

Champaign County
Department of

**PLANNING &
ZONING**

CASE NO. 757-AT-13

SUPPLEMENTAL MEMORANDUM

July 25, 2013

Petitioner: **Zoning Administrator** Prepared by: **John Hall**, Zoning Administrator
Andrew Kass, Associate Planner

Request: **Amend the Champaign County Zoning Ordinance as follows:**

Part A. Adopt an updated Flood Insurance Study with an effective date of October 2, 2013.

Part B. Adopt updated Digital Flood Insurance Rate Maps (DFIRM) for Champaign County, Illinois with an effective date of October 2, 2013. The new maps can be viewed at: www.illinoisfloodmaps.org.

Part C. Adopt a new Special Flood Hazard Areas Ordinance based on the minimum requirements of the National Flood Insurance Program (NFIP) and the State of Illinois.

STATUS

New evidence has been prepared to include discussion of specific changes in the Finding of Fact.

ATTACHMENTS

A Revised Finding of Fact with attached annotated amendment

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REVISED DRAFT

757-AT-13

**FINDING OF FACT
AND FINAL DETERMINATION
of
Champaign County Zoning Board of Appeals**

Final Determination: ***{RECOMMEND ENACTMENT / RECOMMEND DENIAL}***

Date: July 25, 2013

Petitioner: Zoning Administrator

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 - Part C. Adopt a new Special Flood Hazard Areas Ordinance based on the minimum requirements of the National Flood Insurance Program (NFIP) and the State of Illinois.
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CONTENTS

FINDING OF FACT.....pages 2 – 8
SUMMARY FINDING OF FACT.....page 8
DOCUMENTS OF RECORD.....page 9
FINAL DETERMINATION.....page 10
PROPOSED AMENDMENT.....page 11

FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on **June 27, 2013, July 11, 2013, and July 25, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The petitioner is the Zoning Administrator.
2. The proposed amendment is intended to adopt updated Digital Flood Insurance Rate Maps (DFIRM), and new flood insurance study, and a new Special Flood Hazard Areas (SFHA) Ordinance.
3. Municipalities with zoning and townships with planning commissions have protest rights on all text amendments and they are notified of such cases. No comments have been received to date.

SUMMARY OF THE PROPOSED AMENDMENT

4. The proposed amendment is attached to this Finding of Fact as it will appear in the Zoning Ordinance.

GENERALLY REGARDING THE LRMP GOALS, OBJECTIVES, AND POLICIES

5. The *Champaign County Land Resource Management Plan* (LRMP) was adopted by the County Board on April 22, 2010. The LRMP Goals, Objectives, and Policies were drafted through an inclusive and public process that produced a set of ten goals, 42 objectives, and 100 policies, which are currently the only guidance for amendments to the *Champaign County Zoning Ordinance*, as follows:
 - A. The Purpose Statement of the LRMP Goals, Objectives, and Policies is as follows:

“It is the purpose of this plan to encourage municipalities and the County to protect the land, air, water, natural resources and environment of the County and to encourage the use of such resources in a manner which is socially and economically desirable. The Goals, Objectives and Policies necessary to achieve this purpose are as follows:”
 - B. The LRMP defines Goals, Objectives, and Policies as follows:
 - (1) Goal: an ideal future condition to which the community aspires
 - (2) Objective: a tangible, measurable outcome leading to the achievement of a goal
 - (3) Policy: a statement of actions or requirements judged to be necessary to achieve goals and objectives
 - C. The Background given with the LRMP Goals, Objectives, and Policies further states, “Three documents, the *County Land Use Goals and Policies* adopted in 1977, and two sets of *Land Use Regulatory Policies*, dated 2001 and 2005, were built upon, updated, and consolidated into the LRMP Goals, Objectives and Policies.

REGARDING LRMP GOALS

6. LRMP Goal 1 is entitled “Planning and Public Involvement” and states as follows:

Champaign County will attain a system of land resource management planning built on broad public involvement that supports effective decision making by the County.

Goal 1 has 4 objectives and 4 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 1.

7. LRMP Goal 2 is entitled “Governmental Coordination” and states as follows:

Champaign County will collaboratively formulate land resource and development policy with other units of government in areas of overlapping land use planning jurisdiction.

Goal 2 has two objectives and three policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 2.

8. LRMP Goal 3 is entitled “Prosperity” and states as follows:

Champaign County will encourage economic growth and development to ensure prosperity for its residents and the region.

Goal 3 has three objectives no policies. The proposed amendment is *NOT RELEVANT* to Goal 3.

9. LRMP Goal 4 is entitled “Agriculture” and states as follows:

Champaign County will protect the long term viability of agriculture in Champaign County and its land resource base.

Goal 4 has 9 objectives and 22 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 4.

10. LRMP Goal 5 is entitled “Urban Land Use” and states as follows:

Champaign County will encourage urban development that is compact and contiguous to existing cities, villages, and existing unincorporated settlements.

Goal 5 has 3 objectives and 15 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 5.

11. LRMP Goal 6 is entitled “Public Health and Safety” and states as follows:

Champaign County will ensure protection of the public health and public safety in land resource management decisions.

Goal 6 has 4 objectives and 7 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 7.

12. LRMP Goal 7 is entitled “Transportation” and states as follows:

Champaign County will coordinate land use decisions in the unincorporated area with the existing and planned transportation infrastructure and services.

Goal 7 has 2 objectives and 7 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 7.

13. LRMP Goal 8 is entitled “Natural Resources” and states as follows:

Champaign County will strive to conserve and enhance the County’s landscape and natural resources and ensure their sustainable use.

Goal 8 has 9 objectives and 36 policies. The proposed amendment will *NOT IMPEDE* the achievement of Goal 8.

14. LRMP Goal 9 is entitled “Energy Conservation” and states as follows:

Champaign County will encourage energy conservation, efficiency, and the use of renewable energy sources.

Goal 9 has 5 objectives and 5 policies. The proposed amendment is *NOT RELEVANT* to Goal 9.

15. LRMP Goal 10 is entitled “Cultural Amenities” and states as follows:

Champaign County will promote the development and preservation of cultural amenities that contribute to a high quality of life for its citizens.

Goal 10 has 1 objective and 1 policy. The proposed amendment is *NOT RELEVANT* to Goal 10.

REGARDING THE PURPOSE OF THE ZONING ORDINANCE

16. The proposed amendment appears to *HELP ACHIEVE* the purpose of the Zoning Ordinance as established in Section 2 of the Ordinance for the following reasons:

- A. Paragraph 2.0 (a) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to secure adequate light, pure air, and safety from fire and other dangers.

The proposed amendment is consistent with this purpose.

- B. Paragraph 2.0 (b) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to conserve the value of land, BUILDINGS, and STRUCTURES throughout the COUNTY.

The proposed amendment is consistent with this purpose.

- C. Paragraph 2.0 (c) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid congestion in the public streets.

The proposed amendment is consistent with this purpose.

- D. Paragraph 2.0 (d) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to lessen and avoid hazards to persons and damage to property resulting from the accumulation of runoff of storm or flood waters. Regarding the effect of the proposed amendment on this purpose of the Zoning Ordinance:

- (1) The proposed amendment is consistent with this purpose because the adoption of the new Digital Flood Insurance Rate Maps (DFIRMs) will provide the best information available to determine what properties are subject to the floodplain regulations for the following reasons:
- (a) This is especially true in the floodplains for the Upper Salt Fork River and the Embarras River in which Base Flood Elevations have been identified because the Base Flood Elevations have been compared to the LIDAR digital topography which results in the most accurate possible mapping of the floodplain short of surveying each property.
 - (b) As mapped on the DFIRMs, the floodplain is a continuous area between the unincorporated area and the municipalities. This is an improvement over the existing Champaign County FIRMs which are discontinuous at the municipal boundary that was in place when the FIRMs were first prepared in 1984.
 - (c) The DFIRM has been prepared using an aerial photograph as the base map and that makes the DFIRM much easier to use than the current FIRM which has no background other than section lines and street indications.
 - (d) The digital floodplain data has been provided separately by FEMA and can also be used for other mapping purposes including updates of the aerial photograph background.
- (2) Adoption of the new Special Flood Hazard Areas Ordinance will allow Champaign County to continue to participate in the National Flood Insurance Program and will

provide updated standards for construction within the Special Flood Hazard Areas, and has been made more restrictive by the following changes:

- (a) As defined in Section 2 and regulated in Section 7.A., “substantial improvement” and “substantial damage” will be figured cumulatively subsequent to the adoption of the proposed amendment. This is a requirement of the the National Flood Insurance Program.
- (b) Section 3.C. requires the applicant to finance an engineering study if there is no Base Flood Elevation data available and the current Ordinance does not require the applicant to finance an engineering study. The requirement for the applicant to finance an engineering study is not a requirement of the National Flood Insurance Program and is therefore a requirement of the Illinois Department of Natural Resources/ Office of Water Resources (IDNR/OWR) which is the state agency that coordinates the NFIP.
- (c) Section 8.C. requires that in new subdivisions the floodplains shall be included within parks or other public grounds whenever possible and that new streets, blocks or lots shall be located in such a manner so as to preserve and utilize natural streams and channels, which is generally consistent with the Stormwater Management Policy.
- (d) Paragraph 9.A. 5. increases the degree of protection required for “critical facilities” from simply the 500-year flood elevation required by the current Ordinance to requiring critical facilities that are constructed within the Special Flood Hazard Area to be dry floodproofed to the higher of either the 500-year flood elevation or three feet above the 100-year flood elevation, whichever is higher. Also, critical facilities are now only permissible within the floodplain if no feasible alternative site is available. These requirements are not requirements of the National Flood Insurance Program and are therefore requirements of the Illinois Department of Natural Resources/ Office of Water Resources (IDNR/OWR) which is the state agency that coordinates the NFIP.
- (e) Section 10 is a wholly new section that requires that the flood carrying capacity of a watercourse to be maintained in any project involving channel modification, fill, or stream maintenance. This is a requirement of the the National Flood Insurance Program.

- E. Paragraph 2.0 (e) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to promote the public health, safety, comfort, morals, and general welfare.

The proposed amendment is consistent with this purpose.

- F. Paragraph 2.0 (f) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the height and bulk of buildings and structures hereafter to be erected.

The proposed amendment is consistent with this purpose.

- G. Paragraph 2.0 (g) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to establish, regulate, and limit the building or setback lines on or along any street, trafficway, drive or parkway.

The proposed amendment is consistent with this purpose.

- H. Paragraph 2.0 (h) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to regulate and limit the intensity of the use of lot areas, and regulating and determining the area of open spaces within and surrounding buildings and structures.

The proposed amendment is consistent with this purpose.

- I. Paragraph 2.0 (i) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to classify, regulate, and restrict the location of trades and industries and the location of buildings, structures, and land designed for specified industrial, residential, and other land uses.

The proposed amendment is consistent with this purpose.

- J. Paragraph 2.0 (j) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to divide the entire County into districts of such number, shape, area, and such different classes according to the use of land, buildings, and structures, intensity of the use of lot area, area of open spaces, and other classification as may be deemed best suited to carry out the purpose of the ordinance.

The proposed amendment is consistent with this purpose.

- K. Paragraph 2.0 (k) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to fix regulations and standards to which buildings, structures, or uses therein shall conform.

The proposed amendment is consistent with this purpose because Adoption of the new Special Flood Hazard Areas Ordinance will provide updated standards for construction within the Special Flood Hazard Areas of Champaign County

- L. Paragraph 2.0 (l) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prohibit uses, buildings, or structures incompatible with the character of such districts.

The proposed amendment is consistent with this purpose.

- M. Paragraph 2.0 (m) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to prevent additions to and alteration or remodeling of existing buildings, structures, or uses in such a way as to avoid the restrictions and limitations lawfully imposed under this ordinance.

The proposed amendment is consistent with this purpose because Adoption of the new Special Flood Hazard Areas Ordinance will provide updated standards for construction within the Special Flood Hazard Areas of Champaign County

- N. Paragraph 2.0 (n) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect the most productive agricultural lands from haphazard and unplanned intrusions of urban uses.

The proposed amendment is consistent with this purpose.

- O. Paragraph 2.0 (o) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to protect natural features such as forested areas and watercourses.

The proposed amendment is consistent with this purpose.

- P. Paragraph 2.0 (p) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the compact development of urban areas to minimize the cost of development of public utilities and public transportation facilities.

The proposed amendment is consistent with this purpose.

- Q. Paragraph 2.0 (q) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to encourage the preservation of agricultural belts surrounding urban areas, to retain the agricultural nature of the County, and the individual character of existing communities.

The proposed amendment is consistent with this purpose.

- R. Paragraph 2.0 (r) of the Ordinance states that one purpose of the zoning regulations and standards that have been adopted and established is to provide for the safe and efficient development of renewable energy sources in those parts of the COUNTY that are most suited to their development.

The proposed amendment is consistent with this purpose.

17. The proposed text amendment will **IMPROVE** the text of the Zoning Ordinance because it will:
A. Provide the best information available to determine what properties will be subject to the floodplain regulations.

- B. Will update the existing Special Flood Hazard Areas Ordinance to meet state and federal requirements in order to allow Champaign County to continue participation in the National Flood Insurance Program.
- C. Clarify the following paragraphs by adding specificity to the following existing requirements:
- (1) Paragraph 5.D.6. adds requirement for drawings of proposed wall and footing construction, which is already required for floodplain construction but not mentioned in the existing Ordinance.
 - (2) Section 7 requires all footings to be on undisturbed earth unless certified in writing by an Illinois Professional Engineer, Clarification of current regulations (relates to improving the Ordinance)
 - (3) Throughout the Draft Ordinance “development permit” is replaced with “floodplain development permit”, which is the name of the permit required for construction in the floodplain.
 - (4) Clarification has been added throughout Sec.7 to make clear that not just the building is required to be protected but also the “building related development such as air conditioning compressors, propane tanks, etc.
 - (5) New paragraph 11.D. clarifies the standards that apply to floodplain variances for “agriculture”. These standards already apply but are not specifically detailed in the current Ordinance.
- D. Relax the following current regulations:
- (1) Paragraph 7.F.8. increases the allowable area and value of “minor accessory structures” that are exempted from the building protection requirements from the \$7,500 or less than 500 square feet in the current Ordinance to \$15,000 and 576 square feet. 7.B.3.f. changed “flood protection elevation” to “base flood elevation”.
 - (2) Paragraphs 7.B.2.e. and 7.B.3.f. lowers the elevation that relevant portions of the building must be constructed with materials resistant to flood damage from the “flood protection elevation” in the current Ordinance to the “base flood protection

SUMMARY FINDING OF FACT

From the documents of record and the testimony and exhibits received at the public hearing conducted on, **July 11, 2013**, the Zoning Board of Appeals of Champaign County finds that:

1. The proposed text amendment will ***NOT IMPEDE*** the Land Resource Management Plan because of the following:
 - A. The proposed text amendment will ***NOT IMPEDE*** the following LRMP goal(s):
 - **Goal 1 Planning and Public Involvement**
 - **Goal 2 Governmental Coordination**
 - **Goal 4 Agriculture**
 - **Goal 5 Urban Land Use**
 - **Goal 6 Public Health and Public Safety**
 - **Goal 7 Transportation**
 - **Goal 8 Natural Resources**
 - B. The proposed text amendment is ***NOT RELEVANT*** the following LRMP goal(s):
 - **Goal 3 Prosperity**
 - **Goal 9 Energy Conservation**
 - **Goal 10 Cultural Amenities**
2. The proposed Zoning Ordinance map amendment will ***HELP ACHIEVE*** the purpose of the **Zoning Ordinance** because it is consistent with all of the purposes of the Zoning Ordinance and is directly relate to Purpose 2.0(d).
3. The proposed text improvement ***WILL IMPROVE*** the **Zoning Ordinance** as follows:
 - Provide the best information available to determine what properties will be subject to the floodplain regulations.
 - Will update the existing Special Flood Hazard Areas Ordinance to meet state and federal requirements in order to allow Champaign County to continue participation in the National Flood Insurance Program.

DOCUMENTS OF RECORD

1. Preliminary Memorandum dated June 20, 2013, with attachments:
 - A Champaign County Environment and Land Use Committee Memorandum dated May 29, 2013, with attachments:
 - a. Champaign County Changes Since Last FIRM received 8/2/12
 - b. Updated Model Special Flood Hazard Areas Ordinance (NOTE: NOT INCLUDED WITH ZBA MEMORANDUM)
 - c. Sec. 11 Fees from the Champaign County Special Flood Hazard Areas Ordinance
 - d. Preliminary (Updated) Flood Insurance Study received June 28, 2012
 - B FEMA Formal Notice of Final Flood Hazard Determination received 4/15/13
 - C Draft Champaign County DFIRM Areas of Change received 8/2/12
 - D Paragraphs 59.24, 59.30, and 60.3 of the National Flood Insurance Program regulations (44CFR 59, etc.)
 - E Champaign County Special Flood Hazard Areas Ordinance adopted 02/06/03
 - F Updated Model Special Flood Hazard Areas Ordinance (Annotated to Indicate Changes from Current Ordinances)
 - G LRMP Goals, Objectives, and Policies and Appendix
2. Supplemental Memorandum dated June 27, 2013, with attachments:
 - A Revised Section 5 of the Model Ordinance
 - B Revised Section 7 of the Model Ordinance
 - C Draft Handout on Protecting Building Support Utility Systems from Flood Damage (including checklist)
 - D Excerpts from Federal Emergency Management Agency (FEMA) publication *Protecting Building Utilities from Flood Damage* FEMA P-384. November 1999
 - E Excerpts of crawl space illustrations from Federal Emergency Agency (FEMA) publication *Crawlspace Construction for Buildings Located in Special Flood Hazard Areas* National Flood Insurance Program Interim Guidance FEMA TB-11. November 2001
3. Supplemental Memorandum dated July 5, 2013, with attachments:
 - A Draft Finding of Fact and Final Determination
 - B Proposed Special Flood Hazard Areas Ordinance (Annotated)
4. Supplemental Memorandum dated July 25, 2013, with attachments:
 - A Revised Draft Finding of Fact and Final Determination with attached annotated amendment

FINAL DETERMINATION

Pursuant to the authority granted by Section 9.2 of the Champaign County Zoning Ordinance, the Zoning Board of Appeals of Champaign County determines that:

The Zoning Ordinance Amendment requested in **Case 757-AT-13** should ***{BE ENACTED / NOT BE ENACTED}*** by the County Board in the form attached hereto.

The foregoing is an accurate and complete record of the Findings and Determination of the Zoning Board of Appeals of Champaign County.

SIGNED:

Eric Thorsland, Chair
Champaign County Zoning Board of Appeals

ATTEST:

Secretary to the Zoning Board of Appeals

Date

DRAFT 7/4/13 Champaign County Special Flood Hazard Areas Ordinance

Table of Contents

*Section
Page*

1	Purpose.....	1
2	Definitions	2
3	Base Flood Elevation	7
4	Duties of Zoning Administrator	8
5	Development Permit	9
6	Preventing Increased Flood Heights and Resulting Damages	11
7	Protecting Buildings	13
8	Subdivision Requirements.....	19
9	Public Health and Other Standards	20
10	Carrying Capacity and Notification.....	21
11	Variances.....	22
12	Fees	25
13	Disclaimer of Liability	26
14	Penalty.....	27
15	Abrogation and Greater Restrictions	28
16	Separability	29
17	Effective Date	30

Appendix

A	Adopting Ordinance and Amendments.....	15
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LEGEND TO ANNOTATIONS

- Dashed underlining indicates text not included in the existing Champaign County SFHA Ordinance that has been recommended by the ZBA but that does not add any new substantive requirement;
- Underlining indicates Model Ordinance text not included in the existing Champaign County SFHA Ordinance but that does not add any new substantive requirement;
- **Highlighting and underlining** indicates Model Ordinance text that adds an additional requirement that is not required by the existing Champaign County SFHA Ordinance but is required by the National Flood Insurance Program (NFIP);
- **Highlighting and double underlining** indicates Model Ordinance text that adds an additional requirement that is not required by the existing Champaign County SFHA Ordinance and is not required by the National Flood Insurance Program (NFIP);
- text included in the existing Champaign County SFHA Ordinance but not included here is not indicated.

Section 1. Purpose

This ordinance is enacted pursuant to the police powers granted to Champaign County by County Statutory Authority in 55 ILCS 5/5-1041 and 5/5-1063 in order to accomplish the following purposes:

- A. To prevent unwise developments from increasing flood or drainage hazards to others; and
- B. To protect new buildings and major improvements to buildings from flood damage; and
- C. To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding; and
- D. To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations; and
- E. To maintain property values and a stable tax base by minimizing the potential for creating blight areas; and
- F. To 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 storm water impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

Section 2. Definitions

For the purposes of this ordinance, 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 3 of this ordinance.

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

Basement: That portion of a building having its floor sub-grade (below ground level) on all sides.

Building: A walled and roofed structure, including gas or liquid storage tank that is principally above ground including 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 one hundred eighty (180) days per year.

Critical Facility: Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk.

Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers, and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances).

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; or
- B. substantial improvement of an existing building; or
- 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 one hundred eighty (180) days per year; or
- D. installation of utilities, construction of roads, bridges, culverts or similar projects; or
- E. construction or erection of levees, dams walls or fences; or
- F. drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface; or
- G. 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; or

2 Definitions - Continued

H. any combination of the above.

“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: Synonymous with Special Flood Hazard Area (SFHA). Those lands within the jurisdiction of the County that are subject to inundation by the base flood. The floodplains of the County are generally identified on the countywide Flood Insurance Rate Map of Champaign County prepared by the Federal Emergency Management Agency and dated October 2, 2013. Floodplain also includes those areas of known flooding as identified by the community.

Floodplain Development Permit: A permit required for any development in the floodplain. A Zoning Use Permit is not a Floodplain Development Permit.

Floodproofing: Any combination of structural or nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate, property and their contents.

2 Definitions - Continued

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 flood proofed to the flood protection elevation.

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

Floodway: That portion of the floodplain required to store and convey the base flood. The floodway for the floodplains of Copper Slough, McCullough Creek, Saline branch Ditch, Salt Fork River, Sangamon River, Upper Boneyard Creek and Phinney Branch Ditch shall be as delineated on the countywide Flood Insurance Rate Map of Champaign County prepared by FEMA and dated October 2, 2013. The floodways for each of the remaining floodplains of Champaign County shall be according to the best data available from the Federal, State, or other sources.

Freeboard: An increment of elevation added to the base flood elevation to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

Historic Structure: Any structure that is:

- A. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
- B. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
- C. Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.
- D. Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

IDNR/OWR: Illinois Department of Natural Resources/Office of Water Resources.

IDNR /OWR Jurisdictional Stream: Illinois Department of Natural Resource Office of Water Resources has jurisdiction over any stream serving a tributary area of 640 acres or more in an urban area, or in the floodway of any stream serving a tributary area of 6,400 acres or more in a rural area. Construction on these streams requires a permit from the Department. (Ill Admin. Code tit. 17, pt. 3700.30). The Department may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in Section 6 of this ordinance.

Lowest Floor: The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage in an area other than a basement area is not considered a building's lowest floor provided

2 Definitions - Continued

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:

- i. built on a single chassis; and
- ii. four hundred (400) square feet or less in size; and
- iii. 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 means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

2 Definitions - Continued

Structure: see “Building”

Substantial Damage: Damage of any origin sustained by a structure whereby the cumulative percentage of damage subsequent to the adoption of this ordinance equals or exceeds fifty percent (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. The term includes “Repetitive Loss Buildings” (see definition).

Substantial Improvement: Any reconstruction, rehabilitation, addition or improvement of a structure taking place subsequent to the adoption of this Ordinance in which the cumulative percentage of improvements equals or exceeds fifty percent (50%) of the market value of the structure before the improvement or repair is started, or increases the floor area by more than twenty percent (20%).

“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. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual repair work done.

The term does not include:

- A. 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
- B. Any alteration of a structure listed on the National Register of Historic Places or the Illinois Register of Historic Places.

Violation: The failure of a structure or other development to be fully compliant with the community’s floodplain management regulations. A structure or other development without the required federal, state, and/or local permits and elevation certification is presumed to be in violation until such time as the documentation is provided.

Section 3. Base Flood Elevation

This Ordinance's protection standard is the base flood. 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. The best available base flood data are listed below:

- A. The base flood elevation for the floodplains of Copper Slough, McCullough Creek, Saline Branch Ditch, Salt Fork River, Sangamon River, Upper Boneyard Creek and Phinney Branch Ditch shall be as delineated on the 100-year flood profiles in the countywide Flood Insurance Study of Champaign County prepared by FEMA and dated October 2, 2013.
- B. The base flood elevation for each floodplain delineated as an "AH Zone" or AO Zone" shall be that elevation (or depth) delineated on the county wide Flood Insurance Rate Map of Champaign County.
- C. The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the countywide Flood Insurance Rate Map of Champaign County shall be according to the best data 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.

Section 4. Duties of the Zoning Administrator

The Zoning Administrator shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains under the jurisdiction of Champaign County meet the requirements of this ordinance. Specifically, the Zoning Administrator shall:

- A. Process floodplain 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 10 are met and maintain documentation of any variances granted;
- G. Inspect all development projects and take any and all actions outlined in Section 13 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 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;
- K. Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance;
- 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; and
- 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.

Section 5. Floodplain Development Permit

- A. No person, firm, corporation, or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a floodplain development permit from the Zoning Administrator.
- B. The Zoning Administrator shall not issue a floodplain development permit if the proposed development does not meet the requirements of this Ordinance.
- C. Application for a floodplain development permit shall be required for any of the following:
 - 1. Any development located on land identified as floodplain on the current Flood Insurance Rate Map.
 - 2. Any development located on land shown to be below the base flood elevation and hydraulically connected to a flood source, but not identified as floodplain on the current Flood Insurance Rate Map.
- A-D. Application for a floodplain development permit shall be made on a form provided by the Zoning Administrator and the application for floodplain development permit shall be accompanied by:
 - 1. Drawings of the site, drawn to scale showing property line dimensions;
 - 2. Existing ~~grade~~ ground elevations and all proposed changes ~~in grade~~ to the ground elevation resulting from any proposed excavation or filling;
 - 3. The location and dimensions of all existing and proposed buildings and additions to buildings and existing and proposed building related development;
 - 4. The elevation of the lowest floor (including basement) of all existing and proposed buildings subject to the requirements of Section 7 of this Ordinance;
 - 5. Cost of ~~project or improvements~~ the development as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.
 - 6. Drawings indicating the proposed wall and footing construction in cross-section in sufficient detail to prove compliance with this ordinance and including both the existing and the proposed ground elevations and the base flood elevation.
 - 7. The existing or proposed elevation of any other part of the development that is subject to the requirements of Sections 7 and 9 of this ordinance and drawings of that part of the development in sufficient detail to prove compliance with this ordinance or other submittals that may be necessary to prove compliance with this ordinance.
- B E. Upon receipt of an application for a floodplain development permit, the Zoning Administrator shall compare the elevation of the site to the base flood elevation to determine which of the following is applicable:

5 Floodplain Development Permit - Continued

(1) Any development located on land that is shown by survey elevation to be below the current base flood elevation is shall also be subject to the provisions of Sections 6 through 16 of this ordinance.

(2) ~~In addition,~~ Any development located on land shown to be below the base flood elevation and hydraulically connected to a flood source, but not identified as floodplain on the current Flood Insurance Rate Map, ~~is shall also be subject to the provisions of Sections 6 through 16 of this ordinance.~~

(3) 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 provisions of Sections 6 through 16 of this ordinance.

F. 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.

G. The Zoning Administrator 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 Zoning Administrator 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 the floodway identified on the 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.
 8. Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit Number 9.
 9. Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit Number 10.
 10. Minor maintenance dredging activities meeting the following conditions of IDNR/OWR Statewide Permit Number 11.
 11. Bridge and culvert replacement structures and bridge widening meeting the following conditions of IDNR/OWR statewide Permit Number 12.
 12. Temporary construction activities meeting the following conditions of IDNR/OWR statewide Permit Number 13.

Section 6. Preventing Increased Flood Heights and Resulting Damages- Continued

13. Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.
- B. Other development activities not listed in 6.A. may be permitted only if:
 1. A permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); or
 2. 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.

Section 7. Protecting Buildings and Building Related Development

- A. In addition to the state permit and damage prevention requirements of Section 6 of this ordinance, all buildings and building related development located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:
1. Construction or placement of a new building or alteration or addition to an existing building and/ or building related development valued at more than one thousand dollars (\$1,000) or seventy (70) square feet.
 2. Substantial improvements or structural alterations made to an existing building and/ or building related development that increase the floor area by more than twenty percent (20%) or equal or exceed the market value by fifty percent (50%). Alteration shall be figured cumulatively subsequent to the adoption of this ordinance. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.
 3. Repairs made to a substantially damaged building and/ or building related development. These repairs shall be figured cumulatively subsequent to the adoption of this ordinance. If substantially 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 and/ or building related development as defined in Section 2. If repetitive loss occurs the entire structure must meet the flood protection standards of this section within 24 months of the date the damage occurred.
- B. Residential or non-residential buildings can meet the building protection requirements of paragraph 7.A. by one of the following methods:
1. The building and/ or building related development 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.

Section 7. Protecting Buildings and Building Related Development (continued)

- d. The fill shall be composed of rock or soil and not incorporate debris or refuse material. ~~and~~
 - e. 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.
 - f. ~~Footings shall be placed on undisturbed earth or a Licensed Illinois Professional Engineer shall certify in writing that the building shall be reasonably safe from flooding.~~
2. ~~The building or building related development may be elevated on solid walls in accordance with the following:~~
- a. ~~The building or improvements and/ or building related development shall be elevated on stilts, piles, walls, crawlspace, or other foundation that is permanently open to flood waters.~~
 - b. ~~The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters on the property shall be located at or above the flood protection elevation except that 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.~~
 - c. ~~If walls are used to elevate the building and/ or building related development, 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 licensed professional engineer or by having a minimum of one (1) permanent opening on each wall no more than one (1) foot above grade with a minimum of two (2) openings per enclosed area. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation. and Insect screens may cover flood openings provided that the insect screen does not unduly impede the entry and exit of floodwaters.~~
 - d. The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
 - i. ~~e. All structural components below the flood protection base flood elevation shall be constructed of materials resistant to flood damage.~~
 - ii. ~~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. (Note: relocated to subparagraph b.)~~

Section 7. Protecting Buildings and Building Related Development (continued)

- E. Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year must be in conformance with the Zoning Ordinance and shall meet the elevation requirements of section 7.D. unless the following conditions are met:
1. The vehicle must be either self-propelled or towable by a light duty truck.
 2. The hitch must remain on the vehicle at all times.
 3. The vehicle must not be attached to external structures such as decks and porches.
 4. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
 5. The vehicles largest horizontal projections must be no larger than four hundred (400) square feet.
 6. The vehicle's wheels must remain on the axles and with inflated tires.
 7. Air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain.
 8. Propane tanks as well as electrical and sewage connections must be quick-disconnect. Propane tanks must also either be elevated above the flood protection elevation or adequately anchored to prevent floatation following manufacturers recommendations and protected from flood debris impact.
 9. The vehicle must be licensed and titled as a recreational vehicle or park model.
 10. The vehicle must either entirely be supported by jacks rather than blocks, or 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 used-of the hitch jack.
- F. Garages, sheds or other minor accessory structures constructed ancillary to an existing residential use may be permitted must meet the building protection requirements of paragraph 7.A. by one of the methods in paragraph 7.B. provided unless the following conditions are met:
1. The garage or shed must be non-habitable.
 2. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use.
 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.

Section 7. Protecting Buildings and Building Related Development (continued)

6. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation except that 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.
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. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the base flood elevation. Insect screens may cover flood openings provided that the insect screen does not unduly impede the entry and exit of floodwaters.
8. Paragraph 7.A. notwithstanding, 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') in area.
9. The structure shall be anchored to resist floatation and overturning. Footings shall be placed on undisturbed earth or a Licensed Illinois Professional Engineer shall certify in writing that the building shall be reasonably safe from flooding.
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

- A. The County Board shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.
- B. 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.
 3. A signed statement by a Licensed Illinois 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).
- C. Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains shall be included within parks or other public grounds.

Section 9. Public Health and Other Standards

- A. Public health standards must be met for all floodplain development. In addition to the requirements of Sections 6 and 7 of this ordinance, the following standards also apply:
1. 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 Section 7 of this ordinance.
 2. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
 3. 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.
 4. 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.
 5. ~~Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available and subject to the following:~~
 - a. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation, whichever is greater.
 - b. Floodproofing and sealing measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.
 - c. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.
- B. All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

Section 10. Carrying Capacity and Notification.

- A. For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.
- B. In addition, the Zoning Administrator 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

- A. Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the Champaign County Zoning Board of Appeals for a variance. The Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the Champaign County Board.
- B. The Champaign County Board may attach such conditions to the granting of a variance as it deems necessary to further the intent of this ordinance.
- C. 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.
 7. All other state and federal permits have been obtained.
- D. The Zoning Board of Appeals 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.
 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
1. 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 Structures", may be granted using criteria more permissive than the requirements of Sections 6 and 7 of this ordinance subject to the conditions that:
 - a. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.

Section 11. Variances Continued

- b. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

D. Agriculture

- 1. Any variance granted for an agricultural structure shall be decided individually based on a case by case analysis of the building's unique circumstances. ~~Variances granted shall meet the following conditions as well as those criteria and conditions set forth in this ordinance.~~ In order to minimize flood damages during the 100-year flood and the threat to public health and safety, the following conditions shall be included for any variance issued for agricultural structures that are constructed at-grade and wet-floodproofed:
 - a. All agricultural structures considered for a variance from the floodplain management regulations of this ordinance shall demonstrate that the varied structure is located in wide, expansive floodplain areas and no other alternate location outside of the special flood hazard area exists for the agricultural structure. Residential structures ~~or animal confinement facilities~~, such as farm houses, cannot be considered agricultural structures.
 - b. Use of the varied structures must be limited to agricultural purposes in zone A ~~only~~ as identified on the community's Flood Insurance Rate Map (FIRM).
 - c. For any new or substantially damaged agricultural structures, the exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the base flood elevation, must be built with flood-resistant materials in accordance with Section 7 of this ordinance.
 - d. The Agricultural structures must be adequately anchored to prevent flotation, collapse, or lateral movement of the structures in accordance with Section 7 of this ordinance. All of the buildings structural components must be capable of resisting specific flood-related forces including hydrostatic, buoyancy, and hydrodynamic and debris impact forces.
 - e. Any mechanical, electrical, or other utility equipment must be located above the base flood elevation or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Section 7 of this ordinance.
 - f. The NFIP requires that enclosures or foundation walls, subject to the 100-year flood, contain openings that will permit the automatic entry and exit of floodwaters in accordance with Section 7.B. this ordinance.

Section 11. Variances Continued

- g. 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.
- h. 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. Fees

- A. No development permit nor variance application shall be accepted without the specified fee having been received by the Department, except when the Zoning Administrator determines that the application of the permit or variance was due solely to staff error.
- B. No filing fee for a variance shall be refunded after the required legal notice has been made by mail or publication unless the Zoning Administrator determines that such filing was due solely to staff error.
- C. In no event shall refunds be given for amounts less than \$50 dollars.
- D. No floodplain determination or Base Flood Elevation estimates shall be provided until payment of the specified fee has been received by the Department.
- E. Fee Schedule:
 - 1. Floodplain Development Permits\$100
 - 2. Special Flood Hazard Area Variance.....\$200
 - 3. Flood Determinations, except as made in conjunction with applications for Floodplain Development Permits, Special Flood Hazard Area Variance or other applications made pursuant to the Champaign County Zoning Ordinance or Subdivision Regulations\$25
 - 4. Base Flood Elevation Estimate, except as made in conjunction with applications for Floodplain Development Permits, Special Flood Hazard Area Variance or other applications made pursuant to the Champaign County Zoning Ordinance or Subdivision Regulations:
 - a. BFE established by publication or previous estimate.....\$25
 - b. BFE established by estimate pursuant to **Section 3, Paragraph C**.....\$250

Section 13. 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 Champaign County 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 14. Penalty

- A. 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.
- B. Upon due investigation, the Zoning Administrator may determine that a violation of the minimum standards of this ordinance exists. The Zoning Administrator shall notify the owner in writing of such violation. If such owner fails after ten (10) days notice to correct the violation:
1. The State's Attorney 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.
 4. The State's Attorney shall record a notice of violation on the title of the property.
 5. 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. The Zoning Administrator is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.
- D. No site development permit shall be permanently suspended or revoked until a hearing is held by the Zoning Board of Appeals.
1. Written notice of such hearing shall be served on the permittee and shall state the following:
 - a. The grounds for the complaint, reasons for suspension or revocation.
 - b. The time and place of the hearing.
 2. At such hearing the permittee shall be given an opportunity to present evidence on their behalf.
 3. At the conclusion of the hearing, the Zoning Board of Appeals shall determine whether the permit shall be suspended or revoked.

Section 14. Penalty Continued

- E. Nothing herein shall prevent the Zoning Administrator 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 15. Abrogation and Greater Restrictions

- A. This ordinance repeals and replaces other ordinances adopted by the Champaign County Board to fulfill the requirements of the National Flood Insurance Program including the following:
 - 1. Ordinance No. 678 adopted February 6, 2003, as amended by Ordinance No. 736 adopted February 24, 2005; and Ordinance No. ____ adopted June 23, 2005.
 - 2. Ordinance 209 adopted January 17, 1984, as amended by Ordinance 294 adopted August 18, 1987; and Ordinance 350 adopted December 19, 1989; and Ordinance 425 adopted March 16, 1993; and Ordinance 541 adopted October 21, 1997.
- B. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the National Flood Insurance Program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions.
- C. Where this ordinance and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 16. Severability

The provisions and sections 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 17. Effective Date

This ordinance shall be in full force and effect from and after its passage and approval and publication, as required by law.

Passed by the County Board of Champaign County, Illinois, this (*insert date) day of (*insert month), 20(*insert year).

(Clerk)

~~Approved~~ Signed by me this (*insert date) day of (*insert month), 20(*insert year).

(County ~~CEO~~ Board Chair)

Attested and filed in my office this (*insert date) day of (*insert month), 20(*insert year).

(Clerk)

APPENDIX A

ADOPTING ORDINANCE AND AMENDMENTS

Adopting Ordinance: Ordinance No. 678 adopted February 6, 2003 by the Champaign County Board established the 'Champaign County Special Flood Hazard Areas Ordinance'.

Ordinance No. 678 repealed and replaced other previous ordinances adopted by the Champaign County Board to fulfill the requirements of the National Flood Insurance Program including:

Ordinance 209 adopted January 17, 1984 as amended by
Ordinance No. 294 adopted August 18, 1987;
Ordinance No. 350 adopted December 19, 1989;
Ordinance No. 425 adopted March 16, 1993; and
Ordinance No. 541 adopted October 21, 1997.

Amendments:

1. Ordinance No. 736 adopted February 24, 2005
 - Renumbers [and changes content of] existing Sections 9 and 10
 - Section 10, Fees
 - Entire section amended to add required fees.

2. Ordinance No. ____ adopted _____ 2005
 - Table of Contents
 - Add new Section 8 and renumber remaining sections.
 - Section 4, Duties of Zoning Administrator
 - Amend Paragraph G.
 - Section 8, Subdivision Requirements
 - Add this section and renumber remaining Sections 9 through 16