

TITLE XV: LAND USAGE

Chapter

150. BUILDINGS AND HOUSING

151. SUBDIVISIONS

152. FLOODPLAINS

CHAPTER 150: BUILDINGS AND HOUSING

Section

150.01 Building permits

150.02 Anti-displacement and relocation assistance

150.99 Penalty

§ 150.01 BUILDING PERMITS.

(A) *Building permit requirement.*

(1) A building permit shall be required before the construction of any new structure or building is initiated upon real property located in the county and before the alteration of any existing structure or building located upon real property in the county is initiated.

(2) The building permit shall be issued within 30 days after all facts and pertinent data have been properly presented to the County Supervisor of Assessments by the lawful landowner or owners.

(3) A record of all building permits shall be kept on file in the office of the Supervisor of Assessments and copies shall be furnished, on request, to any person having proprietary or tenancy interest in the building or property affected.

(B) *Filing fee.* Any application for a building permit shall be accompanied by a fee of \$50. The fee for the same shall be paid to the Office of the Supervisor of Assessments, except fees shall not be collected for agricultural uses of land or buildings.

(Ord. 2007-02, passed 3-20-2007) Penalty, see § 150.99

§ 150.02 ANTI-DISPLACEMENT AND RELOCATION ASSISTANCE.

(A) The county will replace all occupied and vacant occupiable low-to-moderate income dwelling units demolished or converted to use other than as low-to-moderate income housing as a direct result of activities assisted with funds provided under 42 U.S.C. 5301 et seq., the Housing and Community Development Act of 1974, as amended.

(B) All replacement housing will be provided within three years of the commencement of the demolition or rehabilitation relating to conversion. Before obligating or expending funds that will directly result in such demolition or conversion, the county will make public, and submit to Department of Commerce and Community Affairs, the following information in writing:

(1) A description of the proposed assisted activity;

(2) The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low-to-moderate income dwelling units as a direct result of the assisted activity;

(3) A time schedule for the commencement and completion of the demolition or conversion;

(4) The general location on a map and approximate number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units;

(5) The source of funding and a time schedule for the provision of replacement dwelling units; and

(6) The basis for concluding that each replacement dwelling unit will remain a low-to-moderate income dwelling unit for at least ten years from the date of initial occupancy.

(C) The county will provide relocation assistance, as described in the Housing and Community Development Act of 1974, as amended, to each low-to-moderate income household displaced by the demolition of housing or by the conversion of a low-to-moderate income dwelling to another use as a direct result of assisted activities.

(D) Consistent with the goals and objectives of activities assisted under the Act, the county will take the following steps to minimize the displacement of persons from their homes:

(1) Minimize or eliminate any activities such as acquisition or demolition which could be expected to result in the displacement of low-to-moderate income persons.

(2) Advocate and seek funds for housing rehabilitation, as opposed to demolition, especially for occupied housing.

(Res. 2000-07, passed - -)

§ 150.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) (1) In the event construction of any structure, or alteration of any existing structure, is commenced prior to obtaining a building permit from the office of the Supervisor of Assessments, an additional fee of \$50, for a total of \$100, will automatically be assessed.

(2) Failure to obtain a building permit for construction of any new structure or building, or for any alteration of any existing structure or building, shall result in a citation and fine being assessed by the Supervisor of Assessments. The amount of the fine shall not exceed \$500 for any one violation of § 150.01.

(Ord. 2007-02, passed 3-20-2007)

CHAPTER 151: SUBDIVISIONS

Section

General Provisions

- 151.01 Title
- 151.02 Scope and purpose
- 151.03 Definitions
- 151.04 Plat approval
- 151.05 Authority
- 151.06 Exceptions; subdivision plats
- 151.07 Recording
- 151.08 Fees
- 151.09 Effective date

Minimum Design Standards

- 151.20 General statement
- 151.21 Street design
- 151.22 Design standards

Review Process

- 151.35 Pre-application phase
- 151.36 Preliminary plat procedure
- 151.37 Preliminary plat requirements
- 151.38 Improvement plan procedure
- 151.39 Improvement plan requirements
- 151.40 Minor subdivision
- 151.41 Final plat procedure
- 151.42 Final plat requirements

Variances

- 151.55 Variances
- 151.56 Variation procedures

- 151.99 Penalty

Appendix A: Certificates and Forms

GENERAL PROVISIONS

§ 151.01 TITLE.

The ordinance from which the provisions of this chapter derive shall officially be known as the “Subdivision Ordinance of Franklin County, Illinois”.

(Ord. 2013-04, passed 5-6-2013)

§ 151.02 SCOPE AND PURPOSE.

(A) The purpose of this chapter is to control future developments of the county and to promote and regulate the public health, safety and welfare of persons living within the territory governed. The provisions and regulations shall govern the subdividing and platting of lands lying within the area of jurisdiction of the county.

(B) The authority of this chapter is found in 765 ILCS 205/0.01 et seq. and 55 ILCS 5/5-1041.

(Ord. 2013-04, passed 5-6-2013)

§ 151.03 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

ALLEY. A minor way used primarily for vehicular services access to the rear or side of properties otherwise abutting on a street.

AREA, GROSS. The entire area within the boundary lines of the territory proposed for subdivisions, including the area to be dedicated for street and alley rights-of-way and public use.

AREA, NET. The entire area within the boundary lines of the territory proposed for subdivisions, less the area to be dedicated for street and rights-of-way and public use.

AVERAGE DAILY TRAFFIC or ADT. The calculation of average traffic volumes in both directions of travel in a time period greater than one day and less than one year and divided by the number of days in that time period.

BLOCK. An area of land entirely bounded by streets, highways or barriers (except alleys, pedestrian ways or exterior boundaries of a subdivision unless exterior boundary is a street or highway) or a combination of streets, public parks, cemeteries, railroad rights-of-way, shorelines or waterways or corporate boundary lines.

BOND. A good and sufficient security meeting the requirements of this chapter.

BUILDING LINE. See **SETBACK LINE**.

COUNTY BOARD. The Franklin County Board.

COUNTY ENGINEER. The Franklin County Engineer.

CUL-DE-SAC. Street having only one end open for traffic and the other end permanently terminated by a turnaround for vehicles.

DESIGN. The arrangement of uses of land and the arrangement of easements, lots and rights-of-ways, including specifications of materials, alignment, grade and width of these elements.

DRAINAGE WAY. A watercourse, gully, dry stream, creek or ditch which carries stormwater runoff, which is subject to flooding or ponding, which is fed by street or building gutters or by storm sewers or which serve the purpose of draining water from the lands adjacent to such watercourse, gully, dry stream, creek or ditch.

EASEMENT. A grant by the property owner for the use of an area of land by the public, corporations or persons for specified uses and purposes.

FRONTAGE. The length of any one property line of a premise that abuts a street.

HEALTH DEPARTMENT. The Franklin-Williamson Bi-County Health Department.

IMPROVEMENT. Refers to site grading, street work and utilities (including water, sewer, electric, gas and stormwater) to be installed, or agreed to be installed, by the subdivider on land to be used for public or private streets and easements or other purposes as are necessary for the general use of lot owners in the subdivision. Includes the furnishing of all materials, equipment, work and services such as engineering, staking and supervision necessary to construct all the improvements required in this chapter or any other improvements that may be provided by the subdivider.

IMPROVEMENT PLAN. The engineering plans showing types of materials and construction details for the physical structures and facilities to be installed in, or in conjunction with, the subdivision.

LOT. A parcel of land intended to be separately owned, rented, developed or otherwise used as a unit.

LOT, CORNER. A lot of which at least two adjacent sides abut for their full length upon streets at their intersection.

LOT, DEPTH. The average horizontal distance between the front and the rear lot lines measured in the general direction of the side lot lines.

LOT, INTERIOR. A lot whose side lines do not abut upon any street.

LOT, WIDTH. The horizontal distance between side lot lines measured at a right angle to the general direction of the side lot lines.

LOT LINE, FRONT. The line separating the lot from the street. On a corner lot, the **FRONT LOT LINE** shall be the frontage having the least dimension.

LOT LINE, REAR. The rear lot line is the lot line most nearly parallel to, and most remote from, the front lot line.

LOT LINE, SIDE. Any lot line other than the front or rear lot line. A corner lot line separating a lot from a street is called a **STREET SIDE LOT LINE**. A side lot line separating a lot from another lot or lots is called an **INTERIOR SIDE LOT LINE**.

MINOR SUBDIVISION. A subdivision with all lots with frontage upon an existing street not involving any new streets or other rights-of-way, easements and improvements or other provisions for public areas and facilities.

OWNER. A person having sufficient proprietary interest in the land sought to be subdivided. This includes any person or entity having either the dominion and title to the land, a beneficial interest, an equitable interest or a mortgagor's lien to the land sought to be subdivided.

PERFORMANCE GUARANTEEOR BOND. Any security in cash or equivalent approved by the County Board to guarantee installation of any improvements.

PLAT OFFICER. The person appointed by the County Board to administer the provisions of this chapter.

POST-DEVELOPMENT ADT. The current average daily traffic +10 (number of proposed dwelling units).

RE-SUBDIVISION. See **SUBDIVISION**.

RESTRICTIVE COVENANTSOR CONTRACTS. Contracts entered into between private parties and constituting a restriction on the use of all private property within a subdivision for the benefit of the property owners and to provide mutual protection against undesirable aspects of development which would tend to impair stability of values.

RIGHT-OF-WAY (R.O.W.). A strip of land over which the owner, by dedication or any other legal means, has granted the right-of-use for streets, alleys, ditches or for any other purpose.

ROADWAY. The entire improved portion of the street, including shoulders, parking lanes, travel ways, curbs and gutters.

SETBACK LINE. A line that is usually parallel to the front, side or rear lot line establishing the minimum space to be provided as the front, side or rear yard.

STREET. A public or private way for the purpose of vehicular traffic. The term includes all facilities which normally occur within the right-of-way. It also includes such other designations for a street as:

- (1) Highway;
- (2) Thoroughfare;
- (3) Parkway;
- (4) Throughway;
- (5) Road;
- (6) Pike;
- (7) Avenue;
- (8) Boulevard;
- (9) Land Place;
- (10) Drive; and
- (11) Court or otherwise designated, but excluding an alley or a way for pedestrian use only.

STRUCTURE. Anything constructed which requires permanent or temporary location on the ground or is attached to something having a permanent or temporary location on the ground.

SUBDIVISION.

(1) The division of land into two or more lots or parcels for the purpose of either immediate or future sale, rental or building development or any other uses or the establishment or dedication of a public street or alley through a tract of land regardless of size. The term **SUBDIVISION** shall also include all re-subdivisions of land or lots.

(2) A division of a parcel of land into two or more parts, any of which is less than two acres or any division of land for the establishment or dedication of a road, street or place through a tract of land regardless of size. The term **SUBDIVISION** shall also include all re-subdivisions of land or lots.

TERRAIN CLASSIFICATION. For the purpose of design, classifications are as follows:

- (1) Level-grade of 0% to 8%;
- (2) Rolling-grade of 8.1% to 15%; and
- (3) Hilly-grade greater than 15%.

TOPOGRAPHY. The relief features or surface configuration of an area of land.

TRAVEL WAY. The portion of a street used for the movement of vehicles, exclusive of shoulders and auxiliary lanes.

(Ord. 2013-04, passed 5-6-2013)

§ 151.04 PLAT APPROVAL.

(A) Unless otherwise excepted by provision of this chapter, the County Board shall approve all subdivisions within the county unless such subdivision lies within a municipality, or within one and one-half miles of the corporate limits, that has adopted the provisions of this chapter and is operating under a comprehensive plan that has been filed with the County Clerk.

(B) If such subdivision occurs, approval shall be obtained from the municipality and the county. Where this chapter imposes a greater restriction upon the land than is imposed or required by such existing provision of law, ordinance or restrictive covenants, the lawful provisions of this chapter shall control.

(Ord. 2013-04, passed 5-6-2013)

§ 151.05 AUTHORITY.

(A) The authority of this chapter is found in 55 ILCS 5/5-1041, 55 ILCS 5/3-5029 and 765 ILCS 205/1 et seq. No plat of a subdivision of land located within the jurisdictional area shall be recorded until it has been approved by the County Board.

(B) No person proposing to make, or having made, a subdivision within the county shall enter into any contract for sale of, or shall offer to sell, a subdivision, or any part thereof, until that person has obtained the approval of the final plat and that said subdivision has been recorded and filed.

(C) Any person who wishes to begin with construction work of a subdivision before the subdivision plat has been approved and recorded does so at his or her own risk.

(Ord. 2013-04, passed 5-6-2013) Penalty, see § 151.99

§ 151.06 EXCEPTIONS; SUBDIVISION PLATS.

The subdivision plat and provisions of these regulations do not apply for the following:

(A) The division of land into parcels of two acres or more in size that does not involve any new streets or easements of access, provided the division creates no less than 125 feet of road frontage on any new or remaining tracts;

(B) The conveyance of parcels of land, or interests therein, for use as a right-of-way for railroads or other public utility facilities and other pipelines which does not involve any streets or easements of access;

(C) The sale or exchange of parcels of land between owners of adjoining and contiguous land, provided that no lot will be created that would violate any zoning ordinance;

(D) The conveyance of land for highway or other public purposes or grants or conveyances relating to the dedication of land for public use or instruments relating to the vacation of land impressed with public use;

(E) Conveyance made to correct description in prior conveyances;

(F) The sale or exchange of parcels or tracts of land following the division into no more than two parcels of a particular parcel or tract of land existing on July 17, 1959 and not involving any new street or easement of access;

(G) The conveyance of land owned by a railroad or other public utility which does not involve any new streets or easements of access;

(H) The division and distribution of land pursuant to law or court order;

(I) The sale of less than two acres from a large tract when a survey is made by a professional land surveyor, provided the division creates no less than 125 feet of road frontage on any new or remaining tracts; and/or

(J) Any other instance where the state does not require filing of plat, as per the State Plat Act.

(Ord. 2013-04, passed 5-6-2013)

§ 151.07 RECORDING.

(A) The County Board shall not approve a final plat for filing with the County Clerk unless the following conditions are met and no lot shall be sold for such subdivision or re-subdivision until it has been recorded by the County Clerk.

(B) It shall be unlawful for the County Clerk to record a plat until it has been approved according to this chapter and meets the following requirements.

- (1) The final plat shall conform to the State Plat Act and all other laws of the state.

(2) The final plat shall conform to all the requirements of the specifications within this chapter.

(3) The subdivider shall provide a performance bond or post a guarantee to the county an amount as established by the County Board.

(4) After the completion of construction, and the subsequent approval of the County Engineer, the bond or guarantee shall be returned or terminated.

(Ord. 2013-04, passed 5-6-2013) Penalty, see § 151.99

§ 151.08 FEES.

(A) The fees collected by the County Clerk for the review of improvement plans, final plat review/recording and G.I.S. recording shall be distributed as directed by the County Board.

(B) The improvement plan review fee shall be \$20 for up to two lots. All lots over two shall be an additional \$5 per lot.

(C) The final plat review/recording fee shall be \$76 for up to two lots. All lots over two shall be an additional \$5 per lot.

(D) The G.I.S. recording fee shall be \$25 total.

(Ord. 2013-04, passed 5-6-2013)

§ 151.09 EFFECTIVE DATE.

The ordinance from which the provisions of this chapter derive shall be in full force and effect from the date of its adoption.

(Ord. 2013-04, passed 5-6-2013)

MINIMUM DESIGN STANDARDS

§ 151.20 GENERAL STATEMENT.

The subdivider shall conform to the following principles and standards of land subdivision in the design of each subdivision or portion thereof. No plat shall be approved unless it conforms to the following minimum standards of design.

(Ord. 2013-04, passed 5-6-2013)

§ 151.21 STREET DESIGN.

(A) The arrangement, extent, width and location of all streets shall be considered in their relation to the following factors:

- (1) Existing and planned streets;
- (2) Reasonable circulation of traffic;
- (3) Topographic conditions;
- (4) Run off of stormwater; and
- (5) Public convenience and safety.

(B) Whenever possible, the arrangement of streets in new subdivisions shall provide for the continuation of existing streets in adjoining areas. In no case shall access be denied to any parcel of land by the subdividing of land.

(Ord. 2013-04, passed 5-6-2013)

§ 151.22 DESIGN STANDARDS.

(A) All materials used in the construction of the road surfaces shall conform to the *Standard Specifications for Road and Bridge Construction* as established by the State Department of Transportation.

- (1) The minimum right-of-way width of any street shall be 50 feet.
- (2) The minimum roadway width shall be 24 feet with a minimum surface width of 18 feet.

(3) Minimum lot size shall be one acre in size, excluding road easements, for lots using private sewage disposal systems according to Ch. 50. A larger area maybe required if Franklin-Williamson Bi-County Health Department and/or the County Board deems the minimum acreage will cause health problems or nuisance conditions.

(4) Alleys will only be permitted in high-density residential subdivisions. Alleys shall have a minimum surface width of 16 feet and a minimum right-of-way of 40 feet.

(5) Cul-de-sacs shall have a minimum radius of 40 feet with a corresponding right-of-way radius of 50 feet. The maximum length of any cul-de-sac should be 1,320 feet. The minimum road frontage on a cul-de-sac shall be 25 feet.

- (6) Intersections of more than two streets at a point shall be prohibited.
- (7) Streets should intersect at right angles as far as physically possible. No streets shall intersect at any angle less than 65 degrees.

(8) Between reverse curves, there shall be a minimum tangent of 50 feet.

(9) Horizontal curves shall have a minimum radius of 255 feet.

(10) Vertical curves shall have minimum curve length of 90 feet.

(11) Set back lines shall have a minimum of 25 feet on all road frontages and have a minimum of ten feet on all other lot lines.

(12) Easements of a minimum of ten feet in width shall be provided on each side of all rear lot lines and alongside water, sewer and/or other mains and for electric and telephone lines or for other public utilities.

(13) No street shall be approved which will be subject to frequent flooding.

(14) All cross road culverts shall have a minimum diameter of 15 inches and all entrance culverts shall have a minimum diameter of 12 inches. All pipes shall be designed in accordance with generally accepted engineering practices. The material and installation shall be subject to the approval of the County Engineer and the Township Road Commissioner.

(15) Subgrade preparation shall be in accordance with § 301 of the *Standard Specifications for Road and Bridge Construction*. A sub-base may be required also if poor soil conditions exist.

(16) Road beds shall consist of a minimum of eight inches of compacted crushed stone base course with a dust free bituminous surface treatment A-3. All methods and materials shall be in accordance with § 403 of the *Standard Specifications for Road and Bridge Construction*.

(17) Signs shall be placed in accordance with *Manual of Uniform Traffic Control Devices* and the subdivider shall bear all expenses. All signs shall have a minimum reflective sheeting of high- intensity prismatic.

(18) All trees and brush shall be removed from within the limits of the right-of-way.

(19) Roadside ditches with a depth of 18 inches or more shall have a V-bottom ditch with 3:1 front and back slopes.

(B) See table below for minimum street requirements for land access.

Minimum Residential Street Requirements for Land Access									
Terrain Classification	Level (0%-8%)			Rolling (8%-15%)			Hilly (Over 15%)		
Post Development ADT	0-400	401-1,000	>1,000	0-400	401-1,000	>1,000	0-400	401-1,000	>1,000
Minimum Residential Street Requirements for Land Access									
Terrain Classification	Level (0%-8%)			Rolling (8%-15%)			Hilly (Over 15%)		
Post Development ADT	0-400	401-1,000	>1,000	0-400	401-1,000	>1,000	0-400	401-1,000	>1,000
Alley policy width	See Discussion			See Discussion			See Discussion		
Base course thickness	8" Agg.	8" Agg.	8" Agg.	8" Agg.	8" Agg.	8" Agg.	8" Agg.	8" Agg.	8" Agg.
Cul-de-sac R.O.W. radius (feet)	50	50	50	50	50	50	50	50	50
Cul-de-sac surface radius (feet)	40	40	40	40	40	40	40	40	40
*Curb and gutter required	no	no	yes	no	no	yes	no	no	yes
**Design speed (mph)	30	30	30	25	25	25	20	20	20
***Maximum cul-de-sac length (feet)	1,320	1,000	700	1,320	1,000	700	1,320	1,000	700
**Maximum grades (%)	4	4	4	8	8	8	15	12	8
**Minimum horizontal curve radius (feet)	300	300	300	180	180	180	100	100	100
Pavement width (feet)	18	22	24	18	22	24	18	22	24
Right-of-way	50	55	60	50	55	60	50	55	60
Roadway crown (%) (tangent only)	1.5-3	1.5-3	1-2	1.5-3	1.5-3	1-2	1.5-3	1.5-3	1-2

Shoulder type	Earth	Agg.	--	Earth	Agg.	--	Earth	Agg.	--
Shoulder width (feet)	2	3	--	3	4	--	3	4	--
Sidewalk distance from curb face (feet)	--	--	5	--	--	5	--	--	5
Sidewalk width (feet)	--	--	5	--	--	5	--	--	5
**Stopping sight distance (feet)	200	200	200	155	155	155	125	125	125
Surface type and thickness	A-3	A-3	3" HMA	A-3	A-3	3" HMA	A-3	A-3	3" HMA
**Tangent between reverse curves	50	50	50	50	50	50	50	50	50

NOTES TO TABLE:

* Where no curb and gutter is required; roadside ditches w/min 18" depth, V-bottom and 3:1 front and back slopes shall be provided

** Recommended

*** Length of maximum grade sections to be limited 300 feet

(Ord. 2013-04, passed 5-6-2013) Penalty, see § 151.99

REVIEW PROCESS

§ 151.35 PRE-APPLICATION PHASE.

(A) Before submitting a preliminary plat, the developer shall meet with the County Engineer, Plat Officer and Bi-County Health officials and present the proposed subdivision. This meeting shall be done to give guidance to the developer and to obtain information and comments for his or her subdivision.

(B) The developer should be familiar with regulations, public policies and objectives applicable to the territory in which the proposed subdivision lies. The developer is encouraged to consult with the Bi-County Health Department, county officials, city officials, public utility companies, school districts, road districts and other agencies and districts concerning the availability of services and facilities in the proposed area to be subdivided.

(Ord. 2013-04, passed 5-6-2013)

§ 151.36 PRELIMINARY PLAT PROCEDURE.

(A) Any person planning to file for record a plat of a subdivision within the jurisdiction of the County Board shall first submit two copies of the preliminary plat to the Plat Officer, two copies to the County Engineer and two copies to the Franklin-Williamson Bi-County Health Department, when applicable.

(B) Exception is made, however, in the case of plats, vacations and dedications prepared by or for the state, the county or a township in connection with the improvement of any highway or road or in connecting the laying out, altering, vacating or widening of roads by the County Engineer.

(C) The plat shall be presented to the Plat Officer, County Engineer and the Franklin-Williamson Bi-County Health Department, when applicable.

(D) The plat shall be presented at least 30 days prior to the County Board meeting at which its approval shall be considered.

(Ord. 2013-04, passed 5-6-2013)

§ 151.37 PRELIMINARY PLAT REQUIREMENTS.

The preliminary plat is to be provided by the subdivider and must include the following information:

(A) The preliminary plat of the subdivision shall be drawn to a scale of 100 feet to one inch or larger; provided, however, that the resulting drawing would not be over 36 inches in the longest dimension.

(B) When necessary, the plat may be on several sheets, accompanied by an index sheet showing the entire subdivision;

(C) Name under which the proposed subdivision is to be recorded and location. The name cannot duplicate the name of any previously recorded plat;

(D) Names and addresses of the owner, subdivider and the professional land surveyor who prepared the preliminary plat;

(E) Names of all streets adjoining or within the proposed subdivision and right-of-way width;

(F) Tract boundary lines showing their lengths, directions and references to the lines or corners;

- (G) Legend, north arrow and date;
- (H) Layout of proposed lots with dimensions, numbers and area for each lot;
- (I) All lot lines adjacent to and abutting the subdivision;
- (J) Parcels of land proposed to be dedicated or reserved for schools, parks, playgrounds or other public, semi-public or community purposes;
- (K) Easements existing and proposed, with location, widths and purposes; and
- (L) Building setback lines.

(Ord. 2013-04, passed 5-6-2013)

§ 151.38 IMPROVEMENT PLAN PROCEDURE.

One copy of the improvement plans shall be presented to the Plat Officer, County Engineer and the Franklin-Williamson Bi-County Health Department when applicable. The plan review process will consist of the Plat Officer, with the help of the County Engineer, to check for compliance with the chapter and to provide approval, conditional approval or denial to the County Board.

(Ord. 2013-04, passed 5-6-2013)

§ 151.39 IMPROVEMENT PLAN REQUIREMENTS.

The improvement plan that is to be provided by the subdivider shall not be greater than 36 inches in the longest dimension and shall include the following information:

- (A) Location map;
- (B) Subdivision name and location;
- (C) North arrow and scale;
- (D) Title block with name and address of the developer, engineering firm and engineer's seal; and
- (E) One or more bench marks in or near the subdivision to which the subdivision is referenced. The elevation shall be based on the mean-sea-level datum;
- (F) Plans, profiles and cross sections of streets surface width, rights-of-way, elevations, grades, roadway details, curbs and gutters, drainage facilities, sidewalks and any other improvements to be constructed. Plans and profiles of streets and other improvements shall be scaled not less than one inch equals 100 feet horizontal and one inch equals ten feet vertical;
- (G) Location and size of existing and proposed utilities;
- (H) Contours based on mean-sea-level datum (USGS digitized contours will not be accepted);
- (I) List of the standards and specifications followed;
- (J) An estimate by a professional engineer for the cost of all improvements;
- (K) Draft of protective covenants;
- (L) Compliance with the requirements of the National Flood Insurance Program, as adopted by the County Board; and
- (M) Erosion and sediment control plan, if required the E.P.A.

(Ord. 2013-04, passed 5-6-2013)

§ 151.40 MINOR SUBDIVISION.

Minor subdivisions may be exempted, with the written approval of the Plat Officer, from the procedures and requirements for the preliminary plan and plat. The minor subdivision exemption shall be presented at least 30 days prior to the County Board meeting at which its approval shall be considered. The subdivider may proceed to the final plat procedures and requirements.

(Ord. 2013-04, passed 5-6-2013)

§ 151.41 FINAL PLAT PROCEDURE.

- (A) The subdivider shall submit a final plat within one year of the approval of the preliminary plat and the improvement plan. The final plat shall be submitted to the Plat Officer with four copies.
- (B) The final plat must contain all required signed certifications other than signed certificates of approval by the County Board Chairperson, Plat Officer, County Engineer and County Clerk. The final plat shall retain the overall characteristics of the preliminary.
- (C) The subdivider may elect to include all or part of the preliminary plan. It shall contain the necessary documents required for performance bond or form of guarantee, before the plat is recorded.
- (D) The County Board shall not approve a final plat unless the plat meets the design standards and specifications set by this chapter

and shall meet all other requirements by law for the state. After reviewing the plat, the County Board may approve the plat by a two-thirds vote.

(Ord. 2013-04, passed 5-6-2013)

§ 151.42 FINAL PLAT REQUIREMENTS.

The final plat shall consist of all items included in the preliminary plat and the following specifications:

- (A) All signatures must be signed in black ink;
- (B) All dimensions shall be shown in feet and decimals of a foot;
- (C) The subdivision plat must be signed by the owner(s), or by his, her or their authorized attorney, and his, her or their signature(s) must be acknowledged before a notary and under signature and seal of a notary;
- (D) The subdivision plat must contain the certificates by the surveyor, with signature(s), date and seal;
- (E) The subdivision plat must contain approval and certificate of the County Board;
- (F) The subdivision plat must contain certification of access from the State Department of Transportation, when required;
- (G) The subdivision plat must contain certification by the County Clerk that all taxes have been paid;
- (H) The subdivision plat must contain certification of drainage with professional engineer's signature, date and seal;
- (I) The subdivision plat must contain certificate of school district;
- (J) The subdivision plat must contain certificate of Health Department;
- (K) The subdivision plat must contain certificate of County Engineer;
- (L) Location, type, material and size of all monuments and lot markers;
- (M) Parcel number(s);
- (N) Boundary lines, with dimensions and bearings or angles, closing with an error of not more than one foot to 5,000 feet. Reference shall be made to known permanent monuments. If no permanent monuments exist, they shall be established in a manner such that they will not be moved by frost, which mark the external boundaries of the parcel to be divided and must be shown on the plat; and
- (O) Right-of-way line of streets, easements and other rights-of-way and property lines and areas of lots and other parcels, with dimensions, bearings and curve data, including radii, arcs and chords, points of tendency and central angles.

(Ord. 2013-04, passed 5-6-2013)

VARIANCES

§ 151.55 VARIANCES.

Generally, the requirements included in this chapter are the minimum acceptable to the county. However, the County Board may grant a specific variance from the provisions of this chapter, provided that the request would meet all requirements imposed by state statute, not be detrimental to public interest and still keep the general intent of the chapter.

(Ord. 2013-04, passed 5-6-2013)

§ 151.56 VARIATION PROCEDURES.

The following procedures shall be utilized to process a variance.

- (A) The subdivider shall apply in writing for such a variance upon filing the plat with the County Board.
- (B) The variance request shall be examined the County Engineer, who shall make a recommendation to the County Board.
- (C) The County Board shall make its decision within 30 days from the date of receipt of the variance request.
- (D) Any variation granted shall be in writing and clearly state all conditions requiring the variance and shall set forth the exact terms of the variance, a copy of which shall be attached to the final plats.

(Ord. 2013-04, passed 5-6-2013)

§ 151.99 PENALTY.

(A) *Penalties.*

(1) Any person who violates, disobeys, neglects or refuses to comply with the enforcement of any of the provisions of any part of this chapter shall be in violation of this chapter and, upon conviction thereof, shall be fined not less than \$50 nor more than \$500. Each week such violation is permitted to exist shall constitute a separate offense.

(2) The owner or lessee of any building or structure, lot of land, or part thereof, where anything in violation of the chapter shall be placed or exist and any architect, builder, contractor, agent, person or corporation employed in connection therewith and who may have

assisted in the commission of any violation shall each be liable to the fine hereinbefore specified. These penalties are in addition to any other penalties prescribed under 765 ILCS 205, the State Plat Act.

(B) *Additional remedies.* Appropriate actions and proceedings may be taken in law or in equity to prevent any violation of these regulations, to prevent unlawful construction, to recover damages, to restrain, correct or abate a violation and to prevent illegal occupancy of a building structure or premises. These remedies shall be in addition to the penalties described above.

(Ord. 2013-04, passed 5-6-2013)

APPENDIX A: CERTIFICATES AND FORMS

(A) *Owner's certificate.*

OWNER'S CERTIFICATE

765 ILCS 205/2 states that the plat must be completed, a statement from a Registered Land Surveyor attached and acknowledged by the owner of the land, or his attorney duly authorized, in the same manner as deeds of land are required to be acknowledged;

(A) The plat must contain a signature certificate with original signatures of the landowner or a representative of the owner.

(B) If the property is owned under a Trust, the Trust Officer's signature and seal of the bank (if available) must be included on the plat.

(C) The signature of the owner(s) must be acknowledged by a Notary Public and a legible seal for the Notary stamped on the plat.

Certificate of Ownership

STATE OF ILLINOIS)

) ss.

COUNTY OF FRANKLIN)

This is to certify that _____

is/are the owner(s) of the land described herein and as such owner(s) has caused the same to be surveyed, subdivided and platted into lots, streets and easements as shown on said plat, for the uses and purposes therein set forth as allowed and provided by statute, the subdivision is to be herein after be known as

“ _____ ”

The streets and roadways as shown shall hereby be dedicated to the public for the uses and purposes pertaining thereto.

By: _____

Owner(s)

By: _____

Owner(s)

(B) *Notary's certificate.*

NOTARY'S CERTIFICATE

Notary Certificate

I, _____, a notary public in and for the said County

of Franklin, the State of Illinois, do hereby certify that, _____

are personally known to me to be the same persons whose names are subscribed on the foregoing plat, appeared before me this date in person and acknowledged that they signed and sealed the said plat as their free and voluntary act for the uses and purposes therein set forth.

Given under my hand and notary seal this ____ day of _____, 20 ____

Notary Public

(C) *School district certificate.*

SCHOOL DISTRICT CERTIFICATE

Public Act 90-286 (765 ILCS 205/1.005) requires when an owner is required to file a plat pursuant to Section 1 of the Plat Act, the owner shall submit simultaneously with the subdivision plat a notarized statement indicating to the best of the owner's knowledge, the school district in which each tract, parcel, lot or block lies. The school district certificate should be placed on the plat.

School District Certificate

STATE OF ILLINOIS)

) ss.

COUNTY OF FRANKLIN)

I (We), _____,

hereby certify that the real property as described by the legal description herein, lies within the _____ Unit _____

school district and the _____ college district.

Owner

Owner

(D) *County certificate.*

COUNTY CERTIFICATES

If county approval is required (based upon the description included in the Surveyor's Certificate) the Franklin County Plat Officer must sign and seal the plat.

If the plat includes a County Highway, the Franklin County Engineer must sign and seal the plat.

The County Clerk must certify that there are not delinquent or current property taxes due or outstanding special assessments. The certificate must be signed and sealed by the County Clerk.

If the plat will not be serviced by a public sewer system and private sewage systems will be installed, the plat must bear a certificate from the Franklin-Williamson Bi-County Health Department that the plat is in accordance with all applicable regulations of the Illinois Department of Health.

Franklin County Board Chairman Certificate

STATE OF ILLINOIS)

) ss.

COUNTY OF FRANKLIN)

At a regular meeting of the County Board of Franklin County, Illinois held on the _____ day of _____ 20 _____, the foregoing plat was presented to and approved by the County Board Chairman.

Chairman

(E) *Plat officer certificate.*

Plat Officer Certificate

STATE OF ILLINOIS)

) ss.

COUNTY OF FRANKLIN)

This is to certify that, as the authorized representative of the Franklin County Board, I have reviewed this plat on their behalf and have found it to be in compliance with the Franklin County Subdivision Chapter and all other applicable county requirements.

Dated this _____ day of _____, 20 _____.

Franklin County Plat Officer

(F) *County Engineer's certificate.*

County Engineer's Certificate

STATE OF ILLINOIS)

) ss.

COUNTY OF FRANKLIN)

I, _____, Franklin County Engineer, have reviewed this plat of subdivision. This is to certify that all improvements, as required under the Franklin County Subdivision Chapter and all other applicable county requirements as required, have been installed and approved, or in lieu of such construction, a security instrument in an amount sufficient of cover the cost of said improvements, has been filed with the Highway Department.

Dated this _____ day of _____, 20 _____.

County Engineer

(G) *County Clerk tax certificate.*

County Clerk Tax Certificate

STATE OF ILLINOIS)

)ss.

COUNTY OF FRANKLIN)

I, _____, County Clerk and Recorder of Franklin County, Illinois, do hereby certify that there are no delinquent general taxes, no unpaid current taxes or special assessments, no unpaid forfeited taxes and no redeemable tax sales against any of the land included in the plat. I further certify that I have received all statutory fees in connection with the plat.

Given under my name and seal of the County Clerk at Benton, Illinois on this _____ day of _____ 20 _____.

Franklin County Clerk

(H) *County Clerk approval certificate.*

County Clerk Approval Certificate

STATE OF ILLINOIS)

) ss.

COUNTY OF FRANKLIN)

I, _____, County Clerk and Recorder of Franklin County, Illinois, and keeper of the seal of said county and the tax records thereof, do hereby certify that on the _____ day of _____, 20 _____, at a regular meeting, the County Board did accept and approve the foregoing plat. In witness whereof, I have set my hand and official seal of Franklin County, Illinois.

Franklin County Clerk

(I) *Health Department certificate.*

Health Department Certificate

STATE OF ILLINOIS)

) ss.

COUNTY OF FRANKLIN)

This is to certify that the plat for the tract of land described in the foregoing certificates has been reviewed by the Franklin-Williamson Bi-County Health Administrator and has/has not been found adequate for the use of individual septic systems. A central sewage treatment package will/will not be required.

Dated this _____ day of _____, 20 _____

Franklin-Williamson Bi-County
Health Administrator

(J) *Professional Engineer's drainage certificate.*

Professional Engineer's Drainage Certificate

STATE OF ILLINOIS)

) ss.

COUNTY OF FRANKLIN)

I (We), _____, owners of the land subdivided herein, and _____, Illinois Professional Engineer No. _____, do hereby certify that, to the best of our knowledge and belief, the construction of any part of said subdivision will not change the drainage of surface waters in such a manner as to cause damage to adjoining properties or, that if such surface water drainage will be changed, reasonable provision has been made for the collection and diversion of such surface waters into public areas or drains that the subdivider has a right to use and that such surface waters will be planned for in accordance with generally accepted engineering practices so as to reduce the likelihood of damage to the adjoining property because of the construction of the subdivision.

Dated this _____ day of _____, 20 _____

Illinois Professional Engineer
Lic. No. _____

Owner or Attorney

(K) *Illinois Department of Transportation certificate.*

ILLINOIS DEPARTMENT OF TRANSPORTATION CERTIFICATE

The subdivision plat shall have an additional certificate of acceptance signed by a representative of the Illinois Department of Transportation when the only direct access to the subdivision is from a state highway or roadway.

Illinois Department of Transportation Roadway Access Certificate

STATE OF ILLINOIS)

) ss.

COUNTY OF FRANKLIN)

This plat has been approved by the Illinois Department of Transportation with respect to roadway access pursuant to 765 ILCS 205/2. However, a highway permit for access is required of the owner of the property prior to construction within State rights-of-way. A plat that meets requirements contained in the Department's "Policy on Permits for Access Driveways to State Highways" will be required by the Department.

Dated this _____ day of _____, 20 _____

District Engineer

(L) *Annexation certificate.*

Annexation Certificate

STATE OF ILLINOIS)

) ss.

COUNTY OF FRANKLIN)

This is to certify that the land herein described was annexed into the municipal limits of _____ by Ordinance Number _____. Said annexation Ordinance was filed in the County Clerk's Office of Franklin County, Illinois in Miscellaneous Record Book, _____ Page _____ on the _____ day of _____, 20 _____.

Illinois Professional Land Surveyor

(M) *Surveyor's certificates.*

SURVEYOR'S CERTIFICATES

1. Located Within Corporate Limits (Requires Municipal Approval)

I, _____, Illinois Professional Land Surveyor No. _____ do hereby certify that at the request of _____, I have surveyed _____ and subdivided it into lots, to be known as _____

I further certify that this plat is located within an incorporated city that has adopted a city plan and is exercising the special powers authorized by Division 12 of Article II of the Illinois Municipal Code.

I further certify that no part of this subdivision is located in the special flood hazard area identified for the City of _____ by the Federal Emergency Management Agency and none of the lots platted hereon are within a surface drain or watercourse serving a tributary area of 640 acres or more.

I further certify that to the best of my knowledge and belief this is a true and correct survey as platted hereon.

In witness thereof, I have hereunto set my hand and affixed my Illinois Professional Land Surveyor's seal at _____, Illinois, this _____ day of 20 _____

Illinois Professional Land Surveyor

2. Located Outside Corporate Limits, But Within 1.5 Mile Limit of a Municipality Which Has A Comprehensive Plan and Is Exercising Its Powers (Requires Municipal and County Approval)

I, _____, Illinois Professional Land Surveyor No. _____ do hereby certify that at the request of _____, I have surveyed _____ and subdivided it into lots, to be known as _____

I further certify that this plat is not located within an incorporated city, but is within 1.5 miles of the corporate limits of the County of Franklin that has adopted a city plan and is exercising the special powers authorized by Division 12 of Article II of the Illinois Municipal Code.

I further certify that no part of this subdivision is located in the special flood hazard area identified for the County of Franklin by the Federal Emergency Management Agency and none of the lots platted hereon are within a surface drain or watercourse serving a tributary area of 640 acres or more.

I further certify that to the best of my knowledge and belief this is a true and correct survey as platted hereon.

In witness thereof, I have hereunto set my hand and affixed my Illinois Professional Land Surveyor's seal at _____, Illinois, this _____ Day of _____, 20 _____

Illinois Professional Land Surveyor

3. Located Outside Corporate Limits, But Within 1.5 Mile Limit of a Municipality Which Has A Comprehensive Plan But Is Not Exercising Its Powers (Requires County Approval)

I, _____, Illinois Professional Land Surveyor No. _____ do hereby certify that at the request of _____, I have surveyed _____ and subdivided it into lots, to be known as _____

I further certify that this plat is not located within an incorporated city, but is within 1.5 miles of the corporate limits of the City of Franklin that has adopted a city plan but is not exercising the special powers authorized by Division 12 of Article II of the Illinois Municipal Code.

I further certify that no part of this subdivision is located in the special flood hazard area identified for the County of Franklin by the Federal Emergency Management Agency and none of the lots platted hereon are within a surface drain or watercourse serving a tributary area of 640 acres or more.

I further certify that to the best of my knowledge and belief this is a true and correct survey as platted hereon.

In witness thereof, I have hereunto set my hand and affixed my Illinois Professional Land Surveyor's seal at _____, Illinois, this _____ day of _____, 20 _____

Illinois Professional Land Surveyor

4. Located Outside Corporate Limits and Outside 1.5 Mile Limit of a Municipality Which Has A Comprehensive Plan (Requires County Approval)

I, _____, Illinois Professional Land Surveyor No. _____ do hereby certify that at the request of _____, I have surveyed _____ and subdivided it into lots, to be known as _____

I further certify that this plat is not located within 1.5 miles of the corporate limits of any city or village that has adopted a city plan.

I further certify that no part of this subdivision is located in the special flood hazard area identified for the County of Franklin by the Federal Emergency Management Agency and none of the lots platted hereon are within a surface drain or watercourse serving a tributary area of 640 acres or more.

I further certify that to the best of my knowledge and belief this is a true and correct survey as platted hereon.

In witness thereof, I have hereunto set my hand and affixed my Illinois Professional Land Surveyor's seal at _____, Illinois, this _____ day of _____, 20 _____

Illinois Professional Surveyor

(N) *Schedule of review.*

(O) Affidavit of compliance with Illinois Plat Act requirements.

AFFIDAVIT OF COMPLIANCE WITH ILLINOIS PLAT ACT REQUIREMENTS

PARCEL NUMBER: _____

The Grantor(s) or the Grantor(s)' authorized representative, transferring an interest in real property described in the accompanying deed, state the following:

_____ A. NOT A DIVISION OF LAND (requiring no change of parcel boundary lines)

If A is checked above, the County Clerk will proceed with recording the deed after the review of the Plat Officer and no further questions apply. Please sign below.

_____ B. A DIVISION OF LAND (requiring a change of parcel boundary lines) meeting one of these exceptions:

___ 1. The division or subdivision of land into parcels or tracts of two (2) acres or more in size not involving new streets or easements with a minimum of two (2) acres residue provided the division creates no less than 125 feet of road frontage any new or remaining tracts.

___ 2. The division of lots or blocks of less than one (1) acre in any recorded subdivision which does not involve any new streets or easements of access.

___ 3. The sale or exchange of parcels of land between owners of an adjoining and contiguous land.

___ 4. The conveyance of land for use as a right of way for public utilities and other pipelines not involving new streets or easements of access.

___ 5. The conveyance of land for highway or other public purpose or relating to the dedication of land or for vacation of land subject to public use.

___ 6. Conveyances made to correct descriptions in prior conveyances.

___ 7. The sale or exchange of parcels or tracts of land following the division into no more than two (2) parts of a particular parcel of land existing on July 17, 1959 and not involving any new streets or easements or access.

___ 8. The conveyance of land owned by a railroad or other public utility not involving any new streets or easements access.

___ 9. The division and distribution of land pursuant to law or court order.

___ 10. The sale of a lot of less than two (2) acres from a larger tract when a survey is made by a registered land surveyor, provided the division creates no less than 125 feet of road frontage on any new or remaining tracts.

_____ C. A DIVISION OF LAND (a change of parcel boundary lines) not meeting one of the above exceptions.

In accordance with Section 1a of the Illinois Plat Act 765 ILCS 205/1(a)), all divisions under five (5) acres must be surveyed and a subdivision plat prepared by a professional land surveyor licensed in the state of Illinois. Accordance with Illinois Law (225 ILCS 330/5 Sec C) all legal descriptions for land divisions must be prepared by a registered Professional Land Surveyor.

Who prepared this legal description? _____ Illinois License Number _____

Phone _____

Does this division of land fall within the jurisdiction of another city or municipality? ___ No ___ Yes

If yes, which jurisdiction? _____

Under the penalties of perjury I swear that the statements contained here are true and correct.

Seller Name _____ DATE _____

Seller Signature _____ PHONE _____

CHAPTER 152: FLOODPLAINS

Section

Floodplain Development

152.01 Purpose

152.02 Effective date

152.03 Definitions

152.04 Base flood elevation

152.05 Duties of the County Engineer

- 152.06 Development permit
- 152.07 Preventing increased flood heights and resulting damages
- 152.08 Protecting buildings
- 152.09 Subdivision requirements
- 152.10 Public health and other standards
- 152.11 Carrying capacity and notification
- 152.12 Variances
- 152.13 Liability

Insurance

- 152.25 National Flood Insurance Program; compliance

- 152.99 Penalty

FLOODPLAIN DEVELOPMENT

§ 152.01 PURPOSE.

The ordinance from which the provisions of this subchapter derives is enacted pursuant to the police powers granted to this county by county statutory authority in 55 ILCS 5/5-1041 and 5/5-1063 in order to accomplish the following purposes:

- (A) To prevent unwise developments from increasing flood or drainage hazards to others;
- (B) To protect new buildings, and major improvements to buildings, from flood damage;
- (C) To promote and protect the public health, safety and general welfare of the citizens from the hazards of flooding;
- (D) To lessen the burden on the taxpayers for flood control repairs to public facilities and utilities and flood rescue and relief operations;
- (E) To maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- (F) To make federally subsidized flood insurance available; and
- (G) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

(Ord. 2009-05, passed 9-22-2009)

§ 152.02 EFFECTIVE DATE.

The ordinance from which the provisions of this subchapter derives shall be in full force and effect from and after its passage and approval and publication, as required by law.

(Ord. 2009-05, passed 9-22-2009)

§ 152.03 DEFINITIONS.

For the purpose of this subchapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

BASE FLOOD. The flood having a 1% probability of being equaled or exceeded in any given year. The **BASE FLOOD** is also known as the **100-YEAR FLOOD**. The **BASE FLOODELEVATION** at any location is as defined below.

BASE FLOOD ELEVATION (BFE). The elevation in relation to mean-sea-level of the crest of the base flood.

BUILDING. A structure that is principally above ground and is enclosed by walls and a roof including manufactured homes, prefabricated buildings and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than 180 days per year.

CRITICAL FACILITY. Any public or private facility which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Examples are public buildings, emergency operations and communication centers, health care facilities and nursing homes, schools and toxic waste treatment, handling or storage facilities.

DEVELOPMENT.

- (1) Any human-made change to real estate including, but not necessarily limited to:
 - (a) Demolition, construction, reconstruction, repair, placement of a building or any structural alteration to a building;

- (b) Substantial improvement of an existing building;
- (c) Installation of a manufactured home on a site, preparing a site for a manufactured home or installing a travel trailer on a site for more than 180 days per year;
- (d) Installation of utilities;
- (e) Construction of roads, bridges, culverts or similar projects;
- (f) Construction or erection of levees, dams, walls or fences;
- (g) Drilling, mining, filling, dredging, grading, excavating, paving or other alterations of the ground surface;
- (h) Storage of materials, including the placement of gas and liquid storage tanks; and
- (i) Channel modifications or any other activity that might change the direction, height or velocity of flood or surface waters.

(2) **DEVELOPMENT** does not include routine maintenance of existing buildings and facilities, resurfacing roads or gardening, plowing and similar practices that do not involve filling, grading or construction of levees.

FEMA. Federal Emergency Management Agency.

FLOOD. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation or the runoff of surface waters from any source.

FLOOD FRINGE. The portion of the floodplain outside of the regulatory floodway.

FLOOD INSURANCE RATE MAP. A map prepared by FEMA that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

FLOOD PROTECTION ELEVATION or **FPE.** The elevation of the base flood plus one foot of freeboard at any given location in the floodplain.

FLOODPLAIN and **SPECIAL FLOOD HAZARD AREA (SFHA).** These terms are synonymous. Those lands within the jurisdiction of the county that are subject to inundation by the base flood. The **FLOODPLAINS** of the county are generally identified as such on the flood insurance rate map of the county prepared by FEMA and dated November 18, 2009. **FLOODPLAIN** also includes those areas of known flooding, as identified by the community.

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

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.

FLOODWAY. The portion of the floodplain required to store and convey the base flood. The **FLOODWAY** for the floodplains of Big Creek Tributary, Pond Creek and Ewing Creek shall be as delineated on the countywide flood insurance rate map of the county prepared by FEMA and dated November 18, 2009. The **FLOODWAYS** for each of the remaining floodplains of the county shall be according to the best data available from the federal, state or other sources.

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

MANUFACTURED HOME. A structure, transportable in one or more sections, that is built on a permanent chassis and is designed to be used with or without a permanent foundation when connected to required utilities.

NFIP. National Flood Insurance Program.

REPETITIVE LOSS. Flood related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event on the average equals or exceeds 25% of market value of the structure before the damage occurred.

SFHA. See definition of **FLOODPLAIN**.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed 50% of the market value of the structure before the damage occurred, regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. Damage of less than 50% of the fairmarket value will be applied to the repetitive loss calculations.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure before the improvement or repair is started. **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 the State Register of Historic Places.

TRAVEL TRAILER (or **RECREATIONAL VEHICLE**). A vehicle which is:

- (1) Built on a single chassis;
- (2) Four-hundred square feet or less in size;
- (3) Designed to be self-propelled or permanently towable by a light duty truck; and
- (4) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

(Ord. 2009-05, passed 9-22-2009)

§ 152.04 BASE FLOOD ELEVATION.

(A) This chapter's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party shall finance the detailed engineering study needed to replace the existing data with better data and submit it to FEMA and IDNR/OWR for approval prior to any development of the site.

(B) The base flood elevation for the floodplains of Big Creek Tributary, Pond Creek and Ewing Creek shall be as delineated on the 100-year flood profiles in the countywide flood insurance study of the county prepared by FEMA on November 18, 2009.

(C) The base flood elevation for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the countywide flood insurance rate map.

(D) The base flood elevation for each of the remaining floodplains delineated as a "A Zone" on the countywide flood insurance rate map shall be according to the best data available from federal, state or sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations.

(Ord. 2009-05, passed 9-22-2009)

§ 152.05 DUTIES OF THE COUNTY ENGINEER.

(A) The County Engineer shall be responsible for the general administration of this chapter and ensure that all development activities within the floodplains under the jurisdiction of the county meet the requirements of this chapter.

(B) Specifically, the County Engineer shall:

- (1) Process development permits in accordance with § 152.06;
- (2) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of § 152.07;
- (3) Ensure that the building protection requirements for all buildings subject to § 152.08 are met and maintain a record of the as-built elevation of the lowest floor (including basement) or floodproof certificate;
- (4) Assure that all subdivisions and annexations meet the requirements of § 152.09;
- (5) Ensure that water supply and waste disposal systems meet the public health standards of § 152.10;
- (6) If a variance is requested, ensure that the requirements of § 152.12 are met and maintain documentation of any variances granted;
- (7) Inspect all development projects and take any and all actions outlined in § 152.13 as necessary to ensure compliance with this chapter;
- (8) Assure that applicants are aware of and obtain any and all other required local, state and federal permits;
- (9) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- (10) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- (11) Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this chapter;
- (12) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits and documentation of compliance for development activities subject to this chapter;
- (13) Perform site inspections and make substantial damage determinations for structures within the floodplain; and
- (14) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map.

(Ord. 2009-05, passed 9-22-2009)

§ 152.06 DEVELOPMENT PERMIT.

(A) No person, firm, corporation or governmental body not exempted by law shall commence any development in the floodplain without first obtaining a development permit from the County Engineer. The County Engineer shall not issue a development permit if the proposed development does not meet the requirements of this chapter.

(B) The application for a development permit shall be accompanied by:

- (1) Drawings of the site, drawn to scale, showing property line dimensions;
- (2) Existing grade elevations and all changes in grade resulting from excavation or filling;
- (3) The location and dimensions of all buildings and additions to buildings;
- (4) The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of § 152.08; and
- (5) Cost of project or improvements, as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

(C) (1) Upon receipt of an application for a development permit, the County Engineer shall compare the elevation of the site to the base flood elevation.

(2) Any development located on land that can be shown by survey data to be higher than the current base flood elevation and which has not been filled after the date of the site's first flood insurance rate map is not in the floodplain and therefore not subject to the requirements of this chapter. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current flood insurance rate map, is subject to the provisions of this chapter.

(3) The County Engineer shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first flood insurance rate map identification.

(Ord. 2009-05, passed 9-22-2009) Penalty, see § 152.99

§ 152.07 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES.

Within all the floodplains where a floodway has not been delineated, the following standards shall apply.

(A) Except as provided in division (B) below, no development shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:

- (1) Barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit No. 3;
- (2) Aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 4;
- (3) Minor boat docks meeting the conditions of IDNR/OWR Statewide Permit No. 5;
- (4) Minor, non-obstructive activities meeting the conditions of IDNR/OWR Statewide Permit No. 6;
- (5) Outfall structures and drainage ditch outlets meeting the conditions of IDNR/OWR Statewide Permit No. 7;
- (6) Underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;
- (7) Bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;
- (8) Accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;
- (9) Minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit No. 11;
- (10) Bridge and culvert replacement structures and bridge widenings meeting the conditions of IDNR/OWR Statewide Permit No. 12;
- (11) Temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit No. 13; and
- (12) Any development determined by IDNR/OWR to be located entirely within a flood fringe area.

(B) Other development activities not listed in division (A) above may be permitted only if:

(1) Permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); and

(2) Sufficient data has been provided to FEMA, when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.

(Ord. 2009-05, passed 9-22-2009)

§ 152.08 PROTECTING BUILDINGS.

(A) In addition to the damage prevention requirements of § 152.07, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

- (1) Construction or placement of a new building valued at more than \$1,000 or 70 square feet;
- (2) Substantial improvements made to an existing building. This alteration shall be figured cumulatively beginning with any alteration which has taken place subsequent to the adoption of provisions of this chapter;

(3) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively beginning with any repairs which have taken place subsequent to the adoption of the provisions of this chapter;

(4) Structural alterations made to an existing building which increase the floor area by more than 20%;

(5) Installing a manufactured home on a new site or a new manufactured home on an existing site (the building protection requirements do not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage);

(6) Installing a travel trailer or recreational vehicle on a site for more than 180 days per year; and

(7) Repetitive loss to an existing building as defined in § 152.03.

(B) Residential or non-residential buildings can meet the building protection requirements by one of the following methods:

(1) The building may be constructed on permanent landfill in accordance with the following.

(a) The lowest floor (including basement) shall be at or above the flood protection elevation.

(b) The fill shall be placed in layers no greater than six inches before compaction and should extend at least ten feet beyond the foundation before sloping below the flood protection elevation.

(c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap or other structural measure.

(d) The fill shall be composed of rock or soil and not incorporate debris or refuse materials.

(e) The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and, when necessary, stormwater management techniques such as swales or basins shall be incorporated.

(2) The building may be elevated in accordance with the following.

(a) The building or improvements shall be elevated on stilts, piles, walls or other foundation that is permanently open to floodwaters.

(b) The lowest floor, and all electrical, heating, ventilating, plumbing and air-conditioning equipment and utility meters, shall be located at or above the flood protection elevation.

(c) If walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of floodwaters. Designs must either be certified by a registered professional engineer or by having a minimum of one permanent opening on each wall no more than one foot above grade. The openings shall provide 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.

(d) The foundation and supporting members shall be anchored, designed and certified so as to minimize exposure to hydrodynamic forces such as currents, waves, ice and floating debris.

(e) The finished interior grade shall not be less than the finished exterior grade.

(f) All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage.

(g) Water and sewer pipes, electrical and telephone lines, submersible pumps and other service facilities may be located below the flood protection elevation, provided they are waterproofed.

(h) The area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space.

(C) Manufactured homes to be permanently installed on site shall be:

(1) Elevated to or above the flood protection elevation; and

(2) Anchored to resist flotation, collapse or lateral movement by being tied down in accordance with the rules and regulations for 210 ILCS 120, the State Mobile Home Tie-Down Act, issued pursuant to 77 Ill. Adm. Code 870.

(D) Travel trailers and recreational vehicles on site for more than 180 days shall meet the elevation requirements of division (c) above unless the following conditions are met.

(1) The vehicle must be either self-propelled or towable by a light duty truck. The hitch must remain on the vehicle at all times.

(2) The vehicle must not be attached to external structures such as decks and porches.

(3) The vehicle must be designed solely for recreation, camping, travel or seasonal use rather than as a permanent dwelling.

(4) The vehicles largest horizontal projections must be no larger than 400 square feet.

(5) The vehicle's wheels must remain on axles and be inflated.

(6) Air-conditioning units must be attached to the frame so as to be safe for movement out of the floodplain.

(7) Propane tanks, electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation.

(8) The vehicle must be licensed and titled as a recreational vehicle or park model.

(9) The vehicle must be either entirely supported by jacks rather than blocks or have a hitch jack permanently mounted, have the tires touching the ground and be supported by blocks in a manner that will allow the blocks to be easily removed by use of the hitch jack.

(E) (1) Non-residential buildings may be structurally dry floodproofed (in lieu of elevation), provided a registered professional engineer or architect certifies that:

(a) Below the flood protection elevation the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood;

(b) The building design accounts for flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy and the impact from debris and ice; and

(c) Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.

(2) Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this division (E).

(F) Garages or sheds constructed ancillary to a residential use may be permitted provided the following conditions are met:

(1) The garage or shed must be non-habitable;

(2) The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use;

(3) The garage or shed must be located outside of the floodway;

(4) The garage or shed must be on a single-family lot and be accessory to an existing principal structure on the same lot;

(5) Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage;

(6) All utilities, plumbing, heating, air-conditioning and electrical must be elevated above the flood protection elevation;

(7) The garage or shed must have at least one permanent opening on each wall no more than one foot above grade with one square inch of opening for every square foot of floor area;

(8) The garage or shed must be less than \$7,500 in market value or replacement cost, whichever is greater or less than 500 square feet;

(9) The structure shall be anchored to resist flotation and overturning;

(10) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers and the like) shall be stored above the flood protection elevation; and

(11) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.

(G) A building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met.

(1) The building must be designed and adequately anchored to resist flotation, collapse and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

(2) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one foot above grade.

(3) The interior grade of the crawlspace below the flood protection elevation must not be more than two feet below the lowest adjacent exterior grade.

(4) The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed four feet at any point.

(5) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.

(6) Positions of the building below the flood protection elevation must be constructed with materials resistant to flood damage.

(7) Utility systems within the crawlspace must be elevated above the flood protection elevation.

(Ord. 2009-05, passed 9-22-2009) Penalty, see § 152.99

§ 152.09 SUBDIVISION REQUIREMENTS.

(A) The County Board shall take into account flood hazards, to the extent that they are known, in all official actions related to land management use and development.

(B) New subdivisions, manufactured home parks, annexation agreements, planned unit developments and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protection standards of §§ 152.07 and 152.08 of this chapter. Any proposal for such development shall include the following data:

(1) The base flood elevation and the boundary of the floodplain (where the base flood elevation is not available from an existing

study, the applicant shall be responsible for calculating the base flood elevation);

(2) The boundary of the floodway when applicable; and

(3) A signed statement by a registered professional engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

(Ord. 2009-05, passed 9-22-2009)

§ 152.10 PUBLIC HEALTH AND OTHER STANDARDS.

(A) Public health standards must be met for all floodplain development. In addition to the requirements of §§ 152.07 and 152.08, the following standards apply.

(1) No development in the floodplain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of § 152.07.

(2) Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.

(3) Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into floodwaters.

(4) New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them, or contamination from them, during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.

(5) Critical facilities shall be protected to the 500-year flood elevation. In addition, all ingress and egress from any critical facility must be protected to the 500-year flood elevation.

(B) All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

(Ord. 2009-05, passed 9-22-2009) Penalty, see § 152.99

§ 152.11 CARRYING CAPACITY AND NOTIFICATION.

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

(B) In addition, the county shall notify adjacent communities in writing 30 days prior to the issuance of a permit for the alteration or relocation of the watercourse.

(Ord. 2009-05, passed 9-22-2009)

§ 152.12 VARIANCES.

(A) Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the County Engineer for a variance. The County Engineer shall review the applicant's request for a variance and shall submit its recommendation to the County Board. The County Board may attach such conditions to granting of a variance as it deems necessary to further the intent of this chapter.

(B) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:

(1) The development activity cannot be located outside the floodplain;

(2) An exceptional hardship would result if the variance were not granted;

(3) The relief requested is the minimum necessary;

(4) There will be no additional threat to public health or safety or creation of a nuisance;

(5) There will be no additional public expense for flood protection, rescue or relief operations, policing or repairs to roads, utilities or other public facilities;

(6) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and

(7) All other required state and federal permits have been obtained.

(C) The County Engineer shall notify an applicant in writing that a variance from the requirements of the building protection standards of § 152.08, that would lessen the degree of protection to a building will:

(1) Result in increased premium rates for flood insurance up to \$25 per \$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 the applicant acknowledge in writing the assumption

of the risk and liability.

(D) Variances to the building protection requirements of § 152.08 requested in connection with the reconstruction, repair or alteration of a site or building included on the National Register of Historic Places or the State Register of Historic Places may be granted using criteria more permissive than the requirements of § 152.10(A)(1) through (A)(5).

(Ord. 2009-05, passed 9-22-2009) Penalty, see § 152.99

§ 152.13 LIABILITY.

The degree of protection required by this subchapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by human-made or natural causes. This subchapter does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This chapter does not create liability on the part of the county or any officer or employee thereof for any flood damage that results from proper reliance on this chapter or any administrative decision made lawfully thereunder.

(Ord. 2009-05, passed 9-22-2009)

INSURANCE

§ 152.25 NATIONAL FLOOD INSURANCE PROGRAM; COMPLIANCE.

The County Board hereby:

(A) Assures, the Federal Insurance Administration that it will enact as necessary and maintain in force in those areas having flood, mudslide (i.e., mudflow) or flood-related erosion hazards, adequate land use and control measures with effective provisions with the criteria set forth in §§ 59 et seq. of the National Flood Insurance Program Regulations;

(B) Vests the County Engineer with the responsibility, authority and means to:

(1) Assist the Administrator, at his or her request, in the delineation of the limits of the area having special flood, mudslide or flood-related erosion hazards;

(2) Provide information the Administrator may request concerning present uses and occupancy of the floodplain, mudslide or flood-related erosion areas;

(3) Cooperate with federal, state and local agencies and private firms which undertake to study, survey, map and identify floodplain, mudflow or flood-related erosion areas and cooperate with neighboring communities with respect to management of adjoining floodplain, mudslide and/or flood-related erosion areas in order to prevent aggravation of existing hazards; and

(4) Submit, on forms provided by the Administrator, an annual report on the progress made during the past year within the community in the development and implementation of floodplain management measures.

(C) Upon occurrence, notifies the Administrator in writing whenever the boundaries of the community have been modified by annexation or the community has otherwise assumed or no longer has authority to adopt and enforce floodplain management regulations for a particular area. Include an accurate corporate limit map suitable for reproduction, clearly delineating the new corporate limits or new area for which the community has assumed or relinquished floodplain management regulatory authority. The community will use the flood insurance rate map or flood hazard boundary map published for the community from which land areas were annexed or from that political entity that previously has regulatory authority until the Administrator provides a map using the new corporate limits;

(D) Appoints the County Engineer to maintain for public inspection and to furnish upon request (for determining flood insurance premium rates), the following information on all new and substantially improved structures constructed within the identified special flood hazard area:

(1) The actual (as-built) lowest floor (including basement) elevation in relation to mean-sea-level;

(2) Any certificates of floodproofing;

(3) Whether or not a building has a basement; and

(4) For all floodproofed structures, the elevation to which the structure has been floodproofed.

(E) Agrees to take such other official action as may be reasonably necessary to carry out the objectives of the program.

(Res. 2007-07, passed 3-20-2007)

§ 152.99 PENALTY.

(A) Any person violating any provision of this chapter for which no specific penalty is prescribed shall be subject to § 10.99.

(B) (1) Failure to obtain a permit for development in the floodplain or failure to comply with the conditions of a permit or a variance shall be deemed to be a violation of §§ 152.01 through 152.13. Upon due investigation, the County Engineer may determine that a violation of the minimum standards of §§ 152.01 through 152.13 exists. The County Engineer shall notify the owner in writing of such violation.

(2) If such owner fails, after ten days notice, to correct the violation:

(a) The county shall make application to the Circuit Court for an injunction requiring conformance with §§ 152.01 through 152.13 or make such other order as the court deems necessary to secure compliance with §§ 152.01 through 152.13.

(b) Any person who violates this chapter shall, upon conviction thereof, be fined not less than \$50 nor more than \$500 or each offense.

(c) A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

(d) The county shall record a notice of violation on the title to the property.

(3) The County Engineer 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.

(4) Nothing herein shall prevent the county from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

(Ord. 2009-05, passed 9-22-2009)