

VILLAGE OF CARBON CLIFF, ILLINOIS

Ordinance No. 02-18

**AN ORDINANCE AMENDING ARTICLE III, Section 38
OF THE VILLAGE OF CARBON CLIFF ZONING ORDINANCE,
AS ADOPTED SEPTEMBER 17, 1985, AND AMENDED**

WHEREAS, legal notice regarding the intention of the Village of Carbon Cliff to hold public hearings on amendments to Article III, Section 38 of the Village of Carbon Cliff Zoning Ordinance has been published, pursuant to statutory requirements of 65 ILCS 5/11-13-14 with the Certificate Publication of the public hearing on September 13, 2002 attached hereto and included herein as Exhibit 1; and

WHEREAS, no written protest was or has been made to the Carbon Cliff Planning Commission against any proposed amendments; and

WHEREAS, the President and Board of Trustees of the Village of Carbon Cliff deem that minutes of the meeting of the Carbon Cliff Planning Commission for October 1, 2002, have been reviewed, said minutes containing findings of facts and recommendations to approve the amendments, a copy of the minutes are attached hereto and included herein as Exhibit 2;

BE IT ORDAINED by the President and Board of Trustees of the Village of Carbon Cliff that:

SECTION ONE:

Article III, Section 38 of the Village of Carbon Cliff Zoning Ordinance, adopted September 17, 1985, and since amended, be and is hereby deleted;

SECTION TWO:

Article III, Section 38 of the Village of Carbon Cliff Zoning Ordinance, shall be amended as follows:

Section 38 REQUIREMENTS FOR DEVELOPMENT IN FLOODPLAIN AREAS

These requirements are enacted pursuant to the police powers granted to the Village of Carbon Cliff by the Illinois Municipal Code (65 IL. Compiled Statutes 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:

To prevent unwise developments from increasing flood or drainage hazards to others;

To protect new buildings and major improvements to buildings from flood damage;

To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;

To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;

To maintain property values and a stable tax base by minimizing the potential for creating blight areas;

To make federally subsidized flood insurance available; and

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.

38.01 Definitions. For the purposes of this ordinance, the following definitions are adopted:

38.011 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 38.02 of this ordinance.

38.012 Base Flood Elevation (BFE): The elevation in relation to mean sea level of the crest of the base flood.

38.013 Basement: Any area of the building having its floor subgrade (below ground level) on all sides.

38.014 Building: A structure that is principally above ground and is enclosed by walls and a roof. The term includes manufactured homes, prefabricated buildings, and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than 180 days per year.

38.015 Critical and Vulnerable Facility: Any public or private facility which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Examples are public buildings, emergency operations and communication centers, health care facilities and nursing homes or group homes

for mentally and physically handicapped, schools, water and sewage treatment plants, and toxic waste treatment, handling or storage facilities including, but not necessarily limited to, vehicle and tire storage.

38.016 Development: Any man-made change to real estate including, but not necessarily limited to:

- (a) Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
- (b) Substantial improvement of an existing building;
- (c) Installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days per year;
- (d) Installation of utilities, construction of roads, bridges, culverts, driveways or similar projects;
- (e) Construction or erection of levees, dams, walls, or fences;
- (f) Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
- (g) Storage of materials including the placement of gas and liquid storage tanks;
- (h) Channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.
- (g) Development does not include routine maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

38.017 Exceptional or Unnecessary Hardship: A condition faced by the property owner where the following circumstances apply: loss of all beneficial or productive use of the property; deprivation of reasonable return on the property; deprivation of all or any reasonable use of the property; rendering property valueless (not less valuable); inability to **physically** develop the property in compliance with the regulations (financial obligations does not count); and reasonable use cannot be made consistent with the regulations. An applicant for a development permit has the burden of proving an exceptional or unnecessary hardship. The proof must be compelling and reasons for granting the variance

substantial.

- 38.018 FEMA: Federal Emergency Management Agency.
- 38.019 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.
- 38.0110 Flood Fringe: That portion of the floodplain outside of the regulatory floodway.
- 38.0111 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.
- 38.0112 Floodplain and Special Flood Hazard Area (SFHA): "Floodplain" and "Special Flood Hazard Area (SFHA)" These terms are synonymous. Those lands within the jurisdiction of the Village of Carbon Cliff, the extraterritorial jurisdiction of the Village of Carbon Cliff or that may be annexed into the Village of Carbon Cliff, that are subject to inundation by the base flood. The floodplains of the Village of Carbon Cliff are generally identified as such on the Countywide Flood Insurance Rate Map of Rock Island County prepared by the Federal Emergency Management Agency and dated October 18, 2002. Floodplain also includes those areas of known flooding as identified by the community.
- 38.0113 Floodproofing: Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and its contents.
- 38.0114 Floodproofing Certificate: A form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.
- 38.0115 Flood Protection Elevation (FPE): The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.
- 38.0116 Floodway: That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of the Rock River, Unnamed Creek, Tributary 1 to Unnamed Creek, Tributary 2 to Unnamed Creek and Tributary 3 to Unnamed Creek shall be as delineated on the countywide Flood Insurance Rate

Map of Rock Island County prepared by the Federal Emergency Management Agency and dated October 18, 2002. The floodways for each of the remaining floodplains of the Village of Carbon Cliff, the extraterritorial jurisdiction of the Village of Carbon Cliff or that may be annexed into the Village of Carbon Cliff, shall be according to the best data available from federal, state, or other sources.

- 38.0117 IDNR/OWR: Illinois Department of Natural Resources/Office of Water Resources.
- 38.0118 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.
- 38.0119 Market Value: The value of a structure will be based on the assessed valuation multiplied by 3.3.
- 38.0120 NFIP: National Flood Insurance Program.
- 38.0121 Repetitive Loss: Flood related damages sustained by a structure on two or more separate occasions during a ten year period for which the cost of repairs on the average equals or exceeds 50% of the market value of the structure before the damage occurred.
- 38.0122 SFHA: See definition of floodplain.
- 38.0123 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 50% of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination.
- 38.0124 Substantial Improvement: Any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started, "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 either 1) 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 or 2) any alteration of a structure listed on the National Register of Historic

Places or the Illinois Register of Historic Places.

38.0125 Travel Trailer or Recreational Vehicle: A vehicle which is:

- (a) Built on a single chassis;
- (b) 400 square feet or less in size;
- (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 temporary living quarters for recreational, camping, travel, or seasonal use.

38.02 Base Flood Elevation. This ordinance's protection standard is the base flood. The best available base flood 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 FEMA and IDNR/OWR for approval prior to any development of the site.

38.021 The base flood elevation for the floodplains of the Rock River, Unnamed Creek, Tributary 1 to Unnamed Creek, Tributary 2 to Unnamed Creek and Tributary 3 to Unnamed Creek shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Rock Island County and prepared by the Federal Emergency Management Agency and dated October 18, 2002.

38.022 The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the Countywide Flood Insurance Rate Map of Rock Island County and dated October 18, 2002.

38.023 The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide Flood Insurance Rate Map of Rock Island County shall be according to the best data available from federal, state or other sources. Should no data exist, an engineering study must be financed, by the applicant, to determine base flood elevations.

38.024 The base flood elevation for the floodplains of those parts of unincorporated Rock Island County that are within the extraterritorial jurisdiction of the Village of Carbon Cliff, or that may be annexed into the Village of Carbon Cliff, shall be as delineated on the 100-year flood profiles of the Flood Insurance Study of Rock Island County prepared by the Federal Emergency

Management Agency and dated October 18, 2002.

38.03 Duties of the Municipal Officials

- 38.031 Zoning Officer. The Zoning 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 Village of Carbon Cliff meet the requirements of this ordinance. Specifically, the Zoning Officer shall:
- (a) Process development permits in accordance with 38.04;
 - (b) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of 38.05;
 - (c) Ensure that the building protection requirements for all buildings subject to 38.06 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 38.07;
 - (e) Ensure that water supply and waste disposal systems meet the Public Health standards of 38.08;
 - (f) If a variance is requested, ensure that the requirements of 38.09 are met and maintain documentation of any variances granted;
 - (g) Inspect all development projects and take any and all actions outlined in 38.11 as 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 **adjacent** communities prior to any alteration or relocation of a watercourse; and submittal of evidence of such notification to the Regional Director, Federal Emergency Management Agency.
 - (j) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;

- (k) Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance; and
- (l) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance.
- (m) Perform site inspections and make substantial damage determinations for structures within the floodplain.
- (n) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within 6 months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

38.032 Village Engineer. The Village Engineer shall ensure that all development activities within the floodplains requiring engineering review and certification under the jurisdiction of the Village of Carbon Cliff meet the requirements of this ordinance. All engineering documents shall be examined by the Village Engineer to ensure acceptable technical standards were used and that the calculations are correct. Specifically, the Village Engineer shall review:

- (a) Hydrologic and hydraulic calculations concerning proposed floodway encroachments;
- (b) Loading calculations and methods of construction relative to floodproofing;
- (c) Alternative designs for meeting the minimum opening requirements for enclosures below the lowest floor; and
- (d) Design and methods of construction for breakaway wall that exceed standard operating procedures loading resistance of twenty pounds per square foot.

38.04 Development Permit. No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the Zoning Officer of the Village of Carbon Cliff. The Zoning Officer shall not issue a development permit if the proposed development does not meet the requirements of this ordinance.

- 38.041 The application for development permit shall be accompanied by at least the following information, where applicable:
- (a) Drawings of the site, drawn to scale showing property line dimensions;
 - (b) Existing grade elevations and all changes in grade resulting from excavation or filling;
 - (c) The location and dimensions of all buildings and additions to buildings;
 - (d) The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of 38.06 of this ordinance;
 - (e) Cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement; and
 - (f) Elevation certificate executed by surveyor, engineer or architect or floodproofing certificate, as appropriate.

38.042 Permit Application Review. The Zoning Officer shall conduct the following permit application review before issuing a floodplain development permit shall:

- (a) Review all applications for completeness, particularly with the requirements of 38.041 and for compliance with the provisions and standards of this ordinance.
- (b) Compare the elevation of the site to the base flood elevation. Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first Flood Insurance Rate Map is not in the floodplain, and therefore; not subject to the requirements of this ordinance. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map is subject to the provisions of this ordinance. The Zoning Officer shall maintain documentation of the existing ground elevation at the development site and certification that the ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

(c) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities) *in consultation with the Village Engineer*. The Zoning Officer may require the applicant to submit additional technical analyses and data necessary to complete the determination. If the proposed development may result in physical damage to any other property or fails to meet the requirements of 38.06, 38.07, and 38.08 no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

(d) Determine whether the applicant has provided for maintenance within an altered or relocated portion of a watercourse so that flood carrying capacity is not diminished.

38.043 The floodplain development permit shall expire six (6) months from the date of receipt. On expiration of the development permit, an application shall be required if the development was not completed within said six month period.

38.044 The Zoning Officer shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a floodplain development permit. Disregard of a stop work order shall subject the violator to the penalties described in 38.111.

38.045 All applications for a floodplain development permit shall be accompanied by an application fee of \$25.00. In addition, the applicant shall be responsible for reimbursing the Village of Carbon Cliff for any additional costs necessary for review, inspection and approval of this project. The Zoning Officer may require a deposit of no more than \$500.00 to cover these additional costs.

38.05 Preventing Increased Flood Heights and Resulting Damages. Within the floodways identified on the countywide Flood Insurance Rate Map of Rock Island County, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

38.51 Except as provided in 38.052, 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:

- (a) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit No. 3;
- (b) Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 4;
- (c) Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit No. 5;
- (d) Minor, non-obstructive activities meeting the conditions of IDNR/OWR Statewide Permit No 6;
- (e) Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit No. 7;
- (f) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;
- (g) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;
- (h) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;
- (i) Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit No. 11;
- (j) Bridge and culvert replacement structures and bridge widenings meeting the conditions of IDNR/OWR Statewide Permit No. 12;
- (k) Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit No. 13; and
- (l) Any development determined by IDNR/OWR to be located entirely within a flood fringe area.

38.052 Other development activities not listed in 38.051 may be permitted only if:

- (a) A permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); and
- (b) Sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

38.06 Protecting Buildings.

- 38.061 In addition to the damage prevention requirements of 38.05, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:
- (a) Construction or placement of a new building valued at more than \$1,000 or 70 square feet;
 - (b) Substantial improvements made to an existing building. This alteration shall be figured cumulatively beginning with any alteration, which has taken place subsequent to the adoption of this ordinance;
 - (c) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively beginning with any repairs which have taken place subsequent to the adoption of this ordinance.
 - (d) Structural alterations made to an existing building that increase the floor area by more than 20%;
 - (e) 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);
 - (f) Installing a travel trailer or recreational vehicle on a site for more than 180 days per year; and
 - (g) Repetitive Loss to an existing building as defined in 38.0121.

38.062 Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

- (a) The building may be constructed on permanent landfill in accordance with the following:
 - (1) The lowest floor (including basement) shall be at or above the flood protection elevation;
 - (2) The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten feet

beyond the foundation before sloping below the flood protection elevation;

- (3) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;
 - (4) The fill shall be composed of rock or soil and not incorporate debris or refuse materials; and
 - (5) The fill 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; or
- (b) The building may be elevated in accordance with the following:
- (1) The building or improvements shall be elevated on stilts, piles, walls, or other foundation that is permanently open to flood waters;
 - (2) The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;
 - (3) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a registered professional engineer or by having a minimum of one permanent opening on each wall no more than one foot above grade. The opening shall provide a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the base flood elevation;
 - (4) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris;
 - (5) The finished interior grade shall not be less than the finished exterior grade;
 - (6) All structural components below the flood protection

elevation shall be constructed of materials resistant to flood damage;

(7) Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are waterproofed; and

(8) The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.

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

(a) Elevated to or above the flood protection elevation; 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 77 IL Adm. Code 870.

38.064 Travel trailers and recreational vehicles on site for more than 180 days shall meet the elevation requirements of 38.063 unless the following conditions are met:

(a) The vehicle must be either self-propelled or towable by a light duty truck. The hitch must remain on the vehicle at all times;

(b) The vehicle must not be attached to external structures such as decks and porches;

(c) The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling;

(d) The vehicles largest horizontal projections must be no larger than 400 square feet;

(e) The vehicle's wheels must remain on axles and inflated;

(f) Air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain;

(g) Propane tanks, electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation;

(h) The vehicle must be licensed and titled as a recreational

vehicle or park model; and

- (i) The vehicle must be either 1) entirely supported by jacks rather than blocks or 2) have a hitch jack permanently mounted, have the tires touching the ground, and be supported by blocks in a manner that will allow the blocks to be easily removed by use of the hitch jack.

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

- (a) Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood;
- (b) 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; and
- (c) Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
- (d) Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

38.066 Garages or sheds constructed ancillary to a residential use may be permitted provided the following conditions are met:

- (a) The garage or shed must be non-habitable; and
- (b) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use; and
- (c) The garage or shed must be located outside of the floodway; and
- (d) The garage or shed must be on a single family lot and be accessory to an existing principal structure on the same lot; and
- (e) Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage; and
- (f) All utilities, plumbing, heating, air conditioning and electrical

must be elevated above the flood protection elevation; and

- (g) The garage or shed must have at least one permanent opening on each wall no more than one foot above grade with one square inch of opening for every square foot of floor area; and
- (h) The garage or shed must be less than \$7,500 in market value or replacement cost whichever is greater or less than 500 square feet; and
- (i) The structure shall be anchored to resist floatation and overturning; and
- (j) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation; and
- (k) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

38.067 A building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:

- (a) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
- (b) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot above grade; and
- (c) The interior grade of the crawlspace below the flood protection elevation must not be more than 2 feet below the lowest adjacent exterior grade; and
- (d) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed 4 feet at any point; and

- (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; and
- (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.

38.068 Residential and nonresidential buildings relying on propane gas must have tanks properly secured and tied down. Such buildings relying on non-municipal water supply and groundwater source must have the well head elevated above the flood protection elevation.

38.07 Subdivision Requirements. The Village of Carbon Cliff 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.

38.071 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 protection standards of 38.05 and 38.06 of this ordinance. Any proposal for such development shall include the following data:

- (a) 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);
- (b) The boundary of the floodway when applicable; and
- (c) A signed statement by a Registered Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 IL Compiled Statutes 205/2).

38.072 To ensure that emergency equipment can operate during floods, all roads and access facilities must be elevated above the flood protection elevation in new subdivisions, manufactured home parks, annexation agreements, planned unit developments and additions to manufactured home parks and subdivisions.

38.073 To reduce the potential for flash flooding, new subdivisions, manufactured home parks, annexation agreements, planned unit developments and additions to manufactured home parks and subdivisions shall manage stormwater by onsite flood detention and/or stormwater drainage systems that prevent increased flood heights and reduce damages. As built plans for onsite flood detention and/or stormwater drainage systems shall be placed on file with the Zoning Officer.

38.08 Public Health and Other Standards.

38.081 Public health standards must be met for all floodplain development. In addition to the requirements of 38.05 and 38.06, the following standards apply:

- (a) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of 38.06 of this ordinance.
- (b) Public utilities and facilities such as sewer, gas, and electric shall be located and constructed to minimize or eliminate flood damage;
- (c) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
- (d) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.
- (e) Critical facilities shall be protected to the 500-year flood elevation. In addition, all ingress and egress from any critical facility must be protected to the 500-year flood elevation.

38.082 All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

38.09 Variances. Whenever the standards of this ordinance place exceptional or unnecessary hardship on a specific development proposal, the applicant may

apply to the Village of Carbon Cliff Board of Appeals for a variance. The Board of Appeals shall review the applicant's request for a variance **and shall consider all technical evaluations, relevant factors, standards specified in other sections of this ordinance. The Board of Appeals** may attach such conditions to granting of a variance, as it deems necessary to further the intent of this ordinance. **The Zoning Officer shall maintain the records of all appeal actions including technical information and report any variances to FEMA on request.**

38.091 No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

- (a) The development activity cannot be located outside the floodplain;
- (b) An exceptional or unnecessary hardship would result if the variance were not granted;
- (c) The relief requested is the minimum necessary;
- (d) There will be no additional threat to public health or safety, no **increase in flood heights, cause fraud on or victimization of the public, conflict with existing ordinances**, or creation of a nuisance;
- (e) There will be no additional public expense for flood protection, rescue or relief operations, policing, or repairs to roads, utilities, or other public facilities;
- (f) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and
- (g) All other required state and federal permits have been obtained.

38.092 The Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protection standards of 38.06 that would lessen the degree of protection to a building will:

- (a) Result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage;
- (b) Increase the risks to life and property; and
- (c) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the

assumption of the risk and liability.

38.093 Variances to the building protection requirements of 38.06 of this ordinance 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 38.081(a-e).

38.10 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 Village of Carbon Cliff 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.

38.11 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 Zoning Officer may determine that a violation of the minimum standards of this ordinance exists. The Zoning Officer shall notify the owner in writing of such violation.

38.111 If such owner fails to correct the violation within 10 days after receiving such notice:

(a) The Village of Carbon Cliff shall make application to the circuit court for an injunction requiring conformance with this ordinance, issue a stop work order or make such other order as the court deems necessary to secure compliance with the ordinance;

(b) Any person who violates this ordinance shall upon conviction thereof be fined not less than seventy-five (\$75.00) nor more than seven hundred and fifty dollars (\$750.00) for each offense; and

(c) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(d) The Village of Carbon Cliff shall record a notice of violation on the title to the property.

- 38.112 The Zoning 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.
- 38.113 Nothing herein shall prevent the Village of Carbon Cliff from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

SECTION THREE:

Abrogation and Greater Restrictions. This ordinance repeals and replaces other ordinances adopted by the Village Board of Trustees of the Village of Carbon Cliff to fulfill the requirements of the National Flood Insurance Program including: those sections of Ordinance No. 95-20, adopted May 2, 1995, that pertain to the “Requirements in Special Flood Hazard Areas.” However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

SECTION FOUR:

Separability; the provisions, sections and sentences of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

SECTION FIVE:

Effective date; this ordinance shall be in full force and effect from and after its adoption, approval and publication in pamphlet form as required by law.

ADOPTED by the Board of Trustees of the Village of Carbon Cliff, this 1st day of October, 2002, pursuant to a roll call vote as follows:

	AYES	NAYS	ABSENT
Don Brewer	_____	_____	_____
Don Chapman	_____	_____	_____
Mark Gast	_____	_____	_____
Myron James	_____	_____	_____
Richard Wienandt	_____	_____	_____
Kindra Williams	_____	_____	_____
	AYES _____	NAYS _____	ABSENT _____

APPROVED by the President of the Board of Trustees of the Village of Carbon Cliff this _____
Day of October 2002.

Kenneth A. Williams, Village President
Village of Carbon Cliff, Illinois

ATTEST:

Karen L. Hopkins
Village Clerk

(SEAL)