

# Ogle County, Illinois

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## *Special Flood Hazard Areas Ordinance*

Ogle County Planning & Zoning Department  
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*Special Flood Hazard Areas Ordinance*  
**Ogle County, Illinois**

**DIVISION 18**  
***SPECIAL FLOOD HAZARD AREAS***

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- 14-18-1:       **PURPOSE:** This Chapter is enacted pursuant to the police powers to this County by Statutory Authority in 55 Illinois Compiled Statutes (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 building from flood damage;
  - C.       To protect human life and health from the hazards of flooding.
  - D.       To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged 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 flood blighted areas; and
  - F.       To make Federally subsidized flood insurance available for property in the County by fulfilling the requirements of the National Flood Insurance Program.

- G. To preserve the natural characteristics and functions of watercourses and flood plains in order to moderate flood and storm water impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.

14-18-2: **DEFINITIONS:** For the purposes of this Chapter the following definitions are adopted:

**Base Flood:** The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is also known as the one hundred (100) year flood. The base flood elevation at any location is defined in Section 14-18-4 of this Chapter.

**Building:** A structure that is principally above ground and is enclosed by walls and a roof. The term includes a gas or liquid storage tank, a manufactured home, or a prefabricated building. The term also includes recreational vehicles and travel trailers to be installed on a site for more than one hundred eighty (180) days.

**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:** Any man-made change to real estate, including:

- A. Demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
- B. Substantial improvement of an existing building;
- C. Installing a manufactured home on a site, preparing a site for manufactured home or installing a travel trailer on a site for more than one hundred eighty (180) days per year;
- D. Installing utilities, construction of roads, bridges, culverts or similar projects;
- E. Construction or erection of levees, dams, walls; or fences;
- F. Drilling, mining, filling, dredging, grading, excavating, paving or other alterations of ground surface.
- G. Storage of materials including the placement of gas and liquid storage tanks; and
- H. Channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

“Development” does not include routine maintenance of existing buildings and facilities such as re-roofing; re-surfacing 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 inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source. (12-22-87)

**Flood Fringe:** That portion of the flood plain outside of the regular floodway.

**Flood Insurance Rate Map (FIRM):** A map prepared by FEMA that depicts the flood plain or special flood hazard areas (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show base flood elevations.

**Flood Plain:** Those lands within the jurisdiction of the County that are subject to inundation by the base flood. The flood plains of the Elkhorn Creek, Buffalo Creek, Sevenmile Branch, Pine Creek, Leaf River, Mud Creek, Otter Creek, Mill Creek, East Fork Mill Creek, Middle Creek, Rock River, Stillman Creek, Black Walnut Creek, Kyte River, Kyte River Tributary, Kilbuck Creek, Kishwaukee River, Ryley Ditch, Clear Creek, Spring Creek, Silver Creek, Gale Creek and Spring Run are generally identified as such on the Flood Insurance Rate Map of Ogle County, IL prepared by the Federal Emergency Management Agency and dated April 5, 1988. Flood plain also includes those areas of known flooding as identified by the community. The terms “flood plain” and “special flood hazard area” as used herein are synonymous.

**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 the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.

**Flood Protection Elevation or FPE:** The elevation for the base flood plus one foot (1') at any given location in the SFHA.

**Floodway:** That portion of the SFHA required to store and convey the base flood. The floodway for SFHAs of Rock River, Kyte River, Kyte River Tributary, Stillman Creek, Mill Creek and Ryley Ditch shall be as delineated on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency dated April 5, 1988. The floodways for each of the remaining flood plains of Ogle County shall be according to the best data available from Federal, State and 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 the market value of the structure before the damage occurred.

**Riverine SFHA:** Any SFHA subject to flooding from a river, creek, intermittent stream, ditch, or any other identified channel. This term does not include areas subject to flooding from lakes (except public bodies of water), ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.

**Special Flood Hazard Areas or SFHA:** See definition of “flood plain”.

**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.

**Substantial Improvement:** Any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds 50 percent 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 Illinois Register of Historic Places.

**Travel Trailer (or Recreational Vehicle):** A vehicle which is:

- A. Built on a single chassis;
- B. 400 square feet or less in size;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

14-18-3: **DUTIES OF THE ZONING ADMINISTRATOR:** The Zoning Administrator shall be responsible for the general administration and enforcement of this Chapter, and ensure that all development activities within the flood plains under the jurisdiction of the County of Ogle meet the requirements of this Ordinance. Specifically, the Zoning Administrator shall:

- A. Process development permits in accordance with Section 5;
- B. Ensure that all development in a floodway (or a flood plain with no delineated floodway) meets the damage prevention requirements of Section 14-18-11;
- C. Ensure that the building protection requirements for all buildings subject to Section 14-18-12 are met and maintain a record of the "as-built" elevation of the lowest floor (including basement) or floodproof certificate;
- D. Assure that all subdivisions and annexations meet the requirements of Section 14-18-13;
- E. Ensure that water supply and waste disposal systems meet the Public Health

standards of Section 14-18-14;

- F. If a variance is requested, ensure that the requirements of Section 14-18-15 are met and maintain documentation of any variances granted;
- G. Inspect all development projects and take any and all actions outlined in Section 14-18-17 as necessary to ensure compliance with this ordinance;
- H. Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- I. Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- J. Provide information and assistance to citizens upon request about permit procedures and flood plain construction techniques;
- K. Cooperate with state and federal flood plain management agencies to coordinate base flood data and to improve the administration of this ordinance; and
- L. Maintain for public inspection base flood data, flood plain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this ordinance.
- M. Perform site inspections and make substantial damage determinations for structures within the flood plain.
- N. Maintain the accuracy of flood plain maps including notifying IDNR/OWR and/or submitting information to FEMA within 6 months whenever a modification of the flood plain may change the base flood elevation or result in a change to the flood plain map.

14-18-4: **BASE FLOOD ELEVATION:** 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 existing data with better data and submit it to the IDNR/OWR and the Federal Emergency Management Agency for approval prior to any development of the site.

- A. The base flood elevation of the SFHA's of the Rock River, Kyte River, Kyte River Tributary, Stillman Creek, Mill Creek and Ryley Ditch shall be as delineated on the one hundred (100) year flood profiles in the Flood Insurance Study of the County prepared by the Federal Emergency Management Agency and dated April 5, 1988.
- B. 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 County.
- C. The base flood elevation for each of the remaining SFHAs delineated as an "A Zone" on the Flood Insurance Rate Map of the County shall be according to the best data available from Federal, State or other sources. Should no other data

exist, an engineering study must be financed to determine base flood elevations.

14-18-5: **DEVELOPMENT PERMIT:** No person, firm, corporation, or governmental body not exempted by law shall commence any development in the SFHA without first obtaining a development permit from the Zoning Administrator. The Zoning Administrator shall not issue a development permit if the proposed development does not meet the requirements of this Chapter.

- A. 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 Section 14-18-12; and
  - 5. The cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.

B. Upon receipt of an application for a development permit, the Zoning Administrator shall compare the elevation of the site to the base flood elevation.

Any development located on land that can be shown by survey data to have been higher than the current base flood elevation and has not been filled after the date of the site's first Flood Insurance Rate Map (FIRM) identification is not located in the SFHA 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 ordinance. The Zoning Administrator shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.

C. The Zoning Administrator shall inform the applicant of any and all other local, State, and Federal permits that may be required for this type of development activity. The Zoning Administrator shall not issue the development permit unless all required Federal and State permits have been obtained.

14-18-6: **DEVELOPMENT PERMIT REQUIREMENTS:**

- A. All work performed under a development permit shall conform to the approved application and plans, and approved amendments thereto.

- B. A copy of the development permit shall be posted in a conspicuous place on the premises, in plain view from a public road, during the execution of the work and until completion of the same.
- C. A development permit under which no work is commenced within six (6) months after issuance shall expire by limitation, and a new development permit shall be secured before work is started.

14-18-7: **USE PERMITS:** It shall be unlawful to use or occupy any buildings or any development site or any part thereof hereafter constructed in the SFHA without first obtaining a use permit from the Zoning Administrator. A request for a use permit shall be submitted to the Zoning Administrator upon completion of the work authorized in the development permit issued for the project in question. If upon a review of the request, the Zoning Administrator finds compliance with this Chapter, a use permit shall be issued. If a review of the request reveals otherwise, a use permit may not be issued until all deficiencies are corrected and a proper request for a use permit is filed.

14-18-8: **CONSENT FOR INSPECTIONS:** All work for which a permit is required shall be subject to inspection by the Zoning Administrator or duly authorized representative. It shall be unlawful to refuse to permit the Zoning Administrator or the representative to enter such premises or structure at any reasonable time to make an inspection. It shall be unlawful to interfere with or hinder the Zoning Administrator or the representative when in the performance of their duties. Failure to comply with this provision may result in revocation of a permit.

14-18-9: **REVOCAION OF A PERMIT:** The Zoning Administrator may revoke a permit when there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit was based. The Zoning Administrator may revoke a permit when work is performed contrary to the provisions of the application or plans on which the permit is based. When a permit is revoked, the Zoning Administrator shall inform the permittee in writing of the specific steps the permittee must take in order to have the permit reissued. It shall be unlawful to continue any work authorized by a permit after revocation of that permit and until the permit is reissued or until a new permit is issued.

14-18-10: **FEES:** Fees for permits shall be as follows:

- A. For a use permit: No fee.
- B. For a development permit for clearing debris, demolishing buildings, or removing buildings out of the SFHA: No fee.
- C. For construction of a building valued at more than one hundred thousand dollars (\$100,000.00): One hundred dollars (\$100.00).
- D. For construction or reconstruction of a building valued at less than one hundred thousand dollars (\$100,000.00): Seventy five dollars (\$75.00).
- E. For improvements made to an existing building, for installing a manufactured home on a permanent site, and for any other development project: Fifty dollars (\$50.00).

14-18-11: **PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES:**

Within the floodway identified on the Flood Insurance Rate Map, and within all other flood plains where a floodway has not been delineated, the following standards shall apply:

- A. Except as provided in Section 14-18-11B, 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; and
  - 10. Bridge and culvert replacement structures and bridge widening meeting the conditions of IDNR/OWR Statewide Permit No. 12; and
  - 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 paragraph A, above, may be permitted only if:
  - 1. A permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); 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.

14-18-12: **PROTECTING BUILDINGS:**

- A. In addition to the damage prevention requirements of Section 14-18-11, all buildings located in the SFHA shall be protected from flood damage below the FPE. This building protection requirement applies to the following situations:
  1. Construction or placement of a new building valued at more than one thousand dollars (\$1,000.00) 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 DATE THE AMENDMENTS TO THIS ORDINANCE BECOME EFFECTIVE);
  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 this ordinance.
  4. Structural alterations made to an existing building that 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); and
  6. Installing a travel trailer or recreational vehicle on a site for more than 180 days per year.
  7. Repetitive loss to an existing building as defined in Section 14-18-2.
- B. This building protection requirement may be met by one of the following methods. The Zoning Administrator shall maintain a record of compliance with these building protection standards as required in Section 14-18-3 of this Chapter.
  1. A residential or nonresidential building may be constructed on permanent land fill in accordance with the following:
    - a. The fill shall be placed in layers no greater than six (6) inches deep before compaction and should extend at least ten feet beyond the foundation before sloping below the FPE. The fill shall be composed of rock or soil and not incorporate debris or refuse materials.
    - b. The lowest floor (including basement) shall be at or above the FPE.

- c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure. If vegetative cover is used, the slopes shall be no steeper than three (3) horizontal to one vertical.
  - d. The fill shall not adversely affect the flow of the surface drainage from or onto neighboring properties and when necessary, storm water management techniques such as swales or basins shall be incorporated.
2. A residential or nonresidential 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 flood waters; and
  - 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; and
  - 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 flood waters. Designs must either be certified by a registered professional engineer or by having a minimum of one permanent openings 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; and
  - d. The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to hydrodynamic forces such as current, waves, ice and floating debris; and
  - e. The finished interior grade shall not be less than the finished exterior grade; and
  - f. All structural components below the flood protection elevation shall be constructed of materials resistant to flood damage; and
  - 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; and
  - 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.
3. Manufactured homes to be permanently installed on a site for more than one hundred eighty (180) days shall be:

- a. Elevated at or above the FPE in accordance with Section 14-18-12B1 or B2; and
  - b. Anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 IL Administrative Code 870.
4. Travel trailers and recreational vehicles on site for more than 180 days shall meet the elevation requirements of Section 14-18-12B.3 unless the following conditions are met:
- a. The vehicle must be either self-propelled or towable by a light duty truck. The hitch must remain on the vehicle at all times; and
  - b. The vehicle must not be attached to external structures such as decks and porches; and
  - c. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling; and
  - d. The vehicle's largest horizontal projections must be no larger than 400 square feet; and
  - e. The vehicle's wheels must remain on axles and inflated; and
  - f. Air conditioning units must be attached to the frame so as to be safe for movement out of the flood plain; and
  - g. Propane tanks, electrical and sewage connections must be quick-disconnect and above the 100-year flood elevation; and
  - h. The vehicle must be licensed and titled as a recreational vehicle or park model; and
  - i. The vehicle must be either (a) entirely supported by jacks rather than blocks or (b) 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.
5. Only a non-residential building may be structurally dry floodproofed (in lieu of elevation) in accordance with the following:
- a. A registered professional engineer or architect shall certify that the building has been designed so that below the FPE 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 hydrodynamics forces, the effects of buoyancy, and impacts from debris or ice.

- b. Floodproofing measures will be incorporated into the building design and shall be operable without human intervention and without an outside source electricity.

Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.

- 6. Garages or sheds constructed ancillary to a residential use may be permitted provided the following conditions are met:
  - a. The garage or shed must be non-habitable; and
  - b. The garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use; and
  - c. The garage or shed must be located outside of the floodway; and
  - d. The garage or shed must be on a single family lot and be accessory to an existing principal structure on the same lot; and
  - e. Below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage; and
  - f. All utilities, plumbing, heating, air conditioning and electrical must be elevated above the flood protection elevation; and
  - g. 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; and
  - h. 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; and
  - i. The structure shall be anchored to resist floatation and overturning; and
  - j. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation; and
  - k. The lowest floor elevation should be documented and the owner advised of the flood insurance implications.
- 7. A building may be constructed with a crawlspace located below the flood protection elevation provided that the following conditions are met:
  - a. The building must be designed and adequately anchored to resist floatation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and

- b. 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; and
- c. The interior grade of the crawlspace below the flood protection elevation must not be more than 2 feet below the lowest adjacent exterior grade; and
- d. The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed 4 feet at any point; and
- e. 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; and
- f. Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage; and
- g. Utility systems within the crawlspace must be elevated above the flood protection elevation.

14-18-13: **OTHER DEVELOPMENT REQUIREMENTS:** 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.

- A. New subdivisions, manufactured home parks, travel trailer parks, annexation agreements, and planned unit developments (PUDs), and additions to manufactured home parks and subdivisions shall meet the requirements of Sections 14-18-11 and 14-18-12 of this Chapter. Any proposal for such development shall include the following data:
  - 1. The base flood elevation and the boundary of the flood plain (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 IL Compiled Statutes 205/2).

14-18-14 **PUBLIC HEALTH AND OTHER STANDARDS:**

- A. Public health standards must be met for all flood plain development. In addition to the requirements of Sections 6 and 7, the following standards apply:

1. No development in the flood plain shall include locating or storing chemicals, explosives, buoyant materials, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 7 of this ordinance.
2. Public utilities and facilities such as sewer, gas, and electric shall be located and constructed to minimize or eliminate flood damage;
3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters;
4. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the flood protection elevation shall be watertight.
5. 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.

14-18-15: **VARIANCES:** Whenever the standards of this Chapter place undue hardship on a specific development proposal, the applicant may apply to the Zoning Administrator for a variance. The Zoning Administrator 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.

- A. 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 SFHA;
  2. An exceptional hardship would result if the variance were not granted;
  3. The relief requested is the minimum necessary;
  4. There will be no additional threat to public health 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.

B. The Zoning Administrator shall notify an applicant in writing that a variance from the requirements of Section 14-18-12 that would lessen the degree of protection to a building will:

1. Result in increased premium rates for flood insurance up to amounts that may be as high as twenty five dollars (\$25.00) per one hundred dollars (\$100.00) 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.

C. Variances to the building protection requirements of Section 14-18-12 of this Chapter, requested in connection with the reconstruction, repair, or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of Section 14-18-15A.1-5.

14-18-16: **DISCLAIMER OF LIABILITY:** The degree of flood protection required by this Chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by man-made or natural causes. This Chapter does not imply that development either inside or outside of the SFHA 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 reliance on this Chapter or any administrative decision made lawfully thereunder.

14-18-17: **PENALTY:** Failure to obtain a permit for development in the SFHA or failure to comply with the requirements of a permit or conditions of a variance shall be deemed to be a violation of this Chapter. Upon due investigation the Zoning Administrator may determine that a violation of the minimum standards of this Chapter exist. The Zoning Administrator shall notify the owner in writing of such violation.

A. If such owner fails after ten (10) days' notice to correct the violation:

1. The County may make application to the circuit court for an injunction requiring conformance with this Chapter or make such other order as the court deems necessary to secure compliance with the Chapter.

2. Any person who violates this Chapter shall upon conviction thereof be fined not less than Fifty dollars (\$50.00) nor more than five hundred dollars (\$500.00).

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

4. The County of Ogle may record a notice of violation on the title to the property.

B. The Zoning Administrator shall inform the owner that any such violation is considered a willful act to increase flood damages and therefore may cause coverage by a standard flood insurance policy to be suspended.

C. 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.

14-18-18: **ABROGATION AND GREATER RESTRICTIONS:** This Chapter does not repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Chapter and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

14-18-19: **SEPARABILITY:** The provisions and sections of this Chapter shall be deemed separable and the invalidity of any portion of this Chapter shall not affect the validity of the remainder.