
Comm. Briddick	<u> x </u>	_____	_____
Comm. Minor	<u> x </u>	_____	_____
Comm. Morris	<u> x </u>	_____	_____
Mayor James	<u> x </u>	_____	_____

APPROVED this 14th day of February, 2012.



ROCKY D. JAMES, Mayor

ATTEST:



STACY JAMES, City Clerk



