

ARTICLE 6

CITY PLANNING AND GROWTH

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ARTICLE 6

CITY PLANNING AND GROWTH

CHAPTER 1 OFFICIAL PLAN

Editor's Note:

The Official Comprehensive Plan of the City of Park Ridge, adopted April 20, 1981 as Ordinance 81-20, recorded in the Office of the Recorder of Deeds of Cook County, as document number 25994847, as amended, is published separately from this Municipal Code.

ARTICLE 6

CITY PLANNING AND GROWTH

CHAPTER 2 NEW SUBDIVISIONS

Entire Rewrite (Ord 2003-08, 2/3/03, Supp22)

SECTION

6-2-1	General Provisions
6-2-2	Subdivision Procedures
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6-2-1 GENERAL PROVISIONS

A. Title

These Regulations shall be known, referred to and recited as the "Subdivision Regulations of the City of Park Ridge."

B. Purpose

The purpose of these Regulations is to control and regulate the division and development of land within the City of Park Ridge in order to promote the public health, safety and general welfare of its citizens. To that end, it is the intent of this Article to accomplish the following:

1. Assure that development sites are suitable for building purposes and human habitation;
2. Provide for the harmonious development of the City of Park Ridge;
3. Assure appropriate adherence to the Comprehensive Plan;
4. Provide for the orderly and appropriate development of land;
5. Provide adequate open space and recreational sites;
6. Provide a safe and clean environment for the residents of Park Ridge;
7. Provide facilities for the orderly movement of traffic on streets and highways;

8. Provide for the construction of adequate and safe transportation, water, sanitary sewerage, storm drainage and other public facilities;
9. Provide for the orderly arrangement of streets, public facilities and public services;
10. Provide for adequate street lighting and signage;
11. Afford proper access for public safety and public service equipment;
12. Protect, to the maximum degree possible, historic sites, scenic points, desirable natural areas, lakes, watercourses and other environmentally sensitive features worthy of preservation;
13. Provide for the equitable distribution of the costs and benefits of public works and facilities by requiring that the initial cost of constructing public improvements and facilities in new developments be borne by the developer and not by the Park Ridge taxpayer; and
14. Coordinate the operations of City departments and other governmental agencies involved with land development, in accordance with the adopted Comprehensive Plan.

C. Definitions

In the interpretation of these Regulations, the following definitions shall be observed and applied, except when the context clearly indicates otherwise.

1. General Rules

For the purpose of these Regulations, the following general rules shall apply:

- a. The present tense includes the future and the present;
- b. The singular number includes the plural and the plural the singular;
- c. The word "building" includes the word "structure;"
- d. The word "lot" includes the word "plot" or "parcel;"
- e. The word "Commission" shall always mean the Planning and Zoning Commission of the City of Park Ridge;
- f. The word "Department" shall always mean the Department of Community Preservation and Development of the City of Park Ridge;
- g. The word "Director" shall always mean the Director of Community Preservation and Development of the City of Park Ridge;
- h. The words "City Council" shall always mean the Mayor and City Council of the City of Park Ridge;

- i. The word "City" shall always mean the City of Park Ridge, Illinois; and
 - j. The word "shall" is mandatory, the word "may" is permissive, and terms or words unless otherwise defined, shall be consistent with common usage.
2. Terms Defined

Alley: Any right-of-way that affords secondary means of vehicular access to abutting properties. An alley shall not be considered a street.

Applicant: The owner of land proposed to be subdivided or a person who has obtained the owner's consent to file a subdivision application on behalf of the owner.

Bench Mark: A monument for which an accurate elevation has been established and shown on the subdivision plat or as defined by the United States Geological Survey.

Block: A tract of land bounded by streets, or by a combination of streets and public parks, other permanent open areas, or other acceptable lines of demarcation. A block may be located in part beyond the boundary lines of the corporate limits of the City of Park Ridge.

Building: Any structure designed or built for the support, enclosure, shelter or protection of persons, animals, chattels or property of any kind, and which is permanently affixed to the land.

Building Setback Line: A line on a plat of subdivision generally drawn parallel to the front lot line, or corner side lot line in the case of a corner lot, which establishes the minimum open space to be provided between any point along the front or side of a building or structure, and the front or corner side lot line. A zoning setback line may be defined differently.

Bond: Any form of security, including a cash escrow deposit, surety bond, collateral, property or instrument of credit in an amount and form satisfactory to the City.

City Engineer: The duly designated City Engineer of the City of Park Ridge, Illinois.

City Forester: The duly designated City Forester of the City of Park Ridge, Illinois.

Community Preservation and Development Director: The duly designated Community Preservation and Development Director of the City of Park Ridge, Illinois, or his or her designee; or, in the absence of the Director, the designee of the City Manager. This is also the individual authorized to review and approve Administrative Subdivisions.

Comprehensive Plan: The Comprehensive Plan of the City of Park Ridge, as adopted and amended, from time to time, by the City Council.

Construction Plan: Maps or drawings accompanying a subdivision plat that shows the specific location and design of all public improvements to be installed or constructed within the subdivision.

Dedication: The setting aside of land by the applicant for a general public use, in accordance with the regulations of the City.

Easement: A grant by a property owner for the use of a strip or area of land by the general public, a public utility, a corporation or a person for specified purposes.

Finance Director: The duly designated Finance Director of the City of Park Ridge, Illinois.

Land Partition: Any division of a parcel of land other than pursuant to these Subdivision Regulations.

Lot: A distinct parcel or piece of land with a distinct legal description.

Lot, Corner: A lot which has the full length of at least two (2) adjacent sides abutting upon streets, with the interior angle of the intersection of such two (2) sides is less than one hundred thirty-five (135) degrees. The point of intersection of the street lot lines is the corner of the lot in question. A lot abutting upon a curved street or streets shall be considered a corner lot if the tangents to the curve at the curve's point of beginning between the side lot lines, or at the points of intersection of the side lot lines with the street line, intersect at an interior angle of less than one hundred thirty-five (135) degrees. In such cases, the corner of the lot in question is that point on the street lot line nearest to the point of intersection of the tangents above described.

Lot of Record: A single lot which is part of a subdivision or resubdivision, which has been recorded with the Recorder of Deeds of Cook County, Illinois, and which is not dependent for identification upon a description by metes and bounds.

Official Map: A map established by the Council showing streets, highways and parks. The Official Map shall include the Transportation Plan element of the Comprehensive Plan.

Owner: Any person, firm, corporation or any other legal entity having legal or beneficial title to the land sought to be subdivided under these Regulations.

Open Space: Land within a tract devoted to landscaping, lawns, recreational areas, plazas, terraces and other similar uses.

Parcel: A tract or a plot of land.

Pedestrian Way: A paved walkway permitting pedestrian usage.

Plat: A map, chart or drawing that is appropriate for recording and indicates the subdivision or resubdivision of land.

Plat, Final: The final map, chart or drawing presented to the Commission or Director for approval; and, upon approval, submitted to the appropriate Cook County office for recording and registration, which legally describes the subdivision of land, and contains

a detailed plan of the property, showing all dimensions, angles and bearings, together with all such information, statements and certificates as required by this Article. Unless otherwise stated, reference to a plat will mean a Final Plat.

Plat, Preliminary: A map indicating the subdivision of land prepared in accordance with City regulations as a basis for consideration prior to the preparation of the Final Plat.

Public Improvements: All improvements for which the City may ultimately assume the responsibility for maintenance or operation, or which may affect an improvement for which City responsibility is established. This shall include, but is not necessarily limited to, storm drainage, sanitary sewerage and water supply facilities, streets, curbs, gutters, sidewalks, parkways, trees, street lights, street signs and other accessory works and appurtenances.

Public Utilities: Publicly owned facilities including, but not necessarily limited to, water transmission lines, sanitary sewers and storm sewers, and such privately owned facilities as electric, telephone, cable TV and natural gas transmission lines.

Registered Engineer: An engineer properly licensed and registered in the State of Illinois.

Registered Land Surveyor: A land surveyor properly licensed and registered in the State of Illinois.

Right-of-Way: A strip of land occupied or intended to be occupied by a street, pedestrian way, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, shade trees, or for any other public use or structure. The usage of the term "right-of-way" for land-platting purposes shall mean that every right-of-way hereafter established and shown on a Final Plat is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

Specifications: The design specifications of the City of Park Ridge which have been adopted by the City Council or have been approved by the appropriate City department or agency.

Street: The entire width between property lines of a public right-of-way or private roadway intended for vehicular traffic. This shall include arterial streets, collector streets, local streets and cul-de-sacs, but shall exclude alleys.

Street Classification:

- a. Arterial Street: A street that traverses the City and provides for through traffic movement in the region while permitting direct access to abutting property.
- b. Collector Street: A street that provides for traffic movement among Arterial Streets and Local Streets and has direct access to abutting property.

- c. Local Street: A street that provides for local traffic movement and for direct access to abutting property.
- d. Cul-de-Sac: A street having only one end open to traffic and the other end terminating in a vehicle turnaround.

Structure: Anything that is human-made and built, constructed, installed, erected or placed on, in or under the ground, or attached to something on, in or under the ground.

Subdivision: The division of a lot, parcel or tract of land into two (2) or more lots; or the consolidation of two (2) or more lots, parcels or tracts of land. The term "subdivision" includes resubdivision and lot consolidation. When appropriate in context, the term "subdivision" relates to the process of consolidating or resubdividing the land or territory being subdivided.

Subdivision, Administrative: A subdivision that may be approved by the Director and does not require a public meeting before the Commission or approval by the City Council.

Subdivision, Minor: A subdivision in a residential zoning district that divides one (1) or more lots or parts of lots into three (3) or fewer residential lots, upon Final Plat review by the Commission and approval by the City Council.

Tract: A defined area of land.

Zoning Ordinance: The officially adopted and amended Zoning Ordinance of the City of Park Ridge, including the official Zoning Map and its amendments.

D. Scope of Regulations

1. Jurisdiction. These Regulations are enacted by the Corporate Authorities of the City of Park Ridge pursuant to the full power and authority granted them under the constitution of the State of Illinois and all applicable laws of said State. Said Regulations shall apply to all subdivisions of land, as defined herein, located within the corporate limits of the City of Park Ridge, and those areas beyond said corporate limits over which the City has extraterritorial jurisdiction as provided in Section 1.E, below.
2. Applicability. As of the effective date of these Subdivision Regulations, no person, firm or corporation shall divide, further divide or otherwise alter the boundaries of any lot or parcel of land within the City of Park Ridge except in compliance with the provisions of these Regulations. To further clarify the applicability of these Regulations, the following provisions shall apply:
 - a. Vacant Land and Demolition. In all cases involving vacant or unimproved parcels of land, or where the demolition of an existing building or structure on an improved parcel of land is proposed, no building permit or certificate of occupancy shall be issued for any such vacant or unimproved parcel, nor shall a demolition permit be issued for any such improved lot, nor shall any such vacant or unimproved

parcel be sold unless a plat of subdivision has been approved by the Commission and submitted to the appropriate County Official for recording and registration pursuant to the provisions of these Regulations. It is the specific intent of this provision to require the retroactive subdivision in accordance with these Regulations of all vacant and unimproved parcels of land, and in all cases involving demolition, where such land has never been subdivided, or where lots and parcels have been created prior to the effective date of these Regulations by any means other than pursuant to the Subdivision Regulations for the City of Park Ridge.

b. Improved Land. Nothing in these Regulations shall require the subdivision of improved lots or parcels where such improved lots or parcels have been created prior to the effective date of these Regulations by any means with the exception of cases involving demolition as provided for in Section 1.D.2.a, above.

3. Interpretation. In their interpretation and application, the provisions of these Regulations shall be held to be minimum requirements to meet the stated purpose and intent of these Regulations. Where the provisions of these Regulations impose greater restrictions than those of any statute, other regulations, or ordinance, the provisions of these Regulations shall prevail. Where the provisions of any Federal, State or City statute, ordinance, or regulation impose greater restrictions than those of these Regulations, the provisions of such Federal, State or City statute, regulation, or ordinance shall prevail.

E. Extraterritorial Provisions

These Regulations shall apply to all subdivisions, as herein defined, situated in the unincorporated portions of Cook County which are located entirely or in part within one and one-half (1-1/2) miles of the nearest corporate limits of the City to the extent that such territory is specifically addressed in the Comprehensive Plan. In the event of an overlap between the one and one-half (1-1/2) mile extraterritorial jurisdiction of Park Ridge and that of a neighboring municipality, these Regulations shall then apply to subdivisions located entirely within an area situated between the nearest corporate limits of the City and one-half (1/2) the distance between said nearest corporate limits and the nearest corporate limits of the neighboring municipality.

F. Administration

The Director shall administer these Regulations. All applications, fees, maps and documents pertaining to subdivision approval shall be submitted to the Department for processing and, where appropriate, referred to the Commission. The Director is hereby authorized to formulate written administrative rules that govern the procedure for processing subdivision applications.

G. Administrative Subdivisions

An Administrative Subdivision shall be permitted in the following instances:

- a. An adjustment of a lot line between two (2) adjoining lots; and
- b. The consolidation of two (2) or more lots, parcels or tracts of land, either in whole or in part, into a single lot of record, when all of the properties are under the same ownership.

With respect to the above, an Administrative Subdivision is permissible only if: (i) no non-conformities are created with respect to these regulations; (ii) the entire length of the subdivision fronts on an existing street; and (iii) there are no exceptions or variations required except as to parkway trees, sidewalks or existing substandard streets and rights-of-way.

H. Minor Subdivisions

A Final Plat creating not more than three (3) lots of record shall be approved by the Commission and the City Council without a Preliminary Plat review. Preliminary Plat review may be required upon the recommendation of the Director.

I. Subdivisions of Record

Any plat of subdivision, approved by the Commission or the Director and submitted to the Cook County Recorder of Deeds for recording and registration prior to effective date of the ordinance approving these Regulations, shall be accepted as valid and no further approval by the Commission shall be required.

J. Non-Complying Parcels and Subdivisions

No building permit shall be issued by the City, its Building Administrator or other City officers or inspectors for the purpose of improving any parcel of land unless such parcel consists of one or more lots in an approved and recorded or registered subdivision. Furthermore, no building permit shall be issued by the City, its Building Administrator or other City officers or inspectors for the purpose of improving any parcel of land in a land partition, as defined herein, unless and until said parcel becomes and is one or more lots in an approved and recorded or registered subdivision as herein defined.

K. Variations and Exceptions

1. Administrative Subdivisions. The Director shall have the authority to approve variations or exceptions with respect to parkway trees, sidewalks, and existing substandard streets and rights-of-way in Administrative Subdivisions. In all other instances, variations and exceptions shall be administered as set forth in 2 below.
2. All Other Subdivisions. The Commission may recommend and, pursuant to Section 2.I, herein, the City Council may grant variations to the standards and requirements of these Regulations, in harmony with their general purpose and intent, in cases where there are particular difficulties or unnecessary hardships in the way of carrying out the strict letter of said standards and requirements. In considering requests for variations, the Commission may recommend and the City Council may impose such conditions and safeguards as are deemed necessary to protect the public interest or the character of the neighborhood. The City Council may require a guarantee or bond to assure compliance.

In accordance with Section 11.11.B.5 of the Zoning Ordinance, the Commission may also recommend modifications to the standards and requirements herein in the

case of a Planned Development undertaken pursuant to said Ordinance where, in the opinion of the Commission, such modifications are necessary and desirable to achieve the objectives of the proposed Planned Development.

(Ord 2003-08, 2/3/03, Supp22)

6-2-2 SUBDIVISION PROCEDURES

A. Pre-Application Conference

A pre-application conference shall be held between the applicant and the Department to provide the applicant with an opportunity to resolve problems with respect to a subdivision early in the proceedings, and to make necessary modifications and revisions prior to incurring the substantial expense of preparing a Preliminary and Final Plat.

The pre-application conference does not require formal application, fee or filing of a plat. A preliminary plan containing the following information is all that is required for Department review:

1. Proposed layout of streets, lots and other elements basic to the proposed use in relationship to site conditions; and
2. Proposed methods for sewage collection, storm drainage, water supply and other utilities.

The preliminary plan may be a pencil drawing superimposed upon a print of a topographic survey of the area proposed to be subdivided, or may be in any other graphic medium and form containing the above information. The Department shall provide comments and recommendations on such information as is provided.

B. Preliminary Plat Review Process

The Preliminary Plat review process is intended to provide a formal basis for Commission consideration of a subdivision prior to preparation of a Final Plat.

The Preliminary Plat, Subdivision Application and all information and procedures relating thereto shall in all respects be in compliance with the provisions of these Regulations, except where a variation is specifically requested by the applicant in writing.

C. Preliminary Plat Data Requirements

The Preliminary Plat shall show or be accompanied by the following information:

1. Drafting Standards

The Preliminary Plat shall be prepared in accordance with the drafting standard contained in the approved administrative rules formulated by the Commission pursuant to Section 1.F, Administration, herein.

2. Existing Information

- a. Vicinity Map drawn in accordance to the drafting standards contained in the administrative rules showing the approximate relationship of the tract to be subdivided to its general surroundings and showing the following details:
 - (1) The Zoning District in which the proposed subdivision is located;
 - (2) Existing or platted streets within one thousand (1,000) feet of the subdivision; and
 - (3) Municipal boundaries within one thousand (1,000) feet of the tract.
- b. Identifying Information, including the following:
 - (1) Name of the subdivision, which shall not duplicate any other recorded subdivision;
 - (2) Legal description of the subdivision;
 - (3) Name and address of the applicant(s) and owner(s), if other than the applicant(s);
 - (4) Certificate of the Registered Land Surveyor or Registered Engineer preparing the Preliminary Plat, including signature, address and seal; and
 - (5) Date the Preliminary Plat was drafted, with a north point and scale.
- c. Existing Conditions, including the following:
 - (1) Boundary line of proposed subdivision indicated by solid heavy line;
 - (2) Contours with intervals of not more than five (5) feet nor less than one (1) foot (Elevations shall be based on U.S. Geological Survey data or equivalent. Provide the source of the contour information on the Plat.);
 - (3) Location, width and names of all existing or prior platted streets; and the location and width of all other public rights-of-way, railroad and utility rights-of-way, parks and other public open spaces, and municipal corporation lines within or adjoining the tract;
 - (4) Environmental conditions on the tract being subdivided including, but not necessarily limited to, watercourses, marshes, floodplains, rock outcrop areas, wooded areas and other environmentally sensitive areas and significant features;
 - (5) Utilities on and adjacent to the tract, including the location, size and invert elevation of all existing sanitary sewerage facilities and storm drains; the location and size of all water mains; and the location of all fire hydrants, overhead and underground utility lines, and street lights.

If water mains, sanitary sewers and storm drains are not on or adjoining the tract, indicate the direction, distance to and the size of the nearest water mains and sewers, showing the invert elevation of sewers to the extent known by the applicant;

- (6) Conditions on adjoining land within one hundred (100) feet of the tract, including the elevations and approximate direction and gradient of ground slope; any embankments or retaining walls; the character, location and ownership of any private sewerage systems; any railroads, utility lines, towers or other nearby non-residential land uses or adverse influences; the boundary lines and owners of any adjoining unsubdivided land and the boundaries and names of any adjoining recorded subdivisions; and
- (7) Proposed public improvements, including highways or other major improvements planned by public authorities for future construction on or near the tract to the extent known by the applicant.

3. Proposed Layout

a. Street Plan containing the following information:

- (1) Location of all proposed streets within the subdivision;
- (2) Widths of all proposed street rights-of-way, proposed paving widths and typical cross sections;
- (3) Proposed street names;
- (4) Plan and profile of all proposed streets; grade shall be set at edge of pavement; and
- (5) Location of all required sidewalks and pedestrian ways.

b. Layout and dimension of proposed lots, including lot lines, lot numbers and block letters.

c. Sites, if any, for any uses other than single family and two family dwellings, including a description of any such uses and the location of required off-street parking facilities.

d. All building setback lines, as defined herein, in accordance with the provisions of these Regulations and the Zoning Ordinance.

e. The location and dimensions of any land within the proposed subdivision to be dedicated or reserved for school sites, parks, open space or other public uses pursuant to the provisions of these Regulations.

- f. The construction plan, as defined herein, indicating the location, plan, profile and estimated cost of all required public improvements, as herein defined, to be constructed or provided in conjunction with the subdivision. Estimated costs of public improvements shall be broken down by quantities and unit prices.
- g. All rights-of-way and easements to be created for drainage and utilities purposes.

D. Consideration of the Preliminary Plat by the Planning and Zoning Commission

The Commission shall approve, approve with modifications or reject the Preliminary Plat within ninety (90) days from the date the application for subdivision is received and accepted by the Department. Every decision by the Commission, with respect to the Preliminary Plat, shall be included in the Commission's minutes, along with the vote thereon.

Approval of the Preliminary Plat is tentative, involving the general acceptability of the layout submitted, and shall in no way constitute approval of the Final Plat. Preliminary Plat approval shall be effective for a period of one (1) year, and such additional periods, as may be specifically approved in writing by the Commission.

E. Final Plat Review Process

The Final Plat review process is intended to provide a formal basis for Commission consideration and action on a subdivision following Preliminary Plat approval of the subdivision or consideration and action by the Director on a subdivision prior to recording the Final Plat, as required by these Regulations. With the exception of administrative and minor subdivisions, as defined herein, where a Preliminary Plat is not required, the Final Plat shall conform to the approved Preliminary Plat, and shall reflect any modifications and changes prescribed by the Commission at the time of Preliminary Plat approval.

Where the applicant wishes to develop a subdivision in stages, the Final Plat may constitute only that portion of the approved Preliminary Plat that the applicant proposes to record and develop at a given time, provided that such portion conforms with all the requirements and standards of these Regulations.

F. Final Plat Data Requirements and Certifications

The Final Plat shall show or be accompanied by the following information and shall also meet all requirements of the State Plats Act (Chapter 109, Section 1 et. sec., Ill. Rev. Stats.). In case of any conflicts with the Act, the following provisions shall control:

1. Drafting Standards

The Final Plat shall be prepared in accordance with the drafting standards contained in the approved administrative rules formulated by the Director pursuant to Section 1.F, Administration, herein.

2. Existing Information

- a. Identifying Information, including the following:

- (1) Name of the subdivision;
- (2) Legal description of the subdivision, including location by section, township and range;
- (3) Name and address of the applicant(s) and owner(s), if other than the applicant;
- (4) Name and address of the Registered Engineer or Registered Land Surveyor preparing the Final Plat;
- (5) Date the Final Plat was drafted, with the north point and scale; and
- (6) Vicinity Map at a scale of not less than one (1) inch equals one thousand (1,000) feet, showing the relationship of the tract to be subdivided to all adjoining property, and to all streets and municipal boundaries existing within one thousand (1,000) feet of any part of the tract.

b. Existing conditions, including the following:

- (1) Complete boundary survey of the property to be subdivided, showing all courses, distances, the area and "tie-ins" to all adjacent street intersections;
- (2) The location, name and right-of-way width of each existing street; and the location and width of all other public and private rights-of-way;
- (3) The location and angles of departure of all adjoining property lines and street right-of-way lines;
- (4) The location and names of record owners of adjoining unsubdivided land, including tax parcel number and other appropriate deed references;
- (5) The location and names of adjoining recorded subdivisions, including lot and block numbers and, where available, date of approval and subdivision case number; and
- (6) The location, size and ownership of all existing utility easements, both within the subdivision and within one hundred (100) feet of the subdivision's boundaries.

3. Proposed Layout

- a. Lot layout with lots numbered in numerical order. In tracts containing more than one block, the blocks shall be lettered in alphabetical order;
- b. The area in square feet and the exact dimensions of each lot, parcel, site or other unit shown on the Final Plat;

- c. The names, exact right-of-way widths and pavement widths of all proposed streets;
 - d. Sufficient data to determine the location, bearing and length of every street, lot and boundary line;
 - e. Required building setback lines defining front yard setbacks and, where applicable, corner side yard setbacks for each lot with respect to the abutting street(s);
 - f. Location and dimensions of all parcels proposed to be dedicated or reserved for open space, as defined herein, or for other public uses, with the purposes indicated thereon. Accurate legal descriptions shall be written for each parcel so dedicated or reserved;
 - g. The location, width and purpose of all easements or rights-of-way, including description of boundaries by bearings and dimensions;
 - h. The location and description of all markers, monuments, or other evidence found or established to determine the boundaries of the subdivision; and
 - i. Private restrictions and covenants, if any, proposed for inclusion in the property deeds.
4. Final Plat Certifications

The following certifications and related information shall appear on the Final Plat:

- a. Certification of Ownership and Dedication signed and acknowledged by all parties having any record title interest in the land subdivided consenting to the preparation and recording of the Final Plat, the establishment of minimum building setback lines and the dedication of public uses, including streets, alleys, sidewalks, utility and storm drainage easements and rights-of-way, open space, and such other areas as approved for dedication for public use by the Commission;
- b. A separate recorded statement from the property owner(s) indicating the school district within which the subdivision is located;
- c. Certification of Accuracy signed and sealed by a registered engineer or registered land surveyor responsible for the land survey and the preparation of the Final Plat. This Certification shall also indicate whether the subdivision, or any portion of it, is located within a flood hazard area;
- d. Certification signed by the City Engineer approving the installation of streets and other public improvements, as defined herein, in accordance with all City specifications where these improvements have been completed, dedicated and accepted by the City prior to Final Plat approval;
- e. Certification signed by the Finance Director acknowledging that a bond, in the amount determined by the City Engineer and in the form determined by the City Council, has been posted with the City of Park Ridge guaranteeing completion of all streets and

- public improvements, in accordance with City specifications, where these improvements have not been completed, dedicated and accepted by the City prior to Final Plat approval;
- f. Certification signed by the Cook County Clerk acknowledging that all current taxes on the property included in the subdivision have been paid;
 - g. Certification signed by the Chairman of the Commission certifying that the subdivision shown on the Final Plat is in full compliance with these Subdivision Regulations and approving the Final Plat for recording with the Cook County Recorder of Deeds;
 - h. Certification signed by the Mayor and attested by the City Clerk approving the Final Plat for recording with the Cook County Recorder of Deeds;
 - i. Certification signed by the Director that the process of subdivision approval is in full compliance with these Subdivision Regulations and approving the Final Plat for recording with the Cook County Recorder of Deeds; and
 - j. Easement Provision Statements signed by all private utility companies, such as electric, telephone, cable and natural gas, where necessary to serve the subdivision.

G. Consideration of the Final Plat

The Commission or the Director shall act either to approve or disapprove the Final Plat within sixty (60) days from the date the Plat is received and accepted by the Department. The applicant may waive the sixty (60) day limitation and consent in writing to an extension of such period.

1. Certification of Approval. Approval of the Final Plat shall be noted by the signing of the Certificate of Approval by the Chairman of the Commission on said Plat, which shall then be recorded by the applicant with the Cook County Recorder of Deeds.
2. Final Plat Disapproval. Should the Commission disapprove the Final Plat, its decision with respect to the Plat shall be set forth in the Commission's minutes, along with the vote and the reasons for disapproval.
3. Effect of Final Plat Approval. Every Final Plat approved by the Commission shall by virtue of such approval, be deemed to be an amendment of or an addition to the Comprehensive Plan and the Official Map.

The Commission shall have the authority to place limitations and restrictions upon an approved subdivision designed to promote the purposes of the Comprehensive Plan and the Zoning Ordinance. These limitations and restrictions shall be stated upon the Final Plat prior to its approval and recording, and shall have the same force of law and be enforceable in the same manner and with the same sanctions and penalties and subject to the same power of amendment or repeal as though set out as a part of the Comprehensive Plan or Zoning Ordinance.

Approval of the Final Plat shall not constitute acceptance by the City of any of the public improvements shown upon the Final Plat. Acceptance of the improvements shall be accomplished only in accordance with the provisions of this Chapter and other applicable ordinances and regulations.

H. Administrative Subdivision Plat Procedures

For subdivisions, which fully meet the definition of an administrative subdivision, the applicant for such a subdivision need not submit a Preliminary Plat, and shall only be required to abide by provisions for the review and consideration of a Final Plat, as set forth in Sections 2.E and 2.F above. Only the following Final Plat Certifications in Section 2.F.4 are required, where applicable: 2.F.4.a, c, d, e, f, i and j.

I. Minor Subdivision Plat Procedures

For subdivisions, which fully meet the definition of a minor subdivision, the applicant for such a subdivision need not submit a Preliminary Plat, and shall only be required to abide by provisions for the review and consideration of a Final Plat, as set forth in Sections 2.E, 2.F and 2.G above. Only the following Final Plat Certifications in Section 2.F.4 are required, where applicable: 2.F.4.a, c, d, e, f, g, h and j.

J. City Council Action

With the exception of administrative and minor subdivisions, the City Council shall take no action on a Preliminary or Final Plat unless the plat has first been recommended for approval by the Commission.

K. Recording of the Final Plat

Upon approval of the Final Plat by the Director or the Commission and the City Council, and upon completion of obtaining all applicable signatures on the plat, the applicant shall immediately submit to the Department a reproducible copy of the Final Plat and then record the signed original with the Cook County Recorder of Deeds within thirty (30) days of the date of approval by the Director or the Commission and City Council, unless the applicant requests a postponement in writing, in which case the Final Plat shall be recorded with the Cook County Recorder of Deeds no later than ninety (90) days from the date of Commission approval. Failure on the part of the applicant to comply with the above recording requirements within the time limits set forth shall render the Commission's action in approving the Final Plat null and void.

Upon recording the Final Plat, the applicant shall immediately return to the Department an exact copy of the Final Plat, affixed with a recording number and date, and receipt of recording. The Department, upon receipt of the exact copy of the recorded Final Plat, shall compare the copy with the file copy retained at the time the Final Plat was approved. If there are any additions, deletions or alterations to the exact copy of the recorded Final Plat, when compared to the file copy, except for the markings incidental to the recording process, the approval of the subdivision and the Final Plat shall be null and void.

Under no circumstances shall a building permit be issued by any City official for the construction of a structure upon a lot contained within a subdivision, unless the Final Plat for the subdivision has been approved by the Director or the Commission, in accordance with these Regulations; the Final Plat has been recorded with the Cook County Recorder of Deeds; and an exact copy of the Final Plat, affixed with a recording number and date, and the receipt of recording, have been submitted to the Department verifying that the Final Plat has been recorded.

(Ordin 2003-8, 2/3/2003, Supp22)

6-2-3 SUBDIVISION DESIGN STANDARDS

A. Scope of Design Standards

Every subdivision shall conform with the design standards and principles contained in this Section. No person, firm or corporation shall subdivide land, except in compliance with these requirements. In applying these design standards, the following general principles shall govern:

1. Every subdivision shall conform to the policies and principles generally exhibited in the Comprehensive Plan including, but not necessarily limited to, the Transportation Plan Map. Furthermore, no subdivision shall be approved, which is not in full compliance with the provisions of the Zoning Ordinance and all other applicable ordinances, statutes and regulations.
2. The standards and requirements outlined in these Regulations shall be considered the minimum for the promotion of the public health, safety and general welfare of the City.
3. All portions of a tract being subdivided shall be taken up in lots, streets, public lands or other proposed uses, so that remnants and landlocked areas shall not be created.
4. No subdivision shall be approved, unless adequate access exists over approved streets to the tract being subdivided, or unless such access will be provided by the applicant. Furthermore, no subdivision shall be approved if the tract to be subdivided is considered by the Commission to be unsuitable for such use by reason of flooding or improper drainage, geological structure, topography or any other feature harmful to the health, safety and general welfare of present and future residents of Park Ridge.

B. General Subdivision Layout and Design

1. The arrangement, character, extent, width, grade and location of all proposed streets within a subdivision shall be considered with respect to their relationship to existing and planned (platted) streets, topographic conditions, public convenience and safety and appropriate relationship to the proposed uses of land to be served by such streets.
2. The overall street plan for any subdivision shall provide vehicular access to the subdivision by a public or private street(s) connected to the City's existing street system.
3. Street jogs are prohibited with centerline offsets of less than one hundred (100) feet.

4. Half streets are hereby prohibited. In the case of an existing half street, whenever the property constituting the undedicated portion of said half street is contiguous to a tract to be subdivided and owned by the applicant of the subdivision, the undedicated half of the street shall be indicated on the plat of subdivision for dedication to the public.
5. Where not indicated to the contrary in the Comprehensive Plan, the arrangement of all streets within a subdivision shall either:
 - a. Provide for the logical continuation or appropriate projection of existing or planned (platted) streets adjoining the tract to be subdivided; or
 - b. Where topography or other conditions make continuation or projection of existing streets unnecessary or impracticable, such arrangement of streets shall conform to a general area plan approved by the Commission.
6. New local streets in residential neighborhoods shall be laid out in such a way so as to discourage through traffic.
7. Where a subdivision abuts an existing or proposed arterial street or other streets carrying heavy traffic, or where said subdivision contains an existing or proposed arterial street, the Commission may require local access or frontage streets, reversed frontage with screen planting contained in a non-access reservation along the rear property line, deep lots with rear service alleys, or such other treatment, including wider pavement widths, as may be necessary for adequate protection of residential or other properties and separation of local and through traffic.
8. Where a subdivision borders or contains a railroad or limited access highway right-of-way, the Commission may require a frontage street approximately parallel to and on each side of the right-of-way, and at such a distance, as required for appropriate use of intervening land, if any, and with due regard for the requirements of future approach grades and grade separations.
9. A subdivision plat, involving new or existing streets crossing railroad tracks, shall provide adequate right-of-way and slope easements for the construction of an underpass or overpass.
10. No street intersection shall include more than four street approaches.
11. Streets shall be laid out so as to intersect as nearly as possible at right angles, and no street shall intersect another at less than sixty (60) degrees provided, however, that other arrangements for the smooth merging of traffic shall be permitted where the total effect on the intersection is to reduce traffic hazards and to provide for smooth traffic flow at the intersection as a whole.
12. Property lines at the intersection of two local streets or of a local street with a cul-de-sac or an alley shall be curved with a minimum radius of twenty-five (25) feet. Property lines at all collector and arterial street intersections shall be curved with a minimum radius of fifty (50) feet.

13. A tangent with a minimum length of one hundred (100) feet shall be introduced between reverse curves on all arterial and collector streets.
14. When connecting street lines deflect from each other, they shall be connected by a curve with a sufficient radius to insure a sight distance adequate for visibility and safety. The size of the radius shall be determined by the City Engineer after consideration of the character of the street and the types and speed of traffic anticipated.
15. If a portion of a tract is not subdivided, suitable access shall be provided for street openings to allow for eventual subdivision of the entire tract.
16. Dead-end streets are prohibited, except as stubs to adjoining tracts. Where stub streets are constructed abutting unsubdivided acreage, temporary easements for turnarounds shall be provided at the boundary lines of the subdivision, and appropriate arrangements shall be made for those portions of the turnarounds outside of street rights-of-way to revert to abutting owners, at such time as the street is extended.
17. Private streets are prohibited in all subdivisions unless specifically authorized by the Commission. Where private streets are authorized, the applicant shall be required to construct the streets in full compliance with specifications and the design standards contained in these Regulations.

C. Street and Alley Design Standards

1. Street Classification. All streets within or abutting a subdivision shall be classified either as an arterial, collector, local or cul-de-sac street. Streets appearing on the Transportation Plan Map of the Comprehensive Plan shall be classified in complete accordance with the Map. Where streets are not referred to in the Comprehensive Plan, the appropriate classification shall be as determined by the Commission after consideration is given to the proposed density and/or land use of the property adjacent to the streets or within the tract to be subdivided.
2. Right-of-Way and Pavement Widths for Proposed Streets and Alleys. The following minimum standards shall apply to all proposed streets and alleys within or abutting a subdivision. All streets and alleys shall be fully paved and, in no case, shall the right-of-way or pavement widths of any proposed street or alley within or abutting a subdivision be less than the following:

<u>Classification</u>	<u>Minimum Right-of-Way Width (feet)</u>	<u>Minimum Pavement Width (feet) Excluding Curb/Gutter</u>
a. Arterial	80	44 (plus turn lanes, as required)
b. Collector	80	36
c. Local	66	32

d. Cul-de-sac	100	80
e. Alley	20	16

3. Grade Standards for Proposed Streets, Alleys and Parking Lots. No proposed street, alley or parking lot within or abutting a subdivision shall exceed the following grades:

<u>Classification</u>	<u>Maximum Grade (percent)</u>
a. Arterial	6.0
b. Collector	8.0
c. Local	8.0
d. Cul-de-sac	8.0
e. Alley	10.0
f. Parking Lot	6.0

4. Drainage Standards for Proposed Streets and Alleys. For adequate drainage, the minimum grade for a proposed street or alley within or abutting a subdivision shall not be less than one-half of one (0.5) percent, or as approved by the City Engineer, in accordance with acceptable engineering standards.

A normal crown shall be provided on all streets and alleys, not super-elevated, of one-quarter inch per foot straight slope extending in a cross section from the edge of pavement to the centerline, symmetrical to the center.

5. Design Standards for Existing Streets. Whenever a subdivision contains lots which front on an existing arterial, collector, local or cul-de-sac street, the applicant shall be required to conform to the same design standards required for proposed streets as set forth in Section 3.C.1 through 3.C.3 above, except that the Commission may grant, subject to City Council approval, a variation to this requirement, in accordance with Section 1.I, Variations, where the reconstruction of the existing streets would be inconsistent with the character and development pattern of the surrounding neighborhood; or where, in the opinion of the Commission, such reconstruction would cause severe and unnecessary hardship to the applicant.
6. Dedication. Rights-of-way intended for streets, pedestrian ways, water mains, sanitary sewers, storm drains, trees or any other use involving maintenance by a public agency, shall be dedicated by fee ownership to public use and shown as such by the registered engineer or land surveyor preparing the Final Plat, on which the right-of-way is established.

7. Arterial Streets. Arterial streets are subject to the necessary control of entrances, exits and curbs.

D. Street Names

No street name shall be used which duplicates, or is likely to be confused with the name of an existing or planned (platted) street. Proposed streets, which are in alignment with or are projections of existing or planned (platted) streets, shall bear the same name as those streets.

E. Alleys

1. Residential Areas. As a general rule, alleys shall not be permitted in subdivisions located in residentially zoned districts. However, where alleys are needed, due to unusual and extreme conditions of topography, traffic flow or access, the Commission may require the construction of alleys.
2. Business Areas. Where the Commission determines that the public interest will be served by requiring alleys in subdivisions located in commercially zoned districts for the purpose of facilitating off-street parking or loading, alleys shall be required in accordance with the design standards in these Regulations.
3. Dead-End Alleys. In no event shall dead-end alleys be permitted.
4. Alley Access. No alley shall serve as the principal means of access for any lot within a subdivision. All such lots shall front upon a street.

F. Cul-de-Sacs

No cul-de-sac streets shall be longer than six hundred (600) feet from the nearest intersecting street and shall be provided at the closed end with a turnaround having a curb radius of at least sixty (60) feet. Between the street and the circle there shall be a twenty-five (25) foot reverse radius.

G. Sidewalks

Concrete sidewalks, not less than five (5) feet wide, shall be required abutting the property lines adjacent to all streets to provide for adequate and safe pedestrian circulation and access to schools, parks, shopping, employment, transportation and other community facilities. Pedestrian ways shall not be less than five (5) feet in width and shall be located within a public right-of-way of not less than ten (10) feet in width.

H. Parkways

Along each side of a street within or adjacent to a subdivision, a landscaped parkway shall be provided containing a minimum width of ten (10) feet measured between the curb and sidewalk.

I. Block Standards

1. Lengths, widths and shapes of blocks shall be determined with due regard to:
 - a. Provision of adequate building sites suitable to the special needs of the type of use anticipated;
 - b. Zoning requirements where applicable to lot sizes and dimensions;
 - c. The need for convenient access, circulation, control and safety of street and pedestrian traffic; and
 - d. Limitations and opportunities of topography.
2. Block lengths shall not exceed fourteen hundred (1,400) feet nor be less than three hundred (300) feet, except where alternate designs are approved by the Commission.
3. Blocks shall normally be designed with sufficient width to provide two tiers of lots. However, the Commission may approve a more flexible block width design where, due to the existence of heavy traffic, railroad tracks, streams, drainage courses, multifamily housing, commercial areas, schools, churches or other intense land uses, a two-tier block design is not appropriate.
4. For blocks longer than six hundred (600) feet, the Commission may require pedestrian ways if deemed essential to provide reasonable and safe pedestrian circulation and access.

J. Lot Standards

1. Lot size, width, depth, shape and orientation shall be appropriate for the location of the subdivision and the type of development and use contemplated.
2. All lot dimensions shall be in full conformance with the provisions of the Zoning Ordinance for the zoning district(s) in which the subdivision is located.
3. Where not stipulated in the Zoning Ordinance, lot dimensions for subdivisions located in business districts shall be adequate to accommodate off-street parking and service facilities required by the type of use and development anticipated.
4. Double frontage and reversed frontage residential lots shall, in general, be avoided except where essential to provide residential separation from arterial streets or to overcome other disadvantages of orientation or topography.
5. Corner lots shall be considered as having frontage on both streets. All corner lots shall be sufficiently wide to allow for the erection of buildings and structures that observe the minimum front yard setback and corner side yard from both streets.
6. Where utility or other easements are involved, lot lines shall be so arranged with respect to the easements, so as to permit efficient installation of the utilities without unnecessary irregularities in alignment.

7. Each lot shall abut on a private or dedicated public street.
8. All side lot lines shall be approximately at right angles or radial to the front lot line and the abutting street line.

K. Building Setback Lines

Building setback lines shall appear on each lot shown on a plat of subdivision. The building setback line, indicating the minimum front yard setback for a lot shall be drawn in accordance with the front yard setback stipulated in the Zoning Ordinance for the zoning district in which the lot is located.

In the case of corner lots, the setback line indicating the minimum corner side yard setback shall be drawn in accordance with the setback stipulated in the Zoning Ordinance for the front yard setback of the lot.

L. Easements

An easement shall be provided for public utilities, as defined herein, adjacent to the rear lot line within each lot of a subdivision. The minimum right-of-way width of the easement shall be ten (10) feet.

(Ordin 2003-8, 2/3/2003, Supp22)

6-2-4 REQUIRED PUBLIC IMPROVEMENTS

A. Purpose and Scope

1. The purpose of this Section is to delineate the public improvement and related installations that shall be required of the applicant, as condition of Final Plat approval.
2. All construction shall be completed in accordance with specifications, in a manner acceptable to the Commission and other applicable City departments and officials.
3. Whenever existing public improvements located within or abutting a subdivision are determined by the City Engineer to be deteriorated or not in conformity to specifications, the public improvements shall be reconstructed or replaced by the applicant in such a manner so as to fully conform with the specifications.
4. All required public improvements in these Regulations shall be installed and constructed by the developer who shall pay all costs involved in installation, construction, inspections and testing, including the costs for resident engineering services.
5. Approval of the Final Plat by the Commission or the Director does not constitute permission to construct required public improvements. Appropriate permits must first be obtained from the City before construction may commence.

B. Streets and Alleys

Streets and alleys shall be graded, surfaced and paved in accordance with applicable specifications and in full compliance with the design standards in Section 3 of these Regulations. Curbs and gutters shall be built in accordance with the specifications along all streets.

In accordance with Section 3.C.5 of these Regulations, a subdivision containing a lot(s) which fronts on an existing street, shall be required to dedicate appropriate right-of-way (if needed), and reconstruct and improve the existing street in full compliance with the specifications and design standards, unless the Commission grants a variation to this requirement in accordance with Section 1.I, above, subject to City Council approval.

C. Sidewalks and Curb Cuts

Sidewalks, curb cuts and driveway aprons shall be constructed in accordance with the specifications and design standards in Section 3 of these Regulations. Pedestrian crosswalks shall be required by the Commission, where deemed essential to provide interior circulation and access to schools, parks, and other community facilities.

Where the City Engineer finds that sidewalks, other than those located at the edges of streets, would provide safe, logical and convenient routing of pedestrian traffic, the sidewalks, constructed in a manner appropriate to their purpose, may be required by the Commission.

D. Street Name Signs and Street Lights

Street name signs shall be installed in accordance with appropriate specifications at all street intersections. At intersections, there shall be at least two such street signs.

Street lights, where required by the Commission, shall be installed in all subdivisions in accordance with appropriate specifications. The applicant shall pay all costs involved in installation and all maintenance and operation costs incurred until said street lights are formally accepted by the City, in accordance with the procedures set forth in these Regulations.

E. Parkway Trees

Parkway trees shall be planted in the parkways, along both sides of all streets within or adjacent to a subdivision. Tree planting and parkway landscaping shall be performed in accordance with appropriate specifications. The species, quantity, size and location of parkway trees shall be approved by the Commission or the Director, upon the recommendation of the City Forester.

F. Sewers

Each lot within a subdivision shall be provided with a connection to a sewer system to be constructed, where necessary, by the applicant. The required sewer system shall be connected to the City's existing sewer system at a point approved by the City Engineer. Every sanitary sewer system within a subdivision shall be designed, constructed, inspected and tested in accordance with appropriate specifications, and the applicant shall be

responsible for paying to the City all related fees, charges and assessments as set forth in the specifications.

G. Storm Drainage Facilities

1. In all subdivisions, the applicant shall provide storm drains, culverts, drainage-ways or other improvements, as may be required to collect and dispose of all water originating on or flowing across the property to be subdivided, without inundating or damaging neighboring streets, lots or properties. All storm drainage systems shall be designed in accordance with appropriate specifications.
2. Wherever the City Engineer determines natural surface drainage to be inadequate, the applicant shall construct a storm drainage system, with catch basins appropriately spaced along the streets, and within the rear yard of each lot in the subdivision.
3. The applicant, in designing a storm drainage system for a subdivision, shall consider the present and future expected runoff from the surrounding watershed area, and shall submit to the City Engineer a certification by a Registered Engineer stating that all proposed storm drainage facilities are adequately designed to safely handle surface drainage from the surrounding watershed area. If required by the City Engineer, larger storm sewers, than those needed to serve the immediate subdivision, shall be installed.

H. Water Supply

Each lot within a subdivision shall be provided with a connection to a water supply system to be constructed, where necessary, by the applicant. Such a system shall be designed so as to adequately handle the water supply needs for the type of development proposed, and related to the existing and potential surrounding development areas so as to form a logical part of a coordinated public water system minimizing potential water supply problems for the general area. The water supply system may also require appropriately located fire hydrants, if the City Engineer finds the existing fire protection system to be insufficient within the immediate area. Additional fire hydrants shall be connected to the City's existing water main system at a point(s) approved by the City Engineer. Every water supply system within a subdivision, including required fire hydrants, shall be designed, constructed, inspected and tested in accordance with Specifications, and the applicant shall be responsible for paying to the City all related fees, charges and assessments as set forth in said Specifications.

I. Parks, Open Space and Other Dedications

Every applicant for a residential subdivision may be required, at the discretion of the Commission, to dedicate land within said subdivision for a public purpose such as public facilities, parks, open space or school sites whenever, in the opinion of the Commission, there is a demonstrated public need for such a dedication brought about by reason of said subdivision.

Any land dedicated for a public purpose shall be indicated on the Final Plat, and the governmental jurisdiction to which such land is dedicated shall indicate its acceptance. The Commission shall see to it that any land to be dedicated is suitable in terms of its size, dimensions, accessibility, topography, and general character with respect to its intended

purposes, and is in accordance with the land use and community facilities objectives of the Comprehensive Plan.

J. Permanent Monuments

Monuments shall be placed at all block corners, angle points, points of curves in streets and at such intermediate points as may be required by the City Engineer and by the State Plat Act (Chapter 109, Section 1 et. seq., Ill. Rev. Stats.). The monuments shall be of permanent character and installed in such a manner that they may be readily found by a registered land surveyor.

(Ordin 2003-8, 2/3/2003, Supp22)

6-2-5 REQUIRED AGREEMENTS

A. Assurances and Guarantees

Before the Commission approves a Final Plat for any subdivision, the Commission shall determine if one of the two following requirements has been fully satisfied by the applicant:

1. That all required public improvements have been completed, inspected and accepted by the City Council, in accordance with the provisions set forth for such acceptance; or
2. Where required public improvements have not been completed, acceptable assurances shall be made to the City Council guaranteeing completion of all the public improvements, in full compliance with appropriate specifications and the design standards in these Regulations.

B. Security Bonds

A bond shall be posted by the applicant with the Finance Director in a form acceptable to the City, in an amount specified by the City Engineer, and that provides acceptable guarantees to the City Council that all public improvements shall be constructed in full accordance with appropriate specifications and the design standards set forth in these Regulations. The applicant shall further assure satisfactory performance of the public improvements until they are accepted by the City in accordance with Section 5.C. of these Regulations.

Specifically, the applicant shall be required to post a bond and agree to the following, where applicable:

1. To construct and install, or cause to be constructed and installed at the applicant's expense, all streets, curbs, sidewalks, crosswalks, fire hydrants, drainage facilities, street signs, monuments, water and sewer facilities, street lights and other public improvements in strict accordance with the Final Plat, as approved by the Commission, and in strict accordance with the design standards in these Regulations and appropriate specifications;
2. To maintain, at the applicant's cost, all streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments, water and sewer facilities, and other public improvements, until they are accepted by the City, in accordance with Section 5.C.; and

3. To obtain, at the applicant's expense, the easements and releases required when any street, storm drainage facility or other public improvement abuts or traverses land of persons other than the person(s) holding legal title to the lands included in the subdivision.

The Commission shall not approve a Final Plat for a subdivision unless the Finance Director certifies on the Plat that a bond has been posted in accordance with the provisions above guaranteeing the installation and construction of all required public improvements where they have not been completed prior to Final Plat approval.

Furthermore, the Commission shall not approve a Final Plat for a subdivision unless the applicant has provided the Commission with acceptable proof that the regulations governing parks, open space and other dedications have been fully satisfied, and that the applicant has dedicated the required land, if required to do so by the Commission.

C. Acceptance of Public Improvements and Dedications

The construction and installation of required public improvements, in accordance with the terms of these Regulations, shall in no way be construed as acceptance by the City or an acceptance of an offer of dedication. All dedications, with the exception of land dedications, shall be considered only as offers of dedication until formally accepted by the City Council, in accordance with the following provisions:

1. All offers of dedication to the City of any public improvements, as defined herein, shall only be considered accepted after all of the following procedures have been completed:
 - a. A dedication or easement, with respect to the land on or in which the public improvements are located, has been indicated on the Final Plat;
 - b. Written correspondence has been received by the City Council from the applicant formally requesting the City's acceptance of the public improvements;
 - c. The City Engineer has certified that the public improvements have been satisfactorily constructed, in full compliance with appropriate specifications, and have performed in an acceptable manner for a period of one (1) year; and
 - d. The City Council has accepted the public improvements by a formal resolution.
2. A rejection by the City on an offer of dedication of public improvements shall not preclude reapplication or re-offer to dedicate either immediately or at any later date.

D. Release of Bonds

Any bond or other securities established in accordance with the provisions of these Regulations shall be released by the City Council when the City Engineer certifies that all requirements have been fully satisfied and when all required public improvements are accepted by the City Council, in accordance with Section 5.C.

6-2-6 VIOLATIONS AND PENALTIES**A. Violations****1. Illegal Sale**

As of the effective date of these Regulations, any person who shall sell, offer for sale or lease any lot or parcel of land within the City or within those areas of unincorporated Cook County over which the City has extraterritorial jurisdiction, whether such sale or leasing shall be by lot and block number or by metes and bounds, and before all of the requirements of these Regulations have been fully complied with, and before the lot or parcel, or the subdivision containing such lot or parcel, has been approved by the Commission in accordance with these Regulations, and before the lot or parcel has been properly recorded as a lot of record within a legal subdivision with the Cook County Recorder of Deeds, such person shall be in violation of these Regulations, and the City or its appropriate officers or any interested persons shall be authorized to prosecute such person and institute proceedings to have the conveyance of the aforementioned illegal lot or parcel declared to be a nullity and stricken from the records of the Recorder of Deeds or the Cook County Registrar of Titles, as the case may be.

2. Illegal Recording

As of the effective date of these Regulations, no subdivision, or parcel or lot therein, within the City, or within its area of extraterritorial jurisdiction, shall be entitled to record the Final Plat with the Cook County Recorder of Deeds or the Cook County Registrar of Titles, until it has been approved in accordance with these Regulations. In the event that an unapproved subdivision, or parcel or lot therein, is recorded, it shall be considered invalid and the City or its appropriate officers or any interested person shall be authorized to institute proceedings to have the plat, or the parcel or lot therein, stricken from the records of the Cook County Recorder of Deeds or Cook County Registrar of Titles, as the case may be.

B. Penalties

Any person violating any of the provisions of these Regulations shall be deemed guilty of a misdemeanor and, upon conviction, shall be fined an amount not less than twenty-five dollars (\$25.00) nor more than five hundred dollars (\$500.00). A separate offense shall be deemed committed for each day such violation is committed or permitted to continue, and shall be punishable as such hereunder.

(Ordin 2003-8, 2/3/2003, Supp22)

ARTICLE 6

CITY PLANNING AND GROWTH

CHAPTER 3 FLOOD PLAIN MANAGEMENT REGULATIONS

SECTION

6-3-1	Definitions
6-3-2	How To Use This Chapter
6-3-3	Duties Of The Enforcement Official
6-3-4	Base Flood Elevation
6-3-5	Occupation And Use Of Flood Fringe Areas
6-3-6	Occupation And Use Of Designated Floodways
6-3-7	Occupation And Use Of SFHA Areas Where Floodways Are Not Identified
6-3-8	Permitting Requirements Applicable To All Floodplain Areas
6-3-9	Other Development Requirements
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6-3-11	Disclaimer Of Liability
6-3-12	Penalty
6-3-13	Abrogation And Greater Restrictions
6-3-14	Separability

6-3-1 DEFINITIONS

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

"Act" "An act in relation to the regulation of the rivers, lakes and streams of the State of Illinois", 615 ILCS 5/5 et seq.

"Applicant" Any person, firm, corporation or agency which submits an application.

"Appropriate Use" Only uses of the designated floodway that are permissible and will be considered for permit issuance. The only uses that will be allowed are as specified in Section 6-3-6(B).

(Ord. 2008-38, 06/16/2008)

"Base Flood" The flood having a one-percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year frequency flood event. Application of the base flood elevation at any location is as defined in Section 6-3-4 of this Chapter.

"Building" A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, mobile home or a prefabricated building. This term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days, unless fully licensed and ready for highway use.

"Channel" Any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or man-made drainageway, which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.

"Channel Modification" Alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, rip-rapping (or other armoring), widening, deepening, straightening, relocating, lining and significant removal of native vegetation from the bottom or banks. Channel modification does not include the clearing of dead or dying vegetation, debris, or trash from the channel. Channelization is a severe form of channel modification involving a significant change in the channel cross-section and typically involving relocation of the existing channel (e.g. straightening).

"City" City of Park Ridge, Illinois

"Compensatory Storage" An artificially excavated, hydraulically equivalent volume of storage within the SFHA used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain. The uncompensated loss of natural floodplain storage can increase off-site floodwater elevations and flows.

"Conditional Approval of a Designated Floodway Map Change" Preconstruction approval by IDNR/OWR and FEMA of a proposed change to the floodway map. This preconstruction approval, pursuant to this Part, gives assurances to the property owner that once an Appropriate Use is constructed according to permitted plans, the floodway map can be changed, as previously agreed, upon review and acceptance of as-built plans.

"Conditional Letter of Map Revision (CLOMR)" A letter which indicates that FEMA will revise base flood elevations, flood insurance rate zones, flood boundaries or floodway as shown on an effective Flood Hazard Boundary Map or Flood Insurance Rate Map, once the as-built plans are submitted and approved.

"Control Structure" A structure designed to control the rate of flow that passes through the structure, given a specific upstream and downstream water surface elevation.

"Dam" All obstructions, wall embankments or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Underground water storage tanks are not included.

"Designated Floodway" The channel, including on-stream lakes, and that portion of the floodplain adjacent to a stream or watercourse as designated by IDNR/OWR and generally depicted on the FEMA FIRM map, which is needed to store and convey the existing 100-year frequency flood discharge with no more than a 0.1 foot increase in stage due to the loss of flood conveyance or storage, and no more than a 10 percent increase in velocities.

(Ord. 2008-38, 06/16/2008)

- (a) The floodways are designated for Des Plaines River, Prairie Creek and Farmer's Creek on the Countywide Flood Insurance Rate Map for Cook County prepared by FEMA and dated August 19, 2008. When two floodway maps exist for a waterway, the more restrictive floodway limit shall prevail.
(Ord. 2008-38, 06/16/2008)
- (b) The floodways for those parts of unincorporated Cook County that are within the extraterritorial jurisdiction of the City that may be annexed into the City are designated for Des Plaines River, Prairie Creek and Farmer's Creek on the Countywide Flood Insurance Rate Map for Cook County prepared by FEMA and dated August 19, 2008.
(Ord. 2008-38, 06/16/2008)
- (c) To locate the designated floodway boundary on any site, the designated floodway boundary should be scaled off the designated floodway map and located on a site plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the designated floodway boundary, IDNR/OWR should be contacted for the interpretation.

"Development" Any man-made change to real estate, including:

- (a) Construction, reconstruction, repair, or placement of a building or any addition to a building.
- (b) Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer or recreational vehicle on a site for more than 180 days. If the travel trailer or recreational vehicle is on site for less than 180 days, it must be fully licensed and ready for highway use..
- (c) Drilling, mining, installing utilities, construction of roads, bridges, or similar projects.
- (d) Demolition of a structure or redevelopment of a site.
- (e) Clearing of land as an adjunct of construction.
- (f) Construction or erection of levees, walls, fences, dams, or culverts; channel modification; filling, dredging, grading, excavating, paving, or other non-agricultural alterations of the ground surface; storage of materials; deposit of solid or liquid waste;
- (g) Any other activity of man that might change the direction, height, or velocity of flood or surface water, including extensive vegetation removal;

Development does not include maintenance of existing buildings and facilities such as re-roofing or re-surfacing of roads when there is no increase in elevation, or gardening, plowing, and similar agricultural practices that do not involve filling, grading, or construction of levees.

“Director” The Director of Public Works of the City of Park Ridge or his designee.

“Elevation Certificates” A form published by FEMA that is used to certify the elevation to which a building has been elevated.

“Erosion” The general process whereby soils are moved by flowing water or wave action.

“Exempt Organizations” Organizations which are exempt from this Chapter per Illinois Compiled Statutes (ILCS) including state, federal or local units of government.

“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 (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) has been completed before April 1, 1990.

“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 and its regulations at 44 CFR 59-79 effective as of September 29, 1989. This incorporation does not include any later editions or amendments.

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

“Flood Frequency” A period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.

“Flood Fringe” That portion of the floodplain outside of the designated floodway.

“Flood Insurance Rate Maps (FIRM)” A map prepared by FEMA that depicts the Special Flood Hazard Area (SFHA) within a community. This map includes insurance rate zones and floodplains and may or may not depict floodways.

“Floodplain” That land typically adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. Floodplains may also include detached Special Flood Hazard Areas, ponding areas, etc. The floodplain is also known as the Special Flood Hazard Area (SFHA).

- (a) The floodplains are those lands within the jurisdiction of the City that are subject to inundation by the base flood or 100-year frequency flood. The SFHA's of the City are generally identified as such for the Des Plaines River, Prairie Creek and Farmer's Creek on the Countywide Flood Insurance Rate Map of the Cook County prepared by the Federal Emergency Management

Agency ("FEMA") on map number 17031C panels 236, 237, 238 and 376 and dated August 19, 2008.

(Ord. 2008-38, 06/16/2008)

- (b) The SFHA's of those parts of unincorporated Cook County that are within the extraterritorial jurisdiction of the City or that may be annexed into the City are generally identified as such on the Countywide Flood Insurance Rate Map prepared for Cook County by the Federal Emergency Management Agency on panels 236, 237, 238 and 376 and dated August 19, 2008.

(Ord. 2008-38, 06/16/2008)

"Floodproofing" Any combination of structural and non-structural 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.

"Floodproofing Certificate" A form published by FEMA that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

"Flood Protection Elevation (FPE)" The elevation of the base flood or 100-year frequency flood plus one foot of freeboard at any given location in the SFHA.

"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 preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (b) Certified or preliminary determined by the Secretary of the Interior as contributing to the historic district or a district preliminary 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.

"Hydrologic and Hydraulic Calculations" Engineering analysis which determine expected flood flows and flood elevations based on land characteristics and rainfall events.

"IDNR/OWR" Illinois Department of Natural Resources, Office of Water Resources.

"Letter of Map Amendment (LOMA)" Official determination by FEMA that a specific structure is not in a 100-year flood zone; amends the effective Flood Hazard Boundary Map (FHBM) or FIRM.

"Letter of Map Revision (LOMR)" Letter that revises base flood or 100-year frequency flood elevations, flood insurance rate zones, flood boundaries or floodways as shown on an effective FHBM or FIRM.

"Manufactured Home" A structure, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when attached to the required utilities. The term "manufactured homes" also includes park trailers, travel trailers and other similar vehicles placed on site for more than 180 consecutive days. The term "manufactured home" does not include a "recreational vehicle".

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

"Mitigation" Mitigation includes those measures necessary to minimize the negative effects which floodplain development activities might have on the public health, safety and welfare. Examples of mitigation include compensatory storage, soil erosion and sedimentation control, and channel restoration. Mitigation may also include those activities taken to reduce a structure's susceptibility to flooding.

"New Manufactured Home Park or Subdivision" Manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) has been completed on or after April 1, 1990.

"NGVD" National Geodetic Vertical Datum of 1929. Reference surface set by the National Geodetic Survey deduced from a continental adjustment of all existing adjustments in 1929.

"Natural" When used in reference to channels means those channels formed by the existing surface topography of the earth prior to changes made by man. A natural stream tends to follow a meandering path; its floodplain is not constrained by levees; the area near the bank has not been cleared, mowed or cultivated; the stream flows over soil and geologic materials typical of the area with no substantial alteration of the course or cross-section of the stream caused by filling or excavating. A modified channel may regain some natural characteristics over time as the channel meanders and vegetation is re-established. Similarly, a modified channel may be restored to more natural conditions by man through regrading and revegetation.

"Ordinary High Water Mark (OHWM)" The point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.

"Public Flood Control Project" A flood control project which will be operated and maintained by a public agency to reduce flood damages to existing buildings and structures which includes a hydrologic and hydraulic study of the existing and proposed conditions of the watershed. Nothing in this definition shall preclude the design, engineering, construction or financing, in whole or in part, of a flood control project by persons or parties who are not public agencies.

"Public Bodies of Waters" All open public streams and lakes capable of being navigated by watercraft, in whole or in part, for commercial uses and purposes, and all lakes, rivers, and streams which in their natural condition were capable of being improved and made navigable, or that are connected with or discharge their waters into navigable lakes or rivers within, or upon the borders of the State of Illinois, together with all bayous, sloughs, backwaters, and submerged lands that are open to the main channel or body of water directly accessible thereto.

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

- (a) Built on a single chassis;
- (b) 400 square feet or less when measured at the largest horizontal projection;
- (c) Designed to be self-propelled or permanently towable by a light duty truck; and
- (d) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"Registered Land Surveyor" A land surveyor registered in the State of Illinois, under The Illinois Land Surveyors Act. (225 ILCS 330/1, et seq.)

"Registered Professional Engineer" An engineer registered in the State of Illinois, under The Illinois Professional Engineering Practice Act. (225 ILCS 325/1 et seq.)

"Repair, Remodeling or Maintenance" Development activities which do not result in any increases in the outside dimensions of a building or any changes to the dimensions of a structure.

"Repetitive Loss" Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damaged occurred.

"Retention/Detention Facility" A retention facility stores stormwater runoff without a gravity release. A detention facility provides for storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.

"Riverine SFHA" Any SFHA subject to flooding from a river, creek, intermittent stream, ditch, on stream lake system or any other identified channel. This term does not include areas subject to flooding from lakes, ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.

"Runoff" The water derived from melting snow or rain falling on the land surface, flowing over the surface of the ground or collected in channels or conduits.

"Sedimentation" The processes that deposit soils, debris, and other materials either on other ground surfaces or in bodies of water or watercourses.

"Special Flood Hazard Area (SFHA)" Any base flood area subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel or ponding and shown on a Flood Hazard Boundary Map or Flood Insurance Rate Map as Zone A, A0, A1-30, AE, A99, AH, VO, V30, VE, V, M, or E.

(Ord. 2008-38, 06/16/2008)

"Structure" The results of a man-made change to the land constructed on or below the ground, including the construction, reconstruction or placement of a building or any addition to a building; installing a manufactured home on a site; preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days unless they are fully licensed and ready for highway use.

"Substantial Damage" A building is considered substantially damaged when it sustains damage from any cause (fire, flood, earthquake, etc.), whereby the cost of fully restoring the structure would equal or exceed 50 percent of the pre-damage market value of the structure, regardless of the actual repair work performed. This term also includes structures which have incurred "repetitive loss".

"Substantial Improvement"

- (a) Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, (1) before the improvement or repair is started, or (2) if the structure has been damaged, and is being restored, before the damage occurred. This term also includes structures which have incurred "repetitive loss".
- (b) 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 regardless of the actual work performed.
- (c) The term does not, however, include either (1) any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions or (2) any alteration of a "historic structure", provided that the alteration will not preclude the structure's continued designation as a historic structure.

"Transition Section" Reaches of the stream or floodway where water flows from a narrow cross-section to a wide cross-section or vice versa.

6-3-2 HOW TO USE THIS CHAPTER

- A. The Director shall be responsible for fulfilling all of the duties listed in Section 6-3-3.
- B. To fulfill those duties, the Director first should use the criteria listed in Section 6-3-4, Base Flood Elevations, to determine whether the development site is located within a floodplain.
- C. Once it has been determined that a site is located within a floodplain, the Director must determine whether the development site is within a flood fringe, a designated floodway, or within a SFHA or floodplain for which no floodway has been identified.
 - 1. If the site is within a flood fringe, the Director shall require that the minimum requirements of Section 6-3-5 be met.
 - 2. If the site is within a floodway, the Director shall require that the minimum requirements of Section 6-3-6 be met.
 - 3. If the site is located within a SFHA or floodplain for which no detailed study has been completed and approved, the Director shall require that the minimum requirements of Section 6-3-7 be met.
- D. In addition, the general requirements of Section 6-3-8 shall be met for all developments meeting the requirements of Section 6-3-5, 6-3-6, and 6-3-7.
- E. The Director shall assure that all subdivision proposals shall meet the requirements of Section 6-3-9.
- F. If a variance is to be granted for a proposal, the Director shall review the requirements of Section 6-3-10 to make sure they are met. In addition, the Director shall complete all notification requirements.
- G. In order to assure that property owners obtain permits as required in this Chapter, the Director may take any and all actions as outlined in Section 6-3-12.

6-3-3 DUTIES OF THE ENFORCEMENT OFFICIAL

The Director shall be responsible for the general administration and enforcement of this Chapter which shall include the following:

- A. Determining the Floodplain Designation.
 - 1. Check all new development sites to determine whether they are in a Special Flood Hazard Area (SFHA).
 - 2. If they are in a SFHA, determine whether they are in a floodway, flood fringe or in a floodplain for which a detailed study has not been conducted and which drains more than one (1) square mile.

3. Check whether the development is potentially within an extended SFHA (with a drainage area less than one square mile), indicating that the development would have adverse impacts regarding storage, conveyance, or inundation which would be the basis for the applicant being required to delineate the floodplain and floodway and be subject to the remaining Sections of this Chapter.

B. Professional Engineer Review.

1. If the development site is within a floodway or in a floodplain for which a detailed study has not been conducted and which drains more than one square mile, the permit shall be referred to a registered professional engineer under the employ or contract of the City for review to ensure that the development meets Sections 6-3-6 or 6-3-7.
2. In the case of an Appropriate Use, the P.E. shall state in writing that the development meets the requirements of Section 6-3-6.

C. Dam Safety Requirements.

1. Ensure that an IDNR/OWR permit has been issued or a letter indicating no permit is required, if the proposed development activity includes construction of a dam as defined in Section 6-3-1
2. Regulated dams may include weirs, restrictive culverts or impoundment structures.

D. Other permit requirements.

Ensure that any and all required federal, state and local permits are received prior to the issuance of a floodplain development permit.

E. Plan Review and Permit Issuance.

1. Ensure that all development activities within the SFHAs of the jurisdiction of the City meet the requirements of this Chapter, and;
2. Issue a floodplain development permit in accordance with the provisions of this Chapter and other regulations of this community when the development meets the conditions of this Chapter.

F. Inspection Review.

Inspect all development projects before, during and after construction to assure proper elevation of the structure and to ensure compliance with the provisions of this Chapter;

G. Elevation and Floodproofing Certificates.

Maintain permit files including:

1. An Elevation Certificate certifying the elevation of the lowest floor (including basement) of a residential or non-residential building subject to Section 6-3-8 of this Chapter, and/or;
2. The elevation to which a non-residential building has been floodproofed, using a Floodproofing Certificate, for all buildings subject to Section 6-3-8 of this Chapter

H. Records for Public Inspection.

Maintain for public inspection and furnish upon request base flood data, SFHA and designated floodway maps, copies of federal or state permit documents, variance documentation, Conditional Letter of Map Revision, Letter of Map Revision, Letter of Map Amendment and "as-built" elevation and floodproofing and/or elevation certificates for all buildings constructed subject to this Chapter.

I. State Permits.

Ensure that construction authorization has been granted by IDNR/OWR, for all development projects subject to Sections 6-3-6 and 6-3-7 of this Chapter, unless enforcement responsibility has been delegated to the City. However, the following review approvals are not delegated to the City and shall require review or permits from IDNR/OWR:

1. Organizations which are exempt from this Chapter, as per the Illinois Compiled Statutes;
2. IDNR/OWR projects, dams or impoundment structures as defined in Section 6-3-1 and all other state, federal or local unit of government projects, including projects of the City and County, except for those projects meeting the requirements of Section 6-3-6B7.
3. An engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, per Section 6-3-6B4(e);
4. An engineer's analysis of the flood profile due to Section 6-3-6B4(d);
5. Alternative transition sections and hydraulically equivalent compensatory storage as indicated in Section 6-3-6B4(a, b, h);
6. Permit issuance of structures within, under, or over publicly navigable rivers, lakes and streams;
7. Any changes in the Base Flood Elevation or floodway locations; and,
8. Base Flood Elevation determinations where none now exist.

J. Cooperation with Other Agencies.

1. Cooperate with state and federal floodplain management agencies to improve base flood or 100-year frequency flood and floodway data and to improve the administration of this Chapter;
2. Submit data to IDNR/OWR and FEMA for proposed revisions of a regulatory map;
3. Submit reports as required for the National Flood Insurance Program; and
4. Notify FEMA of any proposed amendments to this Chapter.

K. Promulgate Regulations.

Promulgate rules and regulations as necessary to administer and enforce the provisions of this Chapter, subject however to the review and approval of IDNR/OWR and FEMA for any Ordinance changes.

6-3-4 BASE FLOOD ELEVATION

A. This Chapter's protection standard is based on the Flood Insurance Study for the City.

1. If a base flood elevation or 100-year frequency flood elevation is not available for a particular site, then the protection standard shall be according to the best existing data available in the Illinois State Water Survey's Floodplain Information Repository that has been approved by IDNR/OWR and FEMA.
2. When a party disagrees with the best available data, he/she may finance the detailed engineering study needed to replace existing data with better data and submit it to IDNR/OWR and FEMA.

B. The base flood or 100-year frequency flood elevation for the SFHAs of Des Plaines River, Prairie Creek and Farmer's Creek shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of the County prepared by FEMA (or the Department of Housing and Urban Development) and dated August 19, 2008, and such amendments to such study and maps as may be prepared from time to time.

(Ord. 2008-38, 06/16/2008)

C. The base flood or 100-year frequency flood elevation for the SFHAs of those parts of unincorporated Cook County that are within the extraterritorial jurisdiction of the City or that may be annexed into the City shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of Cook County prepared by FEMA (or Department of Housing and Urban Development) and dated August 19, 2008, and such amendments or revisions to such study and maps as may be prepared from time to time.

(Ord. 2008-38, 06/16/2008)

D. The base flood or 100-year frequency flood elevation for each SFHA delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of the County.

(Ord. 2008-38, 06/16/2008)

- E. The base flood or 100-year frequency flood elevation for each of the remaining SFHAs delineated as an "A Zone" on the Flood Insurance Rate Map of the County shall be according to the best existing data available in the Illinois State Water Survey Floodplain Information Repository.
- (Ord. 2008-38, 06/16/2008)*
1. When no base flood or 100-year frequency flood elevation exists, the base flood or 100-year frequency flood elevation for a riverine SFHA shall be determined from a backwater model, such as HEC-II, WSP-2, or a dynamic model such as HIP.
 2. The flood flows used in the hydraulic models shall be obtained from a hydrologic model, such as HEC-I, TR-20, or HIP, or by techniques presented in various publications prepared by the United States Geological Survey for estimating peak flood discharges.
 3. Along any watercourses draining more than one (1) square mile, the above analyses shall be submitted to IDNR/OWR for approval. Once approved it must be submitted to the Illinois State Water Survey Floodplain Information Repository for filing.
 4. For a non-riverine SFHA, the Base Flood Elevation shall be the historic Flood of Record plus three feet, unless calculated by a detailed engineering study and approved by IDNR/OWR for drainage areas greater than one square mile.
- F. For an unmapped extended SFHA (with a drainage area less than one square mile) which has been identified by the Director pursuant to Section 6-3-3A3, the base flood elevation shall be determined by the applicant utilizing a method as approved in Section 6-3-4E.

6-3-5 OCCUPATION AND USE OF FLOOD FRINGE AREAS

Development in and/or filling of the flood fringe will be permitted if protection is provided against the base flood or 100-year frequency flood by proper elevation, and compensatory storage, and other applicable provisions of this Chapter. No use will be permitted which adversely affects the capacity of drainage facilities or systems. Developments located within the flood fringe shall meet the requirements of this Section, along with the requirements of Section 6-3-8.

- A. Development Permit.
1. No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the SFHA without first obtaining a development permit from the Director.
 2. Application for a development permit shall be made on a form provided by the Director.
 - (a) The application shall be accompanied by drawings of the site, drawn to scale, showing property line dimensions and legal description for the property and sealed by a licensed engineer, architect or land surveyor; existing grade elevations in M.S.L., 1929 adj. datum or N.G.V.D. and all

changes in grade resulting from excavation of filling; the location and dimensions of all buildings and additions to buildings.

- (b) For all proposed buildings, the elevation of the lowest floor (including basement) and lowest adjacent grade shall be shown on the submitted plans and the development will be subject to the requirements of Section 6-3-8 of this Chapter.
3. Upon receipt of a development permit application, the Director shall compare the elevation of the site to the base flood or 100-year frequency flood elevation.
 - (a) Any development located on land that can be shown to be higher than the base flood elevation of the current Flood Insurance Rate Map and which has not been filled after the date of the site's first Flood Insurance Rate Map without a permit as required by this Chapter is not in the SFHA and, therefore, not subject to the requirements of this Chapter.
 - (b) The Director 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.
4. Soil erosion and sediment control plan for disturbed areas shall be submitted. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance.
5. The Director 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 Director shall not issue a permit unless all other federal, state, and local permits have been obtained.

B. Preventing Increased Damages.

No development in the flood fringe shall create a threat to public health and safety.

1. If fill is being used to elevate the site above the base flood or 100-year frequency flood elevation, the applicant shall submit sufficient data and obtain a letter of map revision (LOMR) from FEMA for the purpose of removing the site from the floodplain.
2. Compensatory Storage.
 - (a) 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 or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation.

- (b) The excavation volume shall be at least equal to 1.5 times the volume of storage lost due to the fill or structure.
- (c) In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied.
- (d) All floodplain storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All floodplain storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation.
- (e) All such excavations shall be constructed to drain freely and openly to the watercourse.

6-3-6 OCCUPATION AND USE OF DESIGNATED FLOODWAYS

This section applies to proposed development, redevelopment, site modification or building modification within a designated floodway. The designated floodway for Des Plaines River, Prairie Creek and Farmer's Creek shall be as delineated on the Countywide Flood Insurance Rate Map for Cook County or regulatory floodway maps designated by IDNR/OWR and referenced in Section 6-3-1. Only those uses and structures will be permitted which meet the criteria in this section. All floodway modifications shall be the minimum necessary to accomplish the purpose of the project. The development shall also meet the requirements of Section 6-3-8.

(Ord. 2008-38, 06/16/2008)

A. Development Permit.

No person, firm, corporation or governmental body not exempted by state law shall commence any development in a floodway without first obtaining a development permit from the Director and IDNR/OWR.

1. Application for a development permit shall be made on a form provided by the Director. The application shall include the following information:
 - (a) Name and address of applicant;
 - (b) Site location (including legal description) of the property, drawn to scale, on the designated floodway map, indicating whether it is proposed to be in an incorporated or unincorporated area;
 - (c) Name of stream or body of water affected;
 - (d) Description of proposed activity;
 - (e) Statement of purpose of proposed activity;
 - (f) Anticipated dates of initiation and completion of activity;

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- (g) Name and mailing address of the owner of the subject property if different from the applicant;
 - (h) Signature of the applicant or the applicant's agent;
 - (i) If the applicant is a corporation, the president or other authorized officer shall sign the application form;
 - (j) If the applicant is a partnership, each partner shall sign the application form; and
 - (k) If the applicant is a land trust, the trust officer shall sign the name of the trustee by him (her) as trust officer. A disclosure affidavit shall be filed with the application, identifying each beneficiary of the trust by name and address and defining the respective interests therein.
 - (l) Plans of the proposed activity shall be provided which include as a minimum:
 - i. A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow;
 - ii. A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations in mean sea level (1929 adjustment) datum or N.G.V.D. or North American Vertical Datum, adjacent property lines and ownership, drainage and flood control easements, location of any channels and any existing or future access roads, distance between proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), designated floodway limit, floodplain limit, specifications and dimensions of any proposed channel modifications, location and orientation of cross-sections, north arrow, and a graphic or numerical scale;
 - iii. Cross-section views of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, 10-year frequency flood elevation, 100-year frequency flood elevation, and graphic or numerical scales (horizontal and vertical);
 - iv. A soil erosion and sediment control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the

identification of a responsible party to ensure post-construction maintenance.

- v. A copy of the designated floodway map, marked to reflect any proposed change in the designated floodway location.
 - (m) Any and all other federal, state, and local permits or approval letters that may be required for this type of development.
 - (n) Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the permit criteria of Section 6-3-6B.
 - (o) If the designated floodway delineation, base flood or 100-year frequency flood elevation will change due to the proposed project, the application will not be considered complete until IDNR/OWR has indicated conditional approval of the designated floodway map change. No structures may be built until a Letter of Map Revision has been approved by FEMA.
 - (p) The application for a structure shall be accompanied by drawings of the site, drawn to scale showing property line dimensions and existing ground elevations and all changes in grade resulting from any proposed excavation or filling, and floodplain and floodway limits; sealed by a registered professional engineer, licensed architect or registered land surveyor; 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 6-3-8 of this Chapter.
 - (q) If the proposed project involves a channel modification, the applicant shall submit the following information:
 - i. A discussion of the purpose of and need for the proposed work;
 - ii. A discussion of the feasibility of using alternative locations or methods (see 6-3-6B4(i)(i)) to accomplish the purpose of the proposed work;
 - iii. An analysis of the extent and permanence of the impacts each feasible alternative identified in 6-3-6B4(i)(i). of this Section would have on the physical and biological conditions of the body of water affected; and
 - iv. An analysis of the impacts of the proposed project, considering cumulative effects on the physical and biological conditions of the body of water affected.
2. The Director shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits and approvals that may be required for this type of activity.

- (a) The Director shall not issue the development permit unless all required federal and state permits have been obtained.
- (b) A Registered Professional Engineer, under the employ or contract of the City shall review and approve applications reviewed under this Section.

B. Preventing Increased Damages and a List of Appropriate Uses.

1. The only development in a floodway which will be allowed are Appropriate Uses, which will not cause a rise in the base flood elevation, and which will not create a damaging or potentially damaging increase in flood heights or velocity or be a threat to public health and safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or permanently impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this Chapter. Only those Appropriate Uses listed in 17 Ill. Adm. Code Part 3708 will be allowed. The approved Appropriate Uses are as follows:
 - (a) Flood control structures, dikes, dams and other public works or private improvements relating to the control of drainage, flooding, erosion, or water quality or habitat for fish and wildlife.
 - (b) Structures or facilities relating to the use of, or requiring access to, the water or shoreline, such as pumping and treatment facilities, and facilities and improvements related to recreational boating, commercial shipping and other functionally water dependent uses;
 - (c) Storm and sanitary sewer relief outfalls;
 - (d) Underground and overhead utilities;
 - (e) Recreational facilities such as playing fields and trail systems, including any related fencing (at least 50 percent open when viewed from any one direction) built parallel to the direction of flood flows, and including open air pavilions and toilet facilities (4 stall maximum) that will not block flood flows nor reduce floodway storage
 - (f) Detached garages, storage sheds, or other non-habitable accessory structures that will not block flood flows nor reduce floodway storage;
 - (g) Bridges, culverts, roadways, sidewalks, railways, runways and taxiways and any modification thereto;
 - (h) Parking lots built at or below existing grade where either:
 - i. The depth of flooding at the 100-year frequency flood event will not exceed 1.0 foot; or

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- ii. The applicant of a short-term recreational use facility parking lot, formally agrees to restrict access during overbank flooding events and accepts liability for all damage caused by vehicular access during all overbank flooding events.
- (i) Designated floodway regrading, without fill, to create a positive non-erosive slope toward a watercourse.
 - (j) Floodproofing activities to protect previously existing lawful structures including the construction of water tight window wells, elevating structures, or construction of floodwalls around residential, commercial or industrial principal structures where the outside toe of the floodwall shall be no more than ten (10) feet away from the exterior wall of the existing structure, and, which are not considered substantial improvements to the structure.
 - (k) The replacement, reconstruction, or repair of a damaged building, provided that the outside dimensions are not increased, and if the building was damaged to 50 percent or more of the market value before the damage occurred, the building will be protected from flooding to the flood protection elevation.
 - (l) Modifications to an existing building that would not increase the enclosed floor area of the building below the 100-year frequency flood elevation, and which will not block flood flows including but not limited to, fireplaces, bay windows, decks, patios, and second story additions. If the building improved to 50 percent or more of the market value before the modification occurred (i.e., a substantial improvement), the building will be protected from flooding to the flood protection elevation.
- (Ord. 2008-38, 06/16/2008)*
- 2. Appropriate uses do not include the construction or placement of any new structures, fill, building additions, buildings on stilts, excavation or channel modifications done to accommodate otherwise non-appropriate uses in the floodway, fencing (including landscaping or planting designed to act as a fence) and storage of materials except as specifically defined above as an Appropriate Use.
 - 3. Within the designated floodway as identified on the floodway maps designated by IDNR/OWR, the construction of an Appropriate Use, will be considered permissible provided that the proposed project meets the following engineering and mitigation criteria and is so stated in writing with supporting plans, calculations and data by a registered professional engineer and provided that any structure meets the protection requirements of Section 6-3-8 of this Chapter:
 - (a) Preservation of Flood Conveyance, so as Not to Increase Flood Stages Upstream. For appropriate uses other than bridge or culvert crossings, on-stream structures or dams, all effective designated floodway conveyance lost due to the project will be replaced for all flood events up to and including the 100-year frequency flood. In calculating effective designated

floodway conveyance, the following factors shall be taken into consideration:

i. Designated floodway conveyance

"K" = $(1.486/n)(AR^{2/3})$ where "n" is Manning's roughness factor, "A" is the effective flow area of the cross-section, and "R" is the ratio of the area to the wetted perimeter. (See Open Channel Hydraulics, Ven Te Chow, 1959, McGraw-Hill Book Company, New York)

ii. The same Manning's "n" value shall be used for both existing and proposed conditions unless a recorded maintenance agreement with a federal, state, or local unit of government can assure the proposed conditions will be maintained or the land cover is changing from a vegetative to a non-vegetative land cover.

iii. Transition sections shall be provided and used in calculations of effective designated floodway conveyance. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to IDNR/OWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:

(1) When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length.

(2) When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length.

(3) When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of stream length shall be used.

(4) Transition sections shall be provided between cross-sections with rapid expansions and contractions and when meeting the designated floodway delineation on adjacent properties.

(5) All cross-sections used in the calculations shall be located perpendicular to flood flows.

(b) Preservation of Floodway Storage so as Not to Increase Downstream Flooding.

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- i. Compensatory storage shall be provided for any designated floodway storage lost due to the proposed work from the volume of fill or structures placed and the impact of any related flood control projects.
 - ii. Compensatory storage for fill or structures shall be equal to at least 1.5 times the volume of floodplain storage lost.
 - iii. Artificially created storage lost due to a reduction in head loss behind a bridge shall not be required to be replaced.
 - iv. The compensatory designated floodway storage shall be placed between the proposed normal water elevation and the proposed 100-year flood elevation. All designated floodway storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All designated floodway storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.
 - v. If the compensatory storage will not be placed at the location of the proposed construction, the applicant's engineer shall demonstrate to IDNR/OWR through a determination of flood discharges and water surface elevations that the compensatory storage is hydraulically equivalent.
 - vi. There shall be no reduction in floodway surface area as a result of a floodway modification, unless such modification is necessary to reduce flooding at existing structure.
- (c) Preservation of Floodway Velocities so as Not to Increase Stream Erosion or Flood Heights.
- i. For all Appropriate Uses, except bridges or culverts or on stream structures, the proposed work will not result in an increase in the average channel or designated floodway velocities or stage for all flood events up to and including the 100-year frequency event.
 - ii. In the case of bridges or culverts or on stream structures built for the purpose of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if scour, erosion and sedimentation will be avoided by the use of rip-rap or other design measures.
- (d) Construction of New Bridges or Culvert Crossings and Roadway Approaches.
- i. The proposed structure shall not result in an increase of upstream flood stages greater than 0.1 foot when compared to the existing conditions for all flood events up to and including the 100-year

frequency event; or the upstream flood stage increases will be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements.

- ii. If the proposed construction will increase upstream flood stages greater than 0.1 feet, the developer must contact IDNR/OWR to obtain a permit for a dam or waiver.
 - (1) The engineering analysis of upstream flood stages must be calculated using the flood study flows, and corresponding flood elevations for tailwater conditions for the flood study specified in Section 6-3-4 of this Chapter. Culverts must be analyzed using the U.S. DOT, FHWA Hydraulic Chart for the Selection of Highway Culverts. Bridges must be analyzed using the U.S. DOT/Federal Highway Administration Hydraulics of Bridge Waterways calculation procedures.
 - (2) Lost floodway storage must be compensated for per Section 6-3-6B4(b).
 - (3) Velocity increases must be mitigated per Section 6-3-6B4(c).
 - (4) If the crossing is proposed over a public water that is used for recreational or commercial navigation, an IDNR/OWR permit must be received.
 - (5) The hydraulic analysis for the backwater caused by the bridge showing the existing condition and proposed regulatory profile must be submitted to IDNR/OWR for concurrence that a CLOMR is not required by Section 6-3-6B.
 - (6) All excavations for the construction of the crossing shall be designed per Section 6-3-6B4(h).
- (e) Reconstruction or Modification of Existing Bridges, Culverts, and Approach Roads.
 - i. The bridge or culvert and roadway approach reconstruction or modification shall be constructed with no more than 0.1 foot increase in backwater over the existing flood profile for all flood frequencies up to and including the 100-year event, if the existing structure is not a source of flood damage.
 - ii. If the existing bridge or culvert and roadway approach is a source of flood damage to buildings or structures in the upstream floodplain,

the applicant's engineer shall evaluate the feasibility of redesigning the structure to reduce the existing backwater, taking into consideration the effects on flood stages on upstream and downstream properties.

- iii. The determination as to whether or not the existing crossing is a source of flood damage and should be redesigned must be prepared in accordance with 17 Ill. Adm. Code Part 3708 (Floodway Construction in Northeastern Illinois) and submitted to IDNR/OWR for review and concurrence before a permit is issued.

(f) On-Stream Structures Built for the Purpose of Backing Up Water.

- i. Any increase in upstream flood stages greater than 0.0 foot when compared to the existing conditions, for all flood events up to and including the 100-year frequency event shall be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements.
- ii. A permit or letter indicating a permit is not required must be obtained from IDNR/OWR for any structure built for the purpose of backing up water in the stream during normal or flood flow.
- iii. All dams and impoundment structures as defined in Section 6-3-1 shall meet the permitting requirements of 17 Ill. Adm. Code Part 3702 (Construction and Maintenance of Dams). If the proposed activity involves a modification of the channel or floodway to accommodate an impoundment, it shall be demonstrated that:
 - (1) The impoundment is determined to be in the public interest by providing flood control, public recreation, or regional stormwater detention;
 - (2) The impoundment will not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning;
 - (3) The impoundment will not cause or contribute to degraded water quality or habitat conditions. Impoundment design should include gradual bank slopes, appropriate bank stabilization measures, and a pre-sedimentation basin.
 - (4) A nonpoint source control plan has been implemented in the upstream watershed to control the effects of sediment runoff as well as minimize the input of nutrients, oil and grease, metals, and other pollutants. If there is more than one municipality in the upstream watershed, the municipality in

which the impoundment is constructed should coordinate with upstream municipalities to ensure comprehensive watershed control;

- (5) The project otherwise complies with the requirements of Section 6-3-6.
- (g) Flood Proofing of Existing Habitable, Residential and Commercial Structures.
- i. If construction is required beyond the outside dimensions of the existing building, the outside perimeter of the floodproofing construction shall be placed no further than 10 feet from the outside of the building.
 - ii. Compensation of lost storage and conveyance will not be required for floodproofing activities.
- (h) Excavation in the Floodway.
- i. When excavation is proposed in the design of bridges and culvert openings, including the modifications to and replacement of existing bridge and culvert structures, or to compensate for lost conveyance or other Appropriate Uses, transition sections shall be provided for the excavation.
 - ii. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to IDNR/OWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:
 - (1) When water is flowing from a narrow section to a wider section, the water should be assumed to expand no faster than at a rate of one foot horizontal for every four feet of the flooded stream's length;
 - (2) When water is flowing from a wide section to a narrow section, the water should be assumed to contract no faster than at a rate of one foot horizontal for every one foot of the flooded stream's length; and
 - (3) When expanding or contracting flows in a vertical direction, a minimum of one foot vertical transition for every ten feet of streamlength shall be used.
 - (4) Erosion/scour protection shall be provided inland upstream and downstream of the transition sections.

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- (i) If the proposed activity involves a channel modification, it shall be demonstrated that:
- i. There are no practicable alternatives to the activity which would accomplish its purpose with less impact to the natural conditions of the body of water affected. Possible alternatives include levees, bank stabilization, flood proofing of existing structures, removal of structures from the floodplain, clearing the channel, high flow channel, or the establishment of a stream side buffer strip or green belt. Channel modification is acceptable if the purpose is to restore natural conditions and improve water quality and fish and wildlife habitat;
 - ii. Water quality, habitat, and other natural functions would be significantly improved by the modification and no significant habitat area may be destroyed, or the impacts are offset by the replacement of an equivalent degree of natural resource values;
 - iii. The activity has been planned and designed and will be constructed in a way which will minimize its adverse impacts on the natural conditions of the body of water affected, consistent with the following criteria:
 - (1) The physical characteristics of the modified channel shall match as closely as possible those of the existing channel in length, cross-section, slope and sinuosity. If the existing channel has been previously modified, restoration of more natural physical conditions should be incorporated into channel modification design, where practical.
 - (2) Hydraulically effective transitions shall be provided at both the upstream and downstream ends of the project, designed such that they will prevent erosion.
 - (3) One-sided construction of a channel shall be used when feasible. Removal of streamside (riparian) vegetation should be limited to one side of the channel, where possible, to preserve the shading and stabilization effects of the vegetation.
 - (4) Clearing of stabilizing vegetation shall be limited to that which is essential for construction of the channel.
 - (5) Channel banks shall be constructed with a side slope no steeper than 3:1 horizontal to vertical, wherever practicable. Native vegetation and gradual side slopes are the preferred methods for bank stabilization. Where high velocities or sharp bends necessitate the use of alternative stabilization measures, soil bioengineering techniques, natural rock or

rip-rap are preferred approaches. Artificial materials such as concrete, gabions, or construction rubble should be avoided unless there are no practicable alternatives.

- (6) All disturbed areas associated with the modification shall be seeded or otherwise stabilized as soon as possible upon completion of construction. Erosion blanket or an equivalent material shall be required to stabilize disturbed channel banks prior to establishment of the vegetative cover.
 - (7) If the existing channel contains considerable bottom diversity such as deep pools, riffles, and other similar features, such features shall be provided in the new channel. Spawning and nesting areas and flow characteristics compatible with fish habitat shall also be established, where appropriate.
 - (8) A sediment basin shall be installed at the downstream end of the modification to reduce sedimentation and degradation of downstream water quality.
 - (9) New or relocated channels should be built in the dry and all items of construction, including vegetation, should be completed prior to diversion of water into the new channel.
 - (10) There shall be no increases in stage or velocity as the channel enters or leaves the project site for any frequency flood unless necessitated by a public flood control project or unless such an increase is justified as part of a habitat improvement or erosion control project.
 - (11) Unless the modification is for a public flood control project, there shall be no reduction in the volume of floodwater storage outside the floodway as a result of the modification; and
- iv. The project otherwise complies with the requirements of Section 6-3-6.

(j) Seeding and Stabilization Plan.

For all activities located in a floodway, a seeding and stabilization plan shall be submitted by the applicant.

(k) Soil Erosion and Sedimentation Measures.

For all activities in the floodway, including grading, filling, and excavation, in which there is potential for erosion of exposed soil, soil erosion and sedimentation control measures shall be employed consistent with the following criteria:

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- i. The construction area shall be minimized to preserve the maximum vegetation possible. Construction shall be scheduled to minimize the time soil is exposed and unprotected. In no case shall the existing natural vegetation be destroyed, removed, or disturbed more than 15 days prior to the initiation of improvements.
 - ii. Temporary and/or permanent soil stabilization shall be applied to denuded areas as soon as possible. As a minimum, soil stabilization shall be provided within 15 days after final grade is reached on any portion of the site, and within 15 days to denuded areas which may not be at final grade but will remain undisturbed for longer than 60 days.
 - iii. Sedimentation control measures shall be installed before any significant grading or filling is initiated on the site to prevent the movement of eroded sediments off site or into the channel. Potential sediment control devices include filter fences, straw bale fences, check dams, diversion ditches, and sediment traps and basins.
 - iv. A vegetated buffer strip of at least 25 feet in width shall be preserved and/or re-established, where possible, along existing channels (See 6-3-6B4(p)). Construction vehicle use of channels shall be minimized. Temporary stream crossings shall be constructed, where necessary, to minimize erosion. Necessary construction in or along channels shall be restabilized immediately.
 - v. Soil erosion and sedimentation control measures shall be designed and implemented consistent with "Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois" (1988) also known as the "Green Book" and "The Illinois Urban Manual" (NRCS, 1995).
- (l) Public Flood Control Projects. For public flood control projects, the permitting requirements of this section will be considered met if the applicant can demonstrate to IDNR/OWR through hydraulic and hydrologic calculations that the proposed project will not singularly or cumulatively result in increased flood heights outside the project right-of-way or easements for all flood events up to and including the 100-year frequency event.
- (m) General Criteria for Analysis of Flood Elevations.
- i. The flood profiles, flows and floodway data in the designated floodway study, referenced in Section 6-3-4, must be used for analysis of the base conditions. If the study data appears to be in error or conditions have changed, IDNR/OWR shall be contacted for approval and concurrence on the appropriate base conditions data to use.

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- ii. If the 100-year designated floodway elevation at the site of the proposed construction is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed construction shall be shown to meet:
 - (1) The requirements of this section for the 100-year frequency flood elevations of the designated floodway conditions; and,
 - (2) Conditions with the receiving stream at normal water elevations.
 - iii. If the applicant learns from IDNR/OWR, local governments, or a private owner that a downstream restrictive bridge or culvert is scheduled to be removed, reconstructed, modified, or a regional flood control project is scheduled to be built, removed, constructed or modified within the next five years, the proposed construction shall be analyzed and shown to meet the requirements of this section for both the existing conditions and the expected flood profile conditions when the bridge, culvert or flood control project is built.
- (n) Conditional Letter of Map Revision.
- i. If the Appropriate Use would result in a change in the designated floodway location or the 100-year frequency flood elevation, the applicant shall submit to IDNR/OWR and FEMA all information, calculations and documents necessary to be issued a conditional designated floodway map revision and receive from IDNR/OWR a conditional concurrence of the designated floodway change before a permit is issued.
 - ii. The final designated floodway map will not be changed by FEMA until as-built plans or record drawings of initial filling, grading, dredging, or excavating activities are submitted and accepted by FEMA and IDNR/OWR.
 - iii. In the case of non-government projects, the municipality in incorporated areas and the county in unincorporated areas shall concur with the proposed conditional designated floodway map revision before IDNR/OWR approval can be given.
 - iv. No filling, grading, dredging or excavating shall take place until a conditional approval is issued.
 - v. After initial filling, grading, dredging or excavating, no activities shall take place until a final Letter of Map Revision (LOMR) is issued by FEMA with concurrence from IDNR/OWR.
- (o) Professional Engineer's Supervision.

All engineering analyses shall be performed by or under the supervision of a registered professional engineer.

- (p) For all activities in the floodway involving construction within 25 feet of the channel, the following criteria shall be met:
 - i. A natural vegetation buffer strip shall be preserved within at least 25 feet of the ordinary high water mark of the channel.
 - ii. Where it is impossible to protect this buffer strip during the construction of an Appropriate Use, a vegetated buffer strip shall be established upon completion of construction.
- (q) After receipt of conditional approval of the designated floodway change and issuance of a permit and a Conditional Letter of Map Revision, construction as necessary to change the floodway designation may proceed but no buildings or structures or other construction that is not an Appropriate Use may be placed in that area until the designated floodway map is changed and a final Letter of Map Revision is received. The designated floodway map will be revised upon acceptance and concurrence by IDNR/OWR and FEMA of the "as-built" plans.

4. Development Activities In Delegated Communities Requiring State Review.

For those projects listed below located in a designated floodway, the following criteria shall be submitted to IDNR/OWR for their review and concurrence prior to the issuance of a permit by a community or county delegated state permitting authority in the floodway.

- (a) An engineer's analysis of the flood profile due to a proposed bridge pursuant to Section 6-3-6B4(d).
- (b) An engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, pursuant to Section 6-3-6B4(e).
- (c) Alternative transition sections and hydraulically equivalent storage pursuant to Section 6-3-6B4(a, b, h).
- (d) The construction of any IDNR/OWR projects, dams (as defined in Section 6-3-1) and all other state, federal, or local units of government projects, including projects of the municipality or county.
- (e) An engineer's determination that a proposed bridge affected by backwater from a downstream receiving stream may be built with a smaller opening.
- (f) Projects which revise or establish the floodway and/or flood profiles.

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- (g) Projects in public bodies of water.
5. Other Permits.
- (a) In addition to the other requirements of this Chapter, a development permit for a site located in a floodway shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from IDNR/OWR, issued pursuant to 615 ILCS 5/5 et seq.
- (b) No permit from IDNR/OWR shall be required if IDNR/OWR has delegated this responsibility to the City.
6. Permits for Dams
- (a) Any work involving the construction, modification or removal of a dam as defined in Section 6-3-1 per 17 Ill. Adm. Code Part 3702 (Rules for Construction of Dams) shall obtain an IDNR/OWR permit prior to the start of construction of a dam.
- (b) If the Director finds a dam that does not have an IDNR/OWR permit, the Director shall immediately notify the IDNR/OWR Bartlett office.
(Ord. 2008-38, 06/16/2008)
- (c) If the Director finds a dam which is believed to be in unsafe condition, the Director shall immediately notify the owner of the dam, the IDNR/OWR Bartlett office, and the Illinois Emergency Management Agency (IEMA).
(Ord. 2008-38, 06/16/2008)
7. Activities That Do Not Require a Registered Professional Engineer's Review.

The following activities may be permitted without a registered professional engineer's review. Such activities shall still meet the other requirements of this Chapter, including the mitigation requirements.

- (a) Underground and overhead utilities that:
- i. Do not result in any increase in existing ground elevations, or
 - ii. Do not require the placement of above ground structures in the floodway, or
 - iii. In the case of underground stream crossings, the top of the pipe or encasement is buried a minimum of 3' below the existing streambed, and
 - iv. Overhead utility lines shall be constructed above the estimated 100-year frequency flood elevation or attached above the low chord of an existing bridge (with the permission of the bridge owner). No supporting towers shall be placed in the watercourse and shall be designed so as to not catch debris.

- v. Disturbance of streamside vegetation shall be kept to minimum during construction to prevent erosion and sedimentation. All disturbed floodway areas, including the stream banks shall be restored to their original contours and seeded or otherwise stabilized upon completion of construction.
 - vi. A utility crossing carrying material which may cause water pollution as defined by the Environmental Protection Act 415 ILCS 5 (1992 State Bar Edition) shall be provided with shut-off valves on each side of the body of water to be crossed.
 - vii. All Illinois Commerce Commission, National Electric Safety Codes, and federal requirements for clearance must be met.
- (b) Storm and sanitary sewer relief outfalls that:
- i. Do not extend riverward or lakeward of the existing adjacent natural bank slope, and
 - ii. Do not result in an increase in ground elevation,
 - iii. Are designed so as not to cause stream erosion at the outfall location.
- (c) Construction of sidewalks, athletic fields (excluding fences), properly anchored playground equipment and patios at grade.
- (d) Construction of shoreline and streambank protection that:
- i. Does not exceed 1000 feet in length.
 - ii. Materials are not placed higher than the existing top of bank.
 - iii. Materials are placed so as not to reduce the cross-sectional area of the stream channel or bank of the lake.
 - iv. Stabilization utilizing native vegetation and gradual side slopes are the preferred mitigation methods for existing erosion problems. Where high channel velocities, sharp bends or wave action necessitate the use of alternative stabilization measures, soil bioengineering techniques, natural rock or rip-rap are preferred materials. Artificial materials such as concrete, construction rubble, and gabions should be avoided unless there are no practicable alternatives.
- (e) Temporary stream crossings in which:
- i. The approach roads will be 1/2 foot or less above natural grade.

- ii. The crossing will allow stream flow to pass without backing up the water above the stream bank vegetation line or above any drainage tile or outfall invert.
- iii. The top of the roadway fill in the channel will be at least 2' below the top of the lowest bank. Any fill in the channel shall be non-erosive material, such as rip-rap or gravel.
- iv. All disturbed stream banks will be seeded or otherwise stabilized as soon as possible upon installation and again upon removal of construction.
- v. The access road and temporary crossings will be removed within one year after authorization.

6-3-7 OCCUPATION AND USE OF SFHA AREAS WHERE FLOODWAYS ARE NOT IDENTIFIED.

In SFHA or floodplains, (including AE, AH, AO and Unnumbered A Zones) where no floodways have been identified and no base flood or 100-year frequency flood elevations have been established by FEMA, and draining more than a square mile, no development shall be permitted unless the cumulative effect of the proposals, when combined with all other existing and anticipated uses and structures, shall not significantly impede or increase the flow and passage of the floodwaters nor significantly increase the base flood or 100-year frequency flood elevation.

A. Development Permit.

1. No person, firm, corporation, or governmental body, not exempted by state law, shall commence any development in a SFHA or floodplain without first obtaining a development permit from the Director.
2. Application for a development permit shall be made on a form provided by the Director
 - (a) The application shall be accompanied by drawings of the site, drawn to scale showing property line dimensions; and existing grade elevations and all changes in grade resulting from excavation or filling, sealed by a licensed engineer, architect or surveyor; the location and dimensions of all buildings and additions to buildings; and the elevations of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 6-3-8 of this Chapter.
 - (b) The application for a development permit shall also include the following information:
 - i. A detailed description of the proposed activity, its purpose, and intended use;

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- ii. Site location (including legal description) of the property, drawn to scale, on the designated floodway maps, indicating whether it is proposed to be in an incorporated or unincorporated area;
 - iii. Anticipated dates of initiation and completion of activity;
 - iv. Plans of the proposed activity shall be provided which include as a minimum:
 - (1) A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow
 - (2) A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations in mean sea level (1929 adjustment) datum or N.G.V.D., adjacent property lines and ownership, drainage and flood control easements, distance between proposed activity and navigation channel (when the proposed construction is in or near a commercially navigable body of water), floodplain limit, location and orientation of cross-sections, north arrow, and a graphical or numerical scale;
 - (3) Cross-section views of the project perpendicular to the flow of floodwater and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, 10-year frequency flood elevation, 100-year frequency flood elevation, and graphical or numerical scales (horizontal and vertical); and
 - (4) A soil erosion and sedimentation control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance.
 - (c) Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the criteria of Section 6-3-7B.
 - (d) Any and all other federal, state, and local permits or approvals that may be required for this type of development.

3. Based on the best available existing data according to the Illinois State Water Survey's Floodplain Information Repository, the Director shall compare the elevation of the site to the base flood or 100-year frequency flood elevation.
 - (a) Should no elevation information exist for the site, the developer's engineer shall calculate the elevation according to Section 6-3-4D.
 - (b) Any development located on land that can be shown to have been higher than the base flood elevation of the current Flood Insurance Rate Map Identification is not in the SFHA and, therefore, not subject to the requirements of this Chapter.
 - (c) The Director 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.
4. The Director 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 Director shall not issue the development permit unless all required federal, state, and local permits have been obtained.

B. Preventing Increased Damages.

1. No development in the SFHA, where a floodway has not been determined shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health, safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this Chapter.
2. Within all riverine SFHA's where the floodway has not been determined, the following standards shall apply:
 - (a) The developer shall have a Registered Professional Engineer state in writing and show through supporting plans, calculations, and data that the project meets the engineering requirements of Section 6-3-6B4(a) through (l) for the entire floodplain as calculated under the provisions of Section 6-3-4D of this Chapter.
 - i. As an alternative, the developer should have an engineering study performed to determine a floodway and submit that engineering study to IDNR/OWR for acceptance as a designated floodway.
 - ii. Upon acceptance of the floodway by IDNR/OWR, the developer shall then demonstrate that the project meets the requirements of Section 800.0 for the designated floodway. The floodway shall be defined according to the definition in Section 6-3-1 of this Chapter.

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- (b) A development permit shall not be issued unless the applicant first obtains a permit from IDNR/OWR or written documentation that a permit is not required from IDNR/OWR.
 - (c) No permit from IDNR/OWR shall be required if IDNR/OWR has delegated permit responsibility to the City per 17 Ill. Adm. Code Part, Part 3708 for designated floodways.
 - (d) Permits for Dams
 - i. Any work involving the construction, modification or removal of a dam as defined in Section 6-3-1 per 17 Ill. Adm. Code Part 3702 (Rules for Construction of Dams) shall obtain an IDNR/OWR permit prior to the start of construction of a dam.
 - ii. If the director finds a dam that does not have an IDNR/OWR permit, the Director shall immediately notify the IDNR/OWR Bartlett office.
(Ord. 2008-38, 06/16/2008)
 - iii. If the Director finds a dam which is believed to be in unsafe condition, the Director shall immediately notify the owner of the dam, the IDNR/OWR Bartlett office, and the Illinois Emergency Management Agency (IEMA).
(Ord. 2008-38, 06/16/2008)
3. The following activities may be permitted without a Registered Professional Engineer's review or calculation of a base flood elevation and designated floodway. Such activities shall still meet the other requirements of this Chapter:
- (a) Underground and overhead utilities that:
 - i. Do not result in any increase in existing ground elevations, or
 - ii. Do not require the placement of above ground structures in the floodway, or
 - iii. In the case of underground stream crossings, the top of the pipe or encasement is buried a minimum of 3' below the existing streambed, and
 - iv. Overhead utility lines shall be constructed above the estimated 100-year frequency flood elevation or attached above the low chord of an existing bridge (with the permission of the bridge owner). No supporting towers shall be placed in the watercourse and shall be designed so as to not catch debris.
 - v. Disturbance of streamside vegetation shall be kept to minimum during construction to prevent erosion and sedimentation.

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- vi. A utility crossing carrying material which may cause water pollution as defined by the Environmental Protection Act 415 ILCS 5 (1992 State Bar Edition) shall be provided with shut-off valves on each side of the body of water to be crossed.
 - vii. All Illinois Commerce Commission, National Electric Safety Codes, and federal requirements for clearance must be met.
- (b) Storm and sanitary sewer relief outfalls that:
- i. Do not extend riverward or lakeward of the existing adjacent natural bank slope, and
 - ii. Do not result in an increase in ground elevation, and
 - iii. Are designed so as not to cause stream erosion at the outfall location.
- (c) Construction of shoreline and streambank protection that:
- i. Does not exceed 1000 feet in length.
 - ii. Materials are not placed higher than the existing top of bank.
 - iii. Materials are placed so as not to reduce the cross-sectional area of the stream channel by more than 10 percent.
 - iv. Stabilization utilizing native vegetation and gradual side slopes are the preferred mitigation methods for existing erosion problems. Where high channel velocities, sharp bends or wave action necessitate the use of alternative stabilization measures, soil bioengineering techniques, natural rock or rip-rap are preferred materials. Artificial materials such as concrete, construction rubble, and gabions should be avoided unless there are no practicable alternatives.
- (d) Temporary stream crossings in which:
- i. The approach roads will be 1/2 foot or less above natural grade.
 - ii. The crossing will allow stream flow to pass without backing up the water above the stream bank vegetation line or above any drainage tile or outfall invert.
 - iii. The top of the roadway fill in the channel will be at least 2' below the top of the lowest bank. Any fill in the channel shall be non-erosive material, such as rip-rap or gravel.

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- iv. All disturbed stream banks will be seeded or otherwise stabilized as soon as possible upon installation and again upon removal of construction.
 - v. The access road and temporary crossings will be removed within one year after authorization.
- (e) The construction of light poles, sign posts and similar structures;
 - (f) The construction of sidewalks, driveways, athletic fields (excluding fences), patios and similar surfaces which are built at grade;
 - (g) The construction of properly anchored, unwalled, open structures such as playground equipment, pavilions, and carports built at or below existing grade that would not obstruct the flow of flood waters;
 - (h) The placement of properly anchored buildings not exceeding seventy (70) square feet in size, nor ten (10) feet in any one dimension (e.g., animal shelters and tool sheds);
 - (i) The construction of additions to existing buildings which do not increase the first floor area by more than twenty (20) percent, which are located on the upstream or downstream side of the existing building, and which do extend beyond the sides of the existing building that are parallel to the flow of flood waters;
 - (j) Minor maintenance dredging of a stream channel where:
 - i. The affected length of stream is less than 1000 feet.
 - ii. The work is confined to reestablishing flows in natural stream channels, or
 - iii. The cross-sectional area of the dredged channel conforms to that of the natural channel upstream and downstream of the site.
4. The flood carrying capacity within any altered or relocated watercourse shall be maintained.
5. Compensatory Storage.
- (a) 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 or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation.
 - (b) The excavation volume shall be at least equal to 1.5 times the volume of storage lost due to the fill or structure.

- (c) In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied.
- (d) All floodplain storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All floodplain storage lost above the existing 10-year flood elevation shall be replaced above the proposed 10-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.

6-3-8 PERMITTING REQUIREMENTS APPLICABLE TO ALL FLOODPLAIN AREAS.

In addition to the requirements found in Sections 6-3-5, 6-3-6, and 6-3-7 for development in flood fringes, designated floodways, and SFHA or floodplains where no floodways have been identified (Zones A, AO, AH, AE, A1-A30, A99, VO, V1-30, VE, V, M, or E), the following requirements shall be met.

(Ord. 2008-38, 06/16/2008)

A. Public Health Standards

- 1. No developments in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation (FPE).
- 2. New and replacement water supply systems, wells, sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the FPE are watertight.

B. Carrying Capacity and Notification.

- 1. For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained.
- 2. In addition, the City shall notify adjacent communities in writing 30 days prior to the issuance of a permit for the alteration or relocation of the watercourse.

C. Protecting Buildings.

- 1. All buildings located within a 100-year floodplain also known as a SFHA, and all buildings located outside the 100-year floodplain but within the 500-year floodplain, shall be protected from flood damage below the flood protection elevation. This building protection criteria applies to the following situations:

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- (a) Construction or placement of a new building.
 - (b) Substantial improvement to an existing building as defined in 6-3-1, including an increase to the first floor area by more than 20 percent. This alteration shall be figured cumulatively beginning with any alteration which has taken place subsequent to April 1, 1990.
 - (c) Substantial damage to an existing building as defined in 6-3-1.
 - (d) Repetitive loss to an existing building as defined in 6-3-1.
 - (e) Installing a manufactured home on a new site or a new manufactured home on an existing site. This building protection requirement does not apply to returning a mobile home to the same site it lawfully occupied before it was removed to avoid flood damage; and

(Ord. 2008-38, 06/16/2008)
 - (f) Installing a travel trailer on a site for more than 180 days.
2. This building protection requirement may be met by one of the following methods.
- (a) A residential or non-residential building, when allowed, may be constructed on permanent land fill in accordance with the following:
 - (b) The lowest floor (including basement) shall be at or above the flood protection elevation.
 - (c) Fill Requirements.
 - i. The fill shall be placed in layers no greater than one (1) foot deep before compaction and should extend at least ten (10) feet beyond the foundation of the building before sloping below the flood protection elevation.
 - ii. The top of the fill shall be above the flood protection elevation. However, the ten (10) foot minimum may be waived if a structural engineer certifies an alternative method to protect the building from damages due to hydrostatic pressures.
 - iii. The fill shall be protected against erosion and scour.
 - iv. The fill shall not adversely affect the flow or surface drainage from or onto neighboring properties.
3. A residential or non-residential building may be elevated in accordance with the following:
- (a) The building or improvements shall be elevated on crawl space, stilts, subject to damage by hydrostatic pressures of the base flood or 100-year

frequency flood. The permanent openings shall be no more than one foot above existing grade, and consists of a minimum of two openings. The openings must have a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the Base Flood Elevation.

- (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 flood protection elevation shall be constructed of materials resistant to flood damage.
 - i. The lowest floor (including basement) and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation.
 - ii. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the flood protection elevation.
- (d) The areas below the flood protection elevation may only be used for the parking of vehicles, building access or storage in an area other than a basement. When the building wall encloses open space that is below the base flood elevation, gravity storm and sanitary sewers are required for the sanitary connections and sumps for the storm sewer connections.

(Ord. 2008-38, 06/16/2008)
- (e) Manufactured homes, and travel trailers to be installed on a site for more than 180 days, shall be elevated to or above the flood protection elevation; and, shall be anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code Part 870. In addition, all manufactured homes shall meet the following elevation requirements:
 - i. In the case of manufactured homes placed or substantially improved (1) outside of a manufactured home park or subdivision, (2) in a new manufactured home park or subdivision, (3) in an expansion to an existing manufactured home park or subdivision, or (4) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage from a flood, the top of the lowest floor shall be elevated to or above the flood protection elevation.
 - ii. In the case of manufactured homes placed or substantially improved in an existing manufactured home park or subdivision, the manufactured home shall be elevated so that either the top of the

lowest floor is above the base flood elevation or the chassis is at least 36 inches in height above grade and supported by reinforced piers or other foundations of equivalent strength, whichever is less.

- (f) Recreational vehicles or travel trailers shall be required to meet the elevation and anchoring requirements of Subsection 6-3-8C.3(e) above unless:
 - i. They are on site for fewer than 180 consecutive days; and,
 - ii. They are fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utility and service devices, and has no permanently attached additions.
- 4. Only a non-residential building may be structurally dry floodproofed (in lieu of elevation) provided that:
 - (a) A registered professional engineer shall certify that the building has been structurally dry floodproofed below the flood protection elevation, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood or 100-year frequency flood.
 - (b) The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice.
 - (c) Floodproofing measures shall be operable without human intervention and without an outside source of electricity (levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection).
- 5. Tool sheds and detached garages on an existing single-family platted lot, may be constructed with the lowest floor below the flood protection elevation in accordance with the following:
 - (a) The building is not used for human habitation.
 - (b) All areas below the base flood or 100-year frequency flood elevation shall be constructed with waterproof material. Structures located in a designated floodway shall be constructed and placed on a building site so as not to block the flow of flood waters and shall also meet the Appropriate Use criteria of Section 6-3-6. In addition, all other requirements of Section 6-3-5, 6-3-6 and 6-3-7 must be met.
 - (c) The structure shall be anchored to prevent flotation.
 - (d) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to the flood protection elevation.

- (e) The building shall be valued at less than \$7,500 and be less than 500 square feet in floor size.
 - (f) The building shall be used only for the storage of vehicles or tools and may not contain other rooms, workshops, greenhouses or similar uses.
 - (g) The building shall meet the permanent opening criteria of Section 6-3-8C.3(a)
6. Existing buildings located within a designated floodway shall also meet the more restrictive Appropriate Use standards included in Section 6-3-6. Non-conforming structures located in a designated floodway may remain in use and may only be enlarged, replaced or structurally altered in accordance with Section 6-3-6B. A non-conforming structure damaged by flood, fire, wind or other natural or man-made disaster may be restored unless the damage exceeds fifty percent (50%) of its market value before it was damaged, in which case it shall conform to this Chapter.

6-3-9 OTHER DEVELOPMENT REQUIREMENTS

The City Council shall take into account flood hazards, to the extent that they are known in all official actions related to land management, use and development.

- A. New subdivisions, manufactured home parks, annexation agreements, and Planned Unit Developments (PUDs) within the SFHA shall be reviewed to assure that the proposed developments are consistent with Sections 6-3-5, 6-3-6, 6-3-7 and 6-3-8 of this Chapter and the need to minimize flood damage. Plats or plans for new subdivisions, mobile home parks and Planned Unit Developments (PUDs) shall include a signed statement by a Registered Professional Engineer that the plat or plans account for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).
- B. Proposals for new subdivisions, manufactured home parks, travel trailer parks, planned unit developments (PUDs) and additions to manufactured home parks and additions to subdivisions shall include base flood or 100-year frequency flood elevation data and floodway delineations.
 - 1. Where this information is not available from an existing study filed with the Illinois State Water Survey, the applicant's engineer shall be responsible for calculating the base flood or 100-year frequency flood elevation per Section 6-3-2D and the floodway delineation per the definition in Section 6-3-1.
 - 2. The applicant's engineer shall submit the data to IDNR/OWR for review and approval as best available regulatory data and then send it to the State Water Survey.
- 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.

- D. The City Council shall not approve any Planned Unit Development (PUD) or plat of subdivision located outside the corporate limits unless such agreement or plat is in accordance with the provisions of this Chapter.

6-3-10 VARIANCES

- A. No variances shall be granted to any development located in a designated floodway as defined in Section 6-3-1.
1. Whenever the standards of this Chapter place undue hardship on a specific development proposal, the applicant may apply to the Director for a variance.
 2. The Director shall review the applicant's request for a variance and shall submit its recommendation to the City Council.
- B. No variance shall be granted unless the applicant demonstrates that:
1. The development activity cannot be located outside the SFHA;
 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, beneficial stream uses and functions, especially aquatic habitat, or creation of a nuisance;
 5. There will be no additional public expense for flood protection, lost environmental stream uses and functions, rescue or relief operations, policing, or repairs to streambeds and banks, roads, utilities, or other public facilities;
 6. The provisions of Sections 6-3-5B and 6-3-7B of this Chapter shall still be met;
 7. The activity is not in a designated floodway;
 8. The applicant's circumstances are unique and do not represent a general problem;
(Ord. 2008-38, 06/16/2008)
 9. The granting of the variance will not alter the essential character of the area involved including existing stream uses; and
(Ord. 2008-38, 06/16/2008)
 10. All other required state and federal permits or waivers have been obtained.
(Ord. 2008-38, 06/16/2008)
- C. The Director shall notify an applicant in writing that a variance from the requirements of Section 6-3-8 that would lessen the degree of protection to a building will:
1. Result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage;

2. Increase the risks to life and property; and
 3. Require that the applicant proceed with knowledge of these risks and that he will acknowledge in writing that he assumes the risk and liability.
- D. Variances requested in connection with restoration of a historic site or historic structure as defined in 6-3-1 “Historic Structures”, may be granted using criteria more permissive than the requirements of Section 6-3-10, subject to the conditions that:
1. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure; and,
 2. The repair or rehabilitation will not result in the structure being removed as a certified historic structure.

6-3-11 DISCLAIMER OF LIABILITY

- A. 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.
- B. Larger floods may occur or flood heights may be increased by man-made or natural causes.
- C. This Chapter does not imply that development, either inside or outside of the SFHA, will be free from flooding or damage.
- D. This Chapter does not create liability on the part of the City or any officer or employee thereof for any flood damage that results from reliance on this Chapter or any administrative decision made lawfully thereunder.

6-3-12 PENALTY

Failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of this Chapter. Upon due investigation, the Director may determine that a violation of the minimum standards of this Chapter exist. The Director shall notify the owner in writing of such violation.

- A. If such owner fails after ten days notice to correct the violation:
 1. The City may make application to the Circuit Court for an injunction requiring conformance with this Chapter or make such other order as the Court deems necessary to secure compliance with the Ordinance.

2. Any person who violates this Chapter shall, upon conviction thereof, be fined not less than fifty dollars (\$50.00) or more than one-thousand dollars (\$1,000.00) 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 City may record a notice of violation on the title to the property.
- B. The Director 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.
1. The Director is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, shall 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
 2. No site development permit shall be permanently suspended or revoked until a hearing is held by the Director. Written notice of such hearing shall be served on the permittee and shall state: (1) the grounds for compliant or reasons for suspension or revocation; and (2) the time and place of the hearing. At such hearing, the permittee shall be given an opportunity to present evidence on his/her behalf. At the conclusion of the hearing, the Director shall determine whether the permit shall be suspended or revoked.
- C. Nothing herein shall prevent the City from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

6-3-13 ABROGATION AND GREATER RESTRICTIONS

- A. This Chapter is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions.
- B. Where this Chapter and other ordinance, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.
- C. This Chapter is intended to repeal the original ordinance or resolution which was adopted to meet the National Flood Insurance Program regulations, but is not intended to repeal the resolution which the City passed in order to establish initial eligibility for the program.

6-3-14 SEPARABILITY

The provisions and sections of this Chapter shall be deemed separable and the invalidity of any portion of this Chapter shall not affect the validity of the remainder.

ARTICLE 6

CITY PLANNING AND GROWTH

CHAPTER 4 IMPLEMENTATION OF DEVELOPMENT AND REDEVELOPMENT OF BUSINESS DISTRICT

SECTION

- 6-4-1 Functions of Redevelopment Commission
- 6-4-2 Powers of City Council
- 6-4-3 Powers of Redevelopment Commission

6-4-1 FUNCTIONS OF REDEVELOPMENT COMMISSION

The Business District Development and Redevelopment Commission shall be responsible for the investigation of methods of implementing plans for development and redevelopment of business districts whenever the City Council refers to it an area which the said Council has determined is in need of assistance by the City in order to implement its development or redevelopment in the manner determined by the City Council. Pursuant to such a reference, the Redevelopment Commission shall conduct meetings, exercise its powers or make recommendations to the City Council regarding the exercise of the powers as hereinafter set forth. No power shall be exercised or recommendation made to the City Council until after the Redevelopment Commission has conducted a public hearing on its proposals. Notice of such public hearing shall be published in a newspaper of general distribution within the City not less than fifteen (15) days prior to the date of said hearing. Notice shall also be mailed to the owners of property directly affected by the proposals. For purposes of this Section, notice to the person listed on the tax rolls as the recipient of the real estate tax bill applicable to the parcel shall be deemed notice to the owner. Subsequent to such hearing, the Redevelopment Commission shall vote on the proposals, exercise its powers or make its recommendations along with a brief statement of the reasons for its recommendations in writing to the City Council.

The hearing provided for in this Section shall not affect the necessity of a hearing by the Planning and Zoning Commission or Zoning Board of Appeals in the event that such a hearing is required by law.

6-4-2 POWERS OF CITY COUNCIL

In order to implement the development or redevelopment of a business area, the City Council shall have the following powers pursuant to recommendation by the Redevelopment Commission:

- A. To designate an area of the City as a business district:
- B. To exercise the use of eminent domain for the acquisition of real and personal property acquired pursuant to the provisions of a development or redevelopment plan;
- C. To acquire, manage, convey or otherwise dispose of real and personal property acquired pursuant to the provisions of a development or redevelopment plan;
- D. To borrow funds as it may be deemed necessary for the purpose of business district development and redevelopment, and in this connection issue such obligation or revenue bonds as it shall be deemed necessary, subject to applicable statutory limitations;
- E. To sell, lease, trade or improve such real property as may be acquired in connection with business district development and redevelopment plans;
- F. To establish by ordinance or resolution procedures for the planning, execution and implementation of business district plans.

6-4-3 POWERS OF REDEVELOPMENT COMMISSION

The Redevelopment Commission shall have the powers:

- A. To approve all development and redevelopment proposals for a business district and to adopt a redevelopment plan for a business district;
- B. To apply for and accept capital grants and loans from the United States and the State of Illinois or any instrumentality of the United States or the State, for the development and redevelopment in the district;
- C. To enter into contracts with any public or private agency or person;
- D. To employ all such persons as may be necessary for the planning, administration and implementation of business district plans but not expend funds for such purpose unless budgeted by the City Council.
- E. To expend such public funds as may be necessary for the planning, execution and implementation of the business district plans within the amounts budgeted by the City Council for such purpose.