

## **CHAPTER 10 – MUNICIPAL PLANNING**

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## **CHAPTER 10 – MUNICIPAL PLANNING**

### **Article 1 – Floodplain Management**

#### **SECTION 10-101: ENFORCEMENT OFFICIAL**

The building inspector hereby has these added responsibilities and is authorized and directed to enforce all the provisions of this article and all other ordinances of the village now in force or hereafter adopted related to zoning, subdivision or building codes.

#### **SECTION 10-102: ENFORCEMENT OFFICIAL; APPOINTMENT**

The building inspector shall be appointed to these additional responsibilities by resolution of the Village Board and his appointment shall continue during good behavior and satisfactory service. During temporary absence or disability of the building inspector, the board shall designate an acting enforcement official.

#### **SECTION 10-103: MAP**

The Village Board hereby designates the current Flood Hazard Boundary Map/Flood Insurance Rate Map and amendments as the official map to be used in determining those areas of special flood hazard.

#### **SECTION 10-104: PERMITS REQUIRED**

No person, firm or corporation shall erect, construct, enlarge or improve any building or structure in the village or cause the same to be done without first obtaining a separate development permit for each building or structure.

A. Within Zone A on the official map, separate development permits are required for all new construction, substantial improvements and other developments, including the placement of manufactured homes.

B. To obtain a permit, the applicant shall first file an application therefor in writing on a form furnished for that purpose. Every such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by lot, block, tract and house and street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use or occupancy for which the proposed work is intended.
4. Be accompanied by plans and specifications for proposed construction.
5. Be signed by the permittee or his/her authorized agent, who may be required to submit evidence to indicate such authority.

6. Within designated flood-prone areas, be accompanied by elevations (in relation to mean sea level) of the lowest floor (including basement) or in the case of floodproofed non-residential structures, the elevation to which it has been floodproofed; documentation or certification of such elevations will be maintained by the building inspector.
7. Give such other information as reasonably may be required by the building inspector.

**SECTION 10-105: PERMITS**

The building inspector shall review all development permit applications to determine if the site of the proposed development is reasonably safe from flooding and that all necessary permits have been received as required by federal or state Law.

**SECTION 10-106: PERMIT REVIEW**

The building inspector, in reviewing all applications for new construction, substantial improvements, prefabricated buildings, placement of manufactured homes and other development(s), as defined in this article, will:

A. Obtain, review and reasonably utilize, if available, any regulatory flood elevation data from federal, state or other sources, until such other data is provided by the Federal Insurance Administration in a Flood Insurance Study; and require within areas designated as Zone A on the official map that the following performance standards be met:

1. New construction or substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot above the base flood elevation.
2. New construction or substantial improvement of any commercial, industrial or other non-residential structure shall either have the lowest floor, including basement, elevated one foot above the level of the base flood elevation or, together with attendant utility and sanitary facilities, be floodproofed so that below such a level the structure is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. A registered professional engineer or architect shall certify that the standards of this subsection are satisfied. Such certification shall be provided to the local enforcement official.
3. For all new construction and substantial improvements, fully enclosed areas below the lowest floor that are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meet-

ing this requirement must either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria: A minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided. The bottom of every opening shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

B. Require the use of construction materials that are resistant to flood damage.

C. Require the use of construction methods and practices that will minimize flood damage.

D. Require that new structures be designed (or modified) and adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyance.

E. Require that new structures be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding.

F. Assure that all manufactured homes be anchored to resist flotation, collapse or lateral movement. Manufactured homes must be anchored in accordance with state laws, local building codes and FEMA guidelines. In the event that over-the-top frame ties to ground anchors are used, the following specific requirements (or their equivalent) shall be met:

1. Over-the-top ties be provided at each of the four corners of the manufactured home with two additional ties per side at the intermediate locations and manufactured homes less than 50 feet long requiring one additional tie per side.
2. Frame ties be provided at each corner of the home with five additional ties per side at intermediate points and manufactured homes less than 50 feet long requiring four additional ties per side.
3. All components of the anchoring system be capable of carrying a force of 4,800 pounds.
4. All additions to manufactured homes be similarly anchored.

G. Require that all manufactured homes to be placed within Zones A1-30, AH, and AE on the community's FIRM be elevated on a permanent foundation such that the lowest floor of the manufactured home is one foot above the base flood elevation; and be securely anchored to an adequately anchored foundation system in accordance with the provisions of subsection (F) above.

**SECTION 10-107: FINDINGS OF FACT**

The Village Board shall review all subdivision applications and other proposed new developments, including manufactured home parks or subdivisions, and shall make findings of fact and assure that:

A. All such proposed developments are consistent with the need to minimize flood damage.

B. Subdivision proposals and other proposed new development greater than five acres or 50-foot lots, whichever is lesser, include within such proposals regulatory flood elevation data in areas designated Zone A.

C. Adequate drainage is provided so as to reduce exposure to flood hazards.

D. All public utilities and facilities are located so as to minimize or eliminate flood damage.

**SECTION 10-108: NEW WATER AND SEWER, ETC.**

New and replacement water and sewer systems shall be constructed to eliminate or minimize infiltration by or discharge into floodwaters. Moreover, on-site waste disposal systems will be designed to avoid impairment or contamination during flooding.

**SECTION 10-109: COOPERATION AND NOTIFICATION**

The Village Board will insure that the flood-carrying capacity within the altered or re-located portion of any watercourse is maintained. The village will notify, in riverine situations, adjacent communities and the state coordinating office prior to any alteration or relocation of a watercourse and submit copies of such notifications to the Federal Emergency Management Agency. Moreover, the village will work with appropriate state and federal agencies in every way possible in complying with the National Flood Insurance Program in accordance with the National Flood Disaster Protection Act of 1973.

**SECTION 10-110: PRECEDENCE OF ARTICLE**

This article shall take precedence over conflicting articles or ordinances or parts of articles or ordinances. The Village Board may, from time to time, amend this article to reflect any and all changes in the National Flood Disaster Protection Act of 1973. The regulations of this article are in compliance with the National Flood Insurance Program Regulations as published in Title 44 of the Code of Federal Regulations.

**SECTION 10-111: DEFINITIONS**

Unless specifically defined below, words or phrases used in this article shall be inter-

preted so as to give them the same meaning as they have in common usage and so as to give this article its most reasonable application.

“Development” shall mean any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations.

“Flood” shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from (1) the overflow of inland or tidal waters; (2) the unusual and rapid accumulation or runoff of surface water from any source.

“Floodproofing” shall mean any combination of structural and nonstructural additions, changes, or adjustments to structures, which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

“Manufactured home” shall mean a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than 180 consecutive days. For insurance purposes, the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.

“Manufactured home park or subdivision” shall mean a parcel or contiguous parcels of land divided into two or more manufactured home lots for rent or sale.

“Regulatory flood elevation” shall mean the water surface elevation of the 100-year-flood.

“Special flood hazard area” shall mean the land within a community, subject to a one percent or greater chance of flooding in any given year. This land is identified as Zone A on the official map.

“Structure” shall mean a walled and roofed building that is principally above the ground, as well as a manufactured home, and a gas or liquid storage tank that is principally above ground.

“Substantial improvement” shall mean any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either (1) before the improvement is started, or (2) if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition "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 any alteration to comply with existing state or local health, sanitary,

building or safety codes or regulations as well as structures listed in national or state registers of historic places.

“100-year flood” shall mean the condition of flooding having a 1% chance of annual occurrence.

## **Article 2 – Penal Provision**

### **SECTION 10-201: VIOLATION; PENALTY**

Any person, whether as owner or proprietor or as the agent, attorney, or representative of any owner or proprietor of land who shall plat or subdivide any tract of land within the corporate limits of the village or adjoining and contiguous to the same, except as herein authorized, or who shall sell, transfer, deed or convey, contract, or agree to sell, transfer, or offer for sale any lot or piece of ground in any addition or subdivision of three or more parts within said corporate limits or adjoining and contiguous thereto, without having first obtained the acceptance and approval of the plat or map thereof by the Village Board, and any person who shall violate or who shall fail, neglect, or refuse to comply with any of the provisions herein, as now existing or as hereafter amended, shall, upon conviction, be fined in any sum not exceeding \$500.00.