

CHAPTER 6
SPECIAL FLOOD HAZARD AREAS

Section

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§5-6-1: PURPOSE:

This Chapter is enacted pursuant to the police powers granted to this Village by 65 Illinois 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:

- (A) To prevent unwise developments from increasing the flood or drainage hazards to others;
- (B) To protect human life and health from the hazards of flooding;
- (C) 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;
- (D) To maintain property values and a stable tax base by minimizing the potential for creating flood blight areas;
- (E) To make federally subsidized flood insurance available for property in the Village; and
- (F) To provide for the orderly growth and development of an environment that is especially sensitive to changes from human activity.

(Ord. 87-268, 11-16-1987)

§5-6-2: INTENT:

- (A) Most of the floodplain in the Village is within Tower Lakes; and
- (B) There is little or no possibility of placing new structures in the floodplain; and
- (C) There are no existing structures in the floodplain, and this Chapter makes no provisions for allowing any structures in the floodplain.

(Ord. 87-268, 11-16-1987; amd. 2014 Code)

§5-6-3: DEFINITIONS:

For the purpose of this Chapter, the following definitions are adopted:

BASE FLOOD OR FLOODPLAIN: The flood having a one percent (1%) probability of being equalled or exceeded in any given year. The base flood is also known as the 100-year flood or as the floodplain elevation (FPE). The base flood elevation or FPE at any location is as defined in Section 5-6-4 of this Chapter.

BUILDING: A structure that is principally aboveground and is enclosed by walls and a roof.

DEVELOPMENT: Any manmade change to real estate, including:

- (A) Construction, reconstruction, or placement of a building or any addition to a building valued at more than one thousand dollars (\$1,000.00);
- (B) Installing utilities, construction of roads, or similar projects;
- (C) Construction or erection of levees, walls, fences, bridges or culverts;
- (D) Drilling, mining, filling, dredging, grading, excavating, or other nonagricultural alterations of the ground surface;
- (E) Storage of materials; or
- (F) Any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include:

- (A) Gardening, plowing, and similar agricultural practices that do not involve filling, grading, or construction of levees;
- (B) Agricultural 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 FRINGE: The higher portion of the floodplain, immediately adjacent to and on either side of the floodway, occupied by quiescent or slow moving waters during floods. The flood fringe is identified on the flood boundary and floodway map of the Village prepared by the federal emergency management agency and dated March 2, 1981, as amended.

FLOODWAY: The channel of a watercourse and those portions of the adjoining floodplains which are required to carry and discharge the 100-year flood with no significant increase in the base flood elevation. The floodway is identified on the flood boundary and floodway map of the Village prepared by the federal emergency management agency and dated March 2, 1981, as amended.

SFHA OR SPECIAL FLOOD HAZARD AREA: 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 March 2, 1981. The SFHAs of those parts of unincorporated Lake 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 most recent flood insurance rate map prepared by Lake County by the Federal Emergency Management Agency.

(Ord. 87-268, 11-16-1987; amd. 2001 Code; amd. 2014 Code)

§5-6-4: BASE FLOOD ELEVATION:

This Chapter's protection standard is the base flood according to the best data available to the Illinois State Water Survey's Floodplain Information Repository. Whenever a party disagrees with the best available data, he may finance the detailed engineering study needed to replace existing data with better data and submit it to the State water survey.

- (A) The base flood elevation for the SFHAs of Tower Lakes Creek, Lake Barrington drain, Tower Lake and Timber Lake drain shall be as delineated on the 100-year flood profiles in the most recent flood insurance study of the Village prepared by the Federal Emergency Management Agency.
- (B) The base flood elevation for each of the remaining SFHAs delineated as an "A zone" on the flood insurance rate map shall be the 100-year flood depth calculated according to the formulas presented in "Depth & Frequency of Floods in Illinois" published by the U.S. Geological Survey.
- (C) In the event a conflict arises between the information depicted by the flood insurance rate map and the profiles depicting the base flood elevation, and in the absence of any overriding information to the contrary, the data prescribed by the profiles will govern.
- (D) The base flood elevation for the SFHAs of those parts of unincorporated Lake County that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village shall be as delineated on the 100-year flood profiles in the most recent flood insurance study of Lake County.

(Ord. 87-268, 11-16-1987; amd. 2014 Code)

§5-6-5: GENERAL CONDITIONS:

- (A) Floodways:

In floodways which have been identified in Section 5-6-3 of this Chapter, fill, encroachments, and new construction and substantial improvements of existing structures, shall be prohibited.

- (B) Flood Fringes:

In flood fringes which have been identified in Section 5-6-3 of this Chapter, filling or use of those low lying lands may be permitted under the conditions specified in Section 5-6-6 of this Chapter. No new buildings may be placed in the flood fringe. All new utilities will be floodproofed.

(C) Compensatory Storage:

Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood elevation shall be compensated for and balanced by at least an equal volume of excavation taken from below the base flood elevation. In the case of streams or watercourses, such excavation shall be made opposite or immediately adjacent to the areas so filled or occupied. All such excavations should be constructed to drain freely and openly to the watercourse.

(Ord. 87-268, 11-16-1987)

§5-6-6: DEVELOPMENT PERMIT:

No person or other governmental body not excepted by law shall commence any development in flood fringe without first obtaining a development permit from the building officer. The building officer 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 building officer shall not issue a development permit if the proposed development does not meet the requirements of this Chapter. The building officer shall not issue the development permit unless all required federal and state permits have been obtained.

(A) Application for a development permit shall be made on a form provided by the building officer. The application shall be accompanied by drawings of the site, drawn to scale showing property line dimensions; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 5-6-7 of this Chapter and (in those parts of the site that are below the base flood elevation):

1. Existing grade elevations and all changes in grade resulting from excavation or filling;
2. The direction of flow of surface drainage and flood flows;
3. The location of all watercourses and drainage facilities;
4. The building officer shall maintain a record of the "as built" elevation of new fill.

(B) Upon receipt of an application for a development permit, the building officer 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 flood insurance rate map identification is not located in the SFHA and therefore not subject to the requirements of this Chapter. The building 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.

(Ord. 87-268, 11-16-1987)

§5-6-7: PROTECTING BUILDINGS:

- (A) 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. 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%);
 2. Reconstruction or repairs made to a damaged building that are valued at or more than fifty percent (50%) of the market value of the building before the damage occurred.
- (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.
1. A residential or nonresidential building may be constructed on permanent land fill in accordance with the following:
 - (a) The fill shall be placed in layers no greater than one foot (1') deep before compaction.
 - (b) The lowest floor (including basement) shall be at or above the FPE. The fill should extend at least ten feet (10') 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 vertical.
 - (d) The fill shall not adversely affect the flow of surface drainage from or onto the 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:
 - (1) The walls have permanent openings no more than one foot (1') above grade; and
 - (2) 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, ventilation, 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. (2001 Code)

§5-6-8: DISCLAIMER OF LIABILITY:

The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Large floods may occur or flood heights may be increased by manmade or natural causes. This Chapter does not imply that development either inside or outside of the SFHA will be free from flooding or damage. This Chapter does not create liability on the part of the Village of Tower Lakes or any officer or employee thereof for any flood damage that results from reliance on this Chapter or any administrative decision made lawfully thereunder. (Ord. 87-268, 11-16-1987)

§5-6-9: PENALTY:

Any person who violates any of the provisions of this Chapter shall upon conviction thereof be fined not less than two hundred fifty dollars (\$250.00) nor more than seven hundred fifty dollars (\$750.00). A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues. Failure to comply with the requirements of a variance resolution shall be deemed to be a violation of this Chapter. (Ord. 2007-007, 5-21-2007)