

ORDINANCE NO. 9091-146

FLOOD HAZARD AREAS

BE IT ORDAINED BY THE URBANA CITY COUNCIL that the existing Article XI, Chapter 5 of the Urbana City Code is hereby repealed, and the following new Article XI, Chapter 5 of the Urbana City Code is hereby enacted in place of existing Article XI, Chapter 5:

Sec. 5-490. Authority.

This article is passed pursuant to the Home Rule Powers granted under Article VII, Section 6 of the Illinois Constitution of 1970 and the general powers granted to a municipality under Illinois Municipal Code.

Sec. 5-491 Findings of fact.

(a) The flood hazard areas in the city and the extraterritorial area over which the city exercises jurisdiction are subject to periodic inundation which may result in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

(b) These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

Sec. 5-492. Statement of purpose.

It is the purpose of this article to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) Protect human life and health;
- (2) Minimize expenditure of public money for costly flood control projects;
- (3) Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) Minimize prolonged business interruptions;
- (5) Minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- (6) Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) Make federally subsidized flood insurance available for property in the city; and
- (8) Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

Sec. 5-493. Methods of reducing flood losses.

In order to accomplish its purpose, this article includes methods and provisions for:

- (1) Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- (4) Controlling filling, grading, dredging, and other development which may increase flood damage; and
- (5) Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

Sec. 5-494. Definitions.

Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the meaning they have in common usage and to give this article its most reasonable application.

Appeal means a request for a review of the city engineer's or building official's interpretation of any provision of this article or a request for a variance.

Base flood means the flood having a one per cent chance of being equalled or exceeded in any given year. The base flood is also known as the one-hundred-year flood. The base flood elevation (BFE) at any location is as defined in section 5-496 and section 5-503 of this article.

BFE is the abbreviation for base flood elevation.

Building means 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, or a prefabricated building. The term also includes recreational vehicles and travel trailers to be installed on a site for more than 180 days.

City engineer or building official means the city engineer or building official of the city as it pertains; whichever official by training, experience, or ordinance is best assigned to review and approve a particular type of development or a particular development issue which may arise in the administration of this flood damage prevention article.

Development means any human-made change to improved or unimproved real estate, including, but not limited to:

- (1) Construction, reconstruction, or placement of a building or an addition to a building valued at more than one thousand dollars (\$1,000.00);
- (2) Installing a manufactured home on a site or preparing a site for a manufactured home;
- (3) Drilling, mining, installing utilities or facilities, construction of roads, bridges or similar projects valued at more than one thousand dollars (\$1,000.00);
- (4) Construction or erection of levees, walls or fences;
- (5) Filling, dredging, grading, excavating, or other nonagricultural alterations of the ground surface;
- (6) Permanent storage of materials; or
- (7) Any other activity that might change the direction, height, or velocity of floodwaters or surface waters.

"Development" does not include:

- (1) Maintenance of existing buildings and facilities such as re-roofing or re-surfacing roads;
- (2) Repairs made to a damaged building that do not change the building's exterior dimensions and that are valued at less than fifty (50) per cent of the value of the building before the damage occurred;
- (3) Gardening, plowing, and similar agricultural practices that do not involve filling, grading, or construction of levees; or
- (4) Agricultural development activities on farms including farm residences as exempted by law (in the extraterritorial area).

Existing manufactured home park or manufactured home subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot on which the manufactured home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this article.

Expansion to an existing manufactured home park or manufactured home subdivision means 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, either final site grading or pouring of concrete or the construction of streets).

Flood or flooding means a general and temporary condition of partial or complete inundation of normally dry land areas from the unusual and rapid accumulation or run-off of surface waters from any source.

Flood insurance rate map (FIRM) means the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood insurance study means the official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the flood boundary-floodway map and the water surface elevation of the base flood. The "flood insurance study" consists of the flood boundary-floodway map, the flood insurance rate map and a technical narrative.

Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than 0.10 foot.

Habitable floor means any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor."

Manufactured home or Prefabricated building means a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.

New construction means structures for which the "start of construction" commenced on or after the effective date of this article.

New manufactured home park or manufactured home subdivision means a parcel (or contiguous parcels) of land divided into two (2) or more manufactured home lots for rent or sale for which the construction of facilities for servicing the lot (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads and the construction of streets) is completed on or after the effective date of this article.

SFHA is the abbreviation for special flood hazard area.

Special flood hazard area (SFHA) means those lands within the jurisdiction of the city that are subject to the inundation by the base flood. The SFHA's of the city are generally identified as such on the flood insurance rate map of the city prepared by the Federal Insurance Administration and dated January 16, 1981, as amended, and the flood hazard boundary map of the County of Champaign, dated December 30, 1977, as amended.

Start of construction means the first placement of permanent construction of a structure (other than a manufactured home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a structure (other than a manufactured home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of a structure or any part thereof on its piling or foundation. For manufactured homes not within a manufactured home park or

manufactured home subdivision, "start of construction" means the affixing of the manufactured home to its permanent site. For manufactured homes within manufactured home parks or manufactured home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the manufactured home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.

Structure means a walled and roofed building, a manufactured home, or a gas or liquid storage tank, that is principally above ground.

Substantial improvement means any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty (50) per cent 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 to its market value before the damage occurred.

If the applicant is unable to produce reasonable evidence of the market value prior to the occurrence of flood damage, the city engineer or building official shall establish the market value by multiplying the assessed valuation by three (3).

For purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure.

The term does not, however, include either:

- (1) Any project for improvement of a structure to comply with existing state or local health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions; or
- (2) Any alteration of a structure listed on the national register of historic places or a state inventory of historic places.

Variations means a grant of relief from the requirements of this article which permits construction in a manner that would otherwise be prohibited by this article.

Sec. 5-495. Lands to which this article applies.

This article shall apply to special flood hazard areas within the jurisdiction of the city.

Sec. 5-496. Basis for establishing special flood hazard areas.

The special flood hazard areas identified by the Federal Insurance Administration in an engineering report entitled "The Flood Insurance Study for the City of Urbana," dated January 16, 1981, as amended, with accompanying flood insurance

rate maps and flood boundary-floodway maps and flood hazard boundary maps of the County of Champaign dated December 30, 1977, as amended, are hereby adopted by reference and declared to be a part of this article. The flood insurance study is on file at the Department of Community Development Services, City of Urbana.

Sec. 5-497. Abrogation and greater restrictions.

This article is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this article and other ordinance easement, covenant, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Sec. 5-498. Interpretation.

In the interpretation and application of this article, all provisions shall be:

- (1) Considered as minimum requirements;
- (2) Liberally construed in favor of the governing body; and
- (3) Deemed neither to limit nor repeal any other powers granted under state statutes.

Sec. 5-499. Warning and disclaimer of liability.

The degree of flood protection required by this article is considered reasonable for regulatory purposes and is based on engineering considerations. Larger floods can and will occur on rare occasions.

Flood heights may be increased by man-made or natural causes. This article does not imply that land outside the special flood hazard areas or uses permitted within such areas will be free from flooding or flood damages. This article shall not create liability on the part of the city, any officer or employee thereof, or the Federal Insurance Administration, for any flood damages that result from reliance on this article or any administrative decision lawfully made thereunder.

Sec. 5-500. Development permit - Required; application.

No person, firm, or corporation shall commence any development in the SFHA without first obtaining a development permit from the city engineer or building official. The city engineer or building official shall issue a development permit if the proposed development meets the requirements of this article.

A development permit shall be obtained before construction or development begins within any special flood hazard area established in section 5-496. Application for a development permit shall be made on forms furnished by the city engineer or building official. The application shall include, but not be limited to, plans in

triplicate, prepared under the supervision of and sealed by a licensed architect, engineer or land surveyor, drawn to scale, showing property line dimensions of the site and in those parts of the site that are below the base flood elevation, drawings or other information which will show the following:

- (1) Existing and/or proposed grade elevations, in relation to mean sea level;
- (2) The location and dimensions, where applicable, of all existing and/or proposed development, structures, fill, storage of materials, drainage facilities, etc.;
- (3) Elevation in relation to mean sea level, of the lowest floor, including basement, of all structures;
- (4) Elevation in relation to mean sea level to which any structure and/or development has been or will be floodproofed;
- (5) Existing and/or proposed direction of flow of surface drainage and flood flows;
- (6) Existing and/or proposed location of all watercourses and drainage facilities;
- (7) Description of the extent to which any watercourses will be altered or relocated as a result of proposed development;
- (8) Certification by a registered professional engineer that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in subsection 5-508(2); and
- (9) Such other information as the city engineer or building official deems necessary to ensure that the development is consistent with the purposes set forth in this article.

Sec 5-501. Same -- Review.

Upon receipt of the application for development permit, the city engineer or building official shall:

- (1) Review all development permit applications to determine that the permit requirements of section 5-500 have been satisfied;
- (2) Inform the applicant of any and all other local, state, and federal permits that may be required for this type of development activity of which the city has been informed and acknowledged in writing by other local, state, and federal agencies. The city's development permit will only be issued on the condition that the above specified permits are obtained. The city engineer or building official shall not issue a use permit unless all required permits of which the city has been informed and acknowledged have been obtained;
- (3) Review all development permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of subsection 5-509(1) are met;
- (4) Compare the elevation of the site to the base flood elevation. Any development located on land higher than the base flood elevation is not in the SFHA and, therefore, not subject to the requirements of this article.

Sec. 5-502. Reserved.

Sec. 5-503. Base flood elevation.

This article's protection standard is the base flood according to the best data available to the Illinois State Water Survey's Flood Plain Information Repository. Whenever a party disagrees with the best available data, said party may finance the detailed engineering study needed to replace existing data. The detailed engineering study shall be submitted to the Illinois Department of Transportation, Division of Waterways, and the city engineer for review and approval.

- (1) The base flood elevation for the SFHA's of the Boneyard Creek, McCullough Creek and Saline Branch shall be as delineated on the one-hundred-year flood profiles in the flood insurance study of the city prepared by the Federal Insurance Administration and dated July 16, 1980, as amended.
- (2) The base flood elevation for each of the remaining SFHA's delineated as an "A" zone on the flood hazard boundary map of the County of Champaign/flood insurance rate map of the City of Urbana shall be the one-hundred-year flood depth calculated by the applicant's engineer according to the formulas presented in "Depth and Frequency of Floods in Illinois," published by the U. S. Geological Survey, 1976, as amended, or according to formulas which may be recommended by the state water survey.
- (3) The base 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 City.
- (4) The base flood elevation for the SFHAs of those parts of unincorporated Champaign 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 Champaign County prepared by the Federal Emergency Management Agency and dated July 16, 1980.

Sec. 5-504. Alteration of watercourses.

- (a) The applicant shall notify adjacent communities and the State of Illinois Department of Transportation, Division of Water Resources, and other governmental units of jurisdiction prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
- (b) [The city shall] require [of the applicant] that maintenance is provided within the altered or relocated portion of said watercourse so that the flood-carrying capacity is not diminished. The applicant shall provide a statement from the appropriate party accepting such maintenance responsibility.

Sec. 5-505. Interpretation of FIRM boundaries.

The city engineer or building official may make interpretations where needed, as to the exact location of the SFHA, for example, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in section 5-506.

Sec. 5-506. Variance procedure.

(a) Appeal board.

- (1) The Building Safety Code Board of Appeals as established by Ordinance No. 8788-40, as amended, shall hear and decide appeals and requests for variances from the requirements of this article.
- (2) The Building Safety Code Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirements, decision or determination made by the city engineer or building official in the enforcement or administration of this article.
- (3) Those aggrieved by the decision of the Building Safety Code Board of Appeals, or any taxpayer, may appeal such decision to the court of appropriate jurisdiction.
- (4) In passing upon such applications, the Building Safety Code Board of Appeals shall consider all technical evaluations, all relevant factors, standards specified in other sections of this article, and:
 - a. The danger that materials may be swept onto other lands to the injury of others;
 - b. The danger to life and property due to flooding or erosion damage;
 - c. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - d. The importance of the services provided by the proposed facility to the community;
 - e. The availability of alternative locations for the proposed use which are not subjected to flooding or erosion damage;
 - f. The compatibility of the proposed use with existing and anticipated development;
 - g. The relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - h. The safety of access to the property in times of flood for ordinary and emergency vehicles;
 - i. The expected heights, velocity, duration, rate of rise, and sediment transport of the waters and the effects of wave action, if applicable, expected at the site; and
 - j. The cost of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.
- (5) Upon consideration of the factors of subsection (a)(4) and the purposes of

this article, the Building Safety Code Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this article.

- (6) The building official shall maintain the records of all appeal actions, including technical information, and report any variances to the Federal Insurance Administration upon request.
- (b) *Conditions for variances.*
 - (1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items a through j in subsection (a)(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification for issuing the variance increases.
 - (2) Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section.
 - (3) Variances shall not be issued within any designated floodway if any increases in flood levels during the base flood discharge would result.
 - (4) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
 - (5) Variances shall only be issued upon:
 - a. A showing of good and sufficient cause;
 - b. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisance, cause fraud on or victimization of the public as identified in subsection (a)(4), or conflict with existing local laws or ordinances.
 - (6) Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

Sec. 5-507. Provisions for flood hazard reduction - Generally.

In all areas of special flood hazards the following standards are required:

(1) *Anchoring.*

- a. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure.
- b. All manufactured homes shall be anchored to resist flotation, collapse, or lateral movement by providing over-the-top and frame ties to ground anchors. Special requirements shall be that:
 1. Over-the-top ties be provided at each of the four (4) corners of the manufactured home, with two (2) additional ties per side at intermediate locations, with manufactured homes less than fifty (50) feet long requiring one additional tie per side;
 2. Frame ties to be provided at each corner of the home with five (5) additional ties per side at intermediate points, with manufactured homes less than fifty (50) feet long requiring four (4) additional ties per side;
 3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred (4,800) pounds; and
 4. Any additions to the manufactured home be similarly anchored.

(2) *Construction materials and methods.* All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage and using methods and practices that minimize flood damage. These requirements may be met by any of the following methods:

- a. A structure may be constructed on a permanent landfill in accordance with the following:
 1. The area to be filled shall be cleared of all standing trees, brush, down timber, trash, and other growth or objects unsuitable for use as foundation material.
 2. The fill shall be placed in layers no greater than one foot deep before compaction, and compacted to no less than ninety-five (95) per cent of standard density.
 3. The surface of the fill shall be at or above the BFE. The fill shall extend at least ten (10) feet beyond the foundation of the structure before sloping below the BFE.
 4. The fill shall be protected against erosion and scour during flooding by vegetation cover, rip-rap, or bulkheading. If vegetative cover is used, the slopes shall be no steeper than three (3) horizontal to one vertical.
 5. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties.

6. The building official shall maintain a record of the "as built" elevation of the lowest floor of the structure and certification to items 1 through 5 above, as provided by a registered architect, engineer or land surveyor.
- b. A structure may be elevated in accordance with the following:
1. The structure or improvements shall be elevated on stilts, piles, walls, crawl space, or other foundation that is permanently open to floodwaters and not subject to damage by hydrostatic pressures.
 2. The foundation and supporting member shall be anchored, shaped and aligned so as to minimize exposure to known hydrodynamic forces such as currents, waves, and floating debris.
 3. All areas below the BFE shall be constructed of materials resistant to flood damage. 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 BFE. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the BFE.
 4. The building official shall maintain a record of the "as built" elevation of the lowest floor of the structure, as provided by a registered architect, engineer, or land surveyor.
 5. No area below the BFE shall be used for storage of items or materials subject to flood damage unless such items or materials are declared "property not covered" by a standard flood insurance policy of the National Flood Insurance Program.
 6. Any future alteration of the area below the BFE that violates the requirements of this section shall be deemed a violation of this article.
 7. The enclosure shall have a minimum of two (2) permanent openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters.
- c. A nonresidential building may be floodproofed in accordance with the following:
1. A registered professional engineer shall certify that the building has been designed so that below the BFE, the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood. 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.

2. Floodproofing measures shall be operable without human intervention and without an outside source of electricity.
3. All new water and sewer facilities shall be located and constructed so as to minimize flood damage.
4. The building official shall maintain the registered engineer's certificate and a record of the "as built" elevation to which the building was floodproofed.

(3) *Subdivision or planned unit development proposals.*

- a. All subdivision and planned unit development proposals shall be consistent with the need to minimize flood damage.
- b. All subdivision and planned unit development proposals shall have public utilities and facilities such as sewer, gas, electrical, and water systems located and constructed to minimize flood damage.
- c. All subdivisions and planned unit developments shall have adequate drainage provided to reduce exposure to flood damage.
- d. Plats or plans for new subdivisions and planned unit developments shall display the following flood data:
 1. The boundary of the SFHA;
 2. The boundary of the floodway, if shown on available SFHA maps;
 3. Easements of lands dedicated to the public for channel maintenance purposes; and
 4. The BFE for each building site.

(4) *Other development requirements.*

- a. 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, including, but not limited to, annexation agreements, plats both inside and outside the city limits, capital improvements programming, and acquisition.
- b. Plans for the development activities to be undertaken by the city in the SFHA shall be reviewed by the city engineer to ensure that they comply with this article. Except as exempted by law, no other local government shall be relieved of compliance with this article.
- c. No development in the SFHA shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health and safety unless:
 1. The total cumulative effect on the proposed development, when combined with all other existing and anticipated development, will not increase the base flood elevation more than one foot for the affected hydraulic reach of the stream and will not increase flood damages or potential flood damages;

2. A permit has been issued by the Illinois Department of Transportation, Division of Water Resources as required by this ordinance in Section 5-509-(2); and
3. For all projects involving channel modifications or fill (including levees,) the City of Urbana shall submit sufficient data to the Federal Emergency Management Agency to revise the regulatory flood maps and profiles.

Sec. 5-508. Same -- Specific standards.

In all SFHA where base flood elevation data have been provided as set forth in section 5-496, Basis for establishing special flood hazard areas, or in section 5-503, Base flood elevation, the following standards are required:

- (1) *Residential construction.* New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.
- (2) *Nonresidential construction.* New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:
 - a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water;
 - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
 - c. Be certified by a registered professional engineer that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in subsection 5-507(2)c.
- (3) *Manufactured homes.*
 - a. Manufactured homes shall be anchored in accordance with subsection 5-507(1)b.
 - b. New manufactured home parks and manufactured home subdivisions; expansions to existing manufactured home parks and manufactured home subdivisions; existing manufactured home parks and manufactured home subdivisions where the repair, reconstruction or improvement of the streets, utilities and pads equals or exceeds fifty (50) per cent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; and manufactured homes not placed in a manufactured home park or manufactured home subdivision shall meet the requirements of Article VII of the Urbana Zoning Ordinance and the following:
 1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the base flood level;

2. Adequate surface drainage and access for a hauler are provided; and
 3. In the instance of elevation on pilings, that:
 - (i.) Lots are large enough to permit steps;
 - (ii.) Piling foundations are placed in stable soil no more than ten (10) feet apart; and
 - (iii.) Reinforcement is provided for pilings more than six (6) feet above the ground level.
- c. No manufactured home shall be placed in a floodway, except in an existing manufactured home park or an existing manufactured home subdivision. All manufactured homes to be placed or substantially improved within Zones A1-30, AH, and AE shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and be securely anchored to an adequately anchored foundation system in accordance with the provisions of this ordinance.

Sec. 5-509. Same -- Floodways.

Located within areas of special flood hazard established in section 5-496 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

- (1) Prohibit encroachments, including fill, new construction, substantial improvements, and other development unless a technical evaluation demonstrates that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
- (2) A permit has been issued by the Illinois Department of Transportation, Division of Water Resources. The development permit for a site in a floodway (or in a Riverine SFHA where no floodway has been identified) shall not be issued by the City unless the applicant first obtains a permit or written documentation that an IDOT permit is not required from the Illinois Department of Transportation, Division of Water Resources.
- (3) If subsections (1) is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of section 5-507 through 5-509, provisions for flood hazard reduction.
- (4) Prohibit the placement of any manufactured homes, except in an existing manufactured home park or existing manufactured home subdivision.

Sec. 5-510. Penalties for noncompliance.

The city engineer or building official may determine, upon due investigation, that a violation of the minimum standards of this article exists and if the owner fails after ten (10) days' notice to correct the violation(s), the city may make application to the circuit court for the injunction requiring conformance with this article or make such other order as the court sees necessary to secure compliance

with the article. Any person who violates this article shall, upon conviction thereof, be fined not less than twenty-five dollars (\$25.00), nor more than five hundred dollars (\$500.00) per offense. A separate offense shall be deemed committed upon each day on which a violation occurs or continues. Failure to comply with the requirements of a permit or conditions of a variance resolution shall be deemed to be a violation of this article. Nothing herein shall prevent the city from taking other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person(s) responsible.

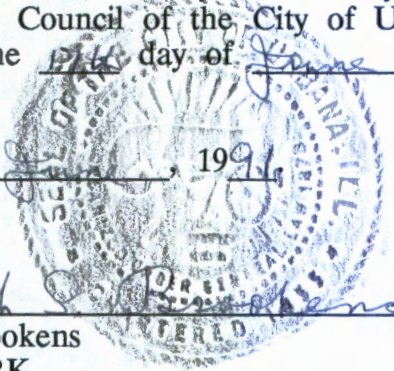
Secs. 5-511 -- 5-520. Reserved.

This Ordinance shall be in full force and effect from and after its passage and publication in accordance with the terms of Section 1-2-4 of the Illinois Municipal Code.

The City Clerk is hereby authorized and directed to cause this Ordinance to be published in pamphlet form.

This Ordinance is hereby passed by the affirmative vote, the "ayes" and "nays" being called, of a majority of the members of the Council of the City of Urbana, Illinois at a regular meeting of said Council on the 17th day of June, 1991.

PASSED by the City Council this 17th day of June, 1991.



Ruth S. Brookens
Ruth S. Brookens
CITY CLERK

APPROVED by the Mayor this 21st day of June, 1991.

Jeffery T. Markland
Jeffery T. Markland
MAYOR