

TITLE 8
BUILDING AND DEVELOPMENT

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CHAPTER 1

BUILDING CODES

ARTICLE A. BUILDING CODE

SECTION:

8-1A-1: Code Adopted

8-1A-2: Amendments To Code

8-1A-1: **CODE ADOPTED:** That certain document, three (3) copies of which are on file in the office of the village clerk and the village, being marked and designated as the 2018 international building code, including appendix chapters C, E, H, I, J and K, as published by the International Code Council, Inc., is hereby adopted as the building code of the village for the control of buildings and structures as herein provided, and each and all of the regulations, provisions, penalties, conditions and terms of said building code are hereby referred to, adopted and made a part hereof as if fully set out in this article, with the additions, insertions, deletions and changes prescribed in section 8-1A-2 of this article (Ord. 2002-7, 4-22-2002, eff. 6-1-2002; amd. Ord. 2020-07-27(B), 07-27-2020)

8-1A-2: **AMENDMENTS TO CODE:** The following sections of the international building code, 2018 edition, are hereby revised:

Section 101.1. Insert: Village of Shabbona.
(Ord. 2002-7, 4-22-2002, eff. 6-1-2002)

Section 101.4.3 Plumbing. Replace International Plumbing Code with Illinois Plumbing Code. Replace International Private Sewage Disposal Code with Illinois Plumbing Code.
(Ord. 2020-07-27(B), 07-27-2020)

Section 101.4.6 Energy. Replace International Energy Conservation Code with Illinois Energy Conservation Code.
(Ord. 2020-07-27(B), 07-27-2020)

Section 105.2. Delete Building # 2. Modify # 6 to read:

1. One-story detached accessory structures (i.e. sheds) provided, that the floor area does not exceed 200 square feet. Accessory structures must still comply with zoning regulations such as setback requirements and easement restrictions.
2. The installation of a second layer of shingles or minor repair of roof shingles on any structure.
3. Retaining walls that are not over 4 feet in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge.
4. Water tanks supported directly upon if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed 2 to 1.
5. Sidewalks and patios.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Prefabricated swimming pools that are less than 24 inches deep.
8. Swings and other playground equipment.
9. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
10. Decks not exceeding 200 square feet in area, that are not more than 30 inches above at any point, are not attached to a dwelling and do not serve the exit door required by Section R311.4.
11. The replacement of doors and windows provided the size is not changed and a fire-resistance rating is not required.
(Ord. 2020-07-27(B), 07-27-2020)

Section 108.2. Insert: This schedule is stated in section 8-2-1 of the village code.

(Ord. 2002-7, 4-22-2002, eff. 6-1-2002; amd. 2009 Code)

Section 1101.1 Scope. Replace with: The provisions of the Illinois Accessibility Code shall control the design and construction of facilities for accessibility for individuals with disabilities.

(Ord. 2020-07-27(B), 07-27-2020)

Sections 1102 through 1111 shall be deleted in their entirety.

(Ord. 2020-07-27(B), 07-27-2020)

Section 1612.3.

Insert: Village of Shabbona.

Insert: (latest published edition).

(Ord. 2020-07-27(B), 07-27-2020)

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ARTICLE B. RESIDENTIAL CODE

SECTION:

8-1B-1: Code Adopted

8-1B-2: Amendments To Code

8-1B-1: **CODE ADOPTED:** That certain document, three (3) copies of which are on file in the office of the village clerk and the village, being marked and designated as the international residential code, 2018 edition, including appendix chapters A, B, C, D, E, F, G, H, J, and K, as published by the International Code Council, Inc., is hereby adopted as the code of the village for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of one- and two-family dwellings and townhouses not more than three (3) stories in height in the village, and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such international residential code, 2018 edition, on file in the office of the village are hereby referred to, adopted and made a part hereof as if fully set out in this article. (Ord. 2002-8, 4-22-2002, eff. 6-1-2002; amd. Ord. 2020-07-27(B), 07-27-2020)

8-1B-2: **AMENDMENTS TO CODE:** The following sections of the international residential code, 2018 edition, are hereby revised:

Section R101.1. Insert: Village of Shabbona.

Section R105.2. Delete Building # 2. Insert # 2 The installation of a second layer of shingles or minor repair of roof shingles. Modify # 5 to read: Sidewalks and patios. Insert # 11 The replacement of doors and windows provided the size is not changed and a fire-resistance rating is not required.

(Ord. 2020-07-27(B), 07-27-2020)

Table R301.2(1). Insert the following information.

Ground Snow Load	30 lbs/sq.ft.
Wind Design (Speed).....	115 mph
Wind Design (Topographic effects)	NO
Seismic Design Category	B
Subject to Damage from (Weathering)	Severe
Subject to Damage from (Frost line depth).....	42" below grade
Subject to Damage from (Termite)	Moderate to Heavy
Winter Design Temperature	-5 degrees F
Ice Barrier Underlayment Required	YES
Flood Hazards	NO
Air Freezing Index	2000
Mean Annual Temperature	48 degrees F
Elevation	758
Latitude	42
Winter heating	1
Summer cooling	88 degrees F
Altitude correction factor98
Indoor design temperature	72°F
Design temperature cooling	75°F
Heating temperature differential	(72)
Cooling temperature differential	15
Wind velocity heating	15
Wind velocity cooling	7 1/2
Coincident wet bulb.....	74
Daily range.....	M
Winter humidity	40
Summer differential	2.25

(Ord. 2002-8, 4-22-2002, eff. 6-1-2002; amd. Ord. 2020-07-27(B), 07-27-2020)

Section R313.2 One- and two- family dwellings automatic fire sprinkler systems, shall only apply to two-family dwellings.
(Ord. 2020-07-27(B), 07-27-2020)

Delete Chapters 11, 25-32, inclusive, in their entirety.
(Ord. 2020-07-27(B), 07-27-2020)

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ARTICLE C. ELECTRICAL CODES

SECTION:

8-1C-1: Codes Adopted

8-1C-1: **CODES ADOPTED:** Those certain documents, three (3) copies of which are on file in the office of the village clerk and the village, being marked and designated as the ICC international building code appendix k administrative provisions, 2018 edition, as published by the International Code Council, Inc., and the 2018 National Electrical Code (NFPA 70), as published by the National Fire Protection Association, are hereby adopted as the codes of the village for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of electrical systems in the village, and providing for the issuance of permits and collection of fees; and each and all of the regulations, provisions, conditions and terms of such ICC international building code appendix k administrative provisions, 2018 edition, and the 2017 national electrical code (NFPA 70) on file in the office of the village are hereby referred to, adopted and made a part hereof as if fully set out in this article. (Ord. 2002-9, 4-22-2002, eff. 6-1-2002; amd. Ord. 2020-07-27(B), 07-27-2020)

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ARTICLE D. MECHANICAL CODE

SECTION:

8-1D-1: Code Adopted

8-1D-2: Amendments To Code

8-1D-1: **CODE ADOPTED:** That certain document, three (3) copies of which are on file in the office of the village clerk and the village, being marked and designated as the international mechanical code, 2018 edition, including appendix chapter A, as published by the International Code Council, Inc., is hereby adopted as the code of the village for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the village, and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such international mechanical code, 2018 edition, on file in the office of the village are hereby referred to, adopted and made a part hereof as if fully set out in this article. (Ord. 2002-10, 4-22-2002, eff. 6-1-2002; amd. Ord. 2020-07-27(B), 07-27-2020)

8-1D-2: **AMENDMENTS TO CODE:** The following sections of the international mechanical code, 2018 edition, are hereby revised:

Section 101.1. Insert: Village of Shabbona.

Section 106.5.2. Insert: "section 8-2-1 of the village code".
(Ordinance 2020-07-27(B), 07-27-2020)

Section 106.5.3.#2. Insert: 0.
(Ordinance 2020-07-27(B), 07-27-2020)

Section 106.5.3.#3. Insert: 0.
(Ordinance 2020-07-27(B), 07-27-2020)

Section 108.4.

Insert: court-determined offense; \$500, 90.
(Ordinance 2020-07-27(B), 07-27-2020)

Delete: or by imprisonment not exceeding [number of days], or both such
fine and imprisonment.

Section 108.5. Insert: \$100, \$500.
(Ord. 2002-10, 4-22-2002, eff. 6-1-2002)

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ARTICLE E. PLUMBING CODE

SECTION:

8-1E-1: Code Adopted

8-1E-1: **CODE ADOPTED:** Those certain documents, three (3) copies of which are on file in the office of the village clerk and the village, being marked and designated as the Illinois state plumbing code, latest edition, published by the Illinois department of public health, are hereby adopted as the codes of the village for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the village, and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such Illinois state plumbing code, latest edition, on file in the office of the village are hereby referred to, adopted and made a part hereof as if fully set out in this article. (Ord. 2002-11, 4-22-2002, eff. 6-1-2002; amd. Ord. 2020-07-27(B), 07-27-2020)

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ARTICLE F. FIRE CODE

SECTION:

8-1F-1: Code Adopted

8-1F-2: Amendments To Code

8-1F-3: Storage Of Flammable Liquids And Gases

8-1F-1: **CODE ADOPTED:** That certain document, three (3) copies of which are on file in the office of the village clerk and the village, being marked and designated as the international fire code, 2018 edition, including appendix chapters C, D, E, F, and G, as published by the International Code Council, Inc., is hereby adopted as the code of the village for regulating and governing the safeguarding of life and property from fire and explosive hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the village, and providing for the issuance of permits for hazardous uses or operations; and each and all of the regulations, provisions, conditions and terms of such international fire code, 2018 edition, on file in the office of the village are hereby referred to, adopted and made a part hereof as if fully set out in this article. (Ord. 2002-12, 4-22-2002, eff. 6-1-2002; amd. Ord. 2020-07-27(B), 07-27-2020)

8-1F-2: **AMENDMENTS TO CODE:** The following sections of the international fire code, 2018 edition, are hereby revised:

Section 101.1. Insert: Village of Shabbona.

Section 110.4

Insert: court-determined offense; \$500, 90.

Delete: or by imprisonment not exceeding [number of days], or both such fine and imprisonment.

(Ord. 2020-07-27(B), 07-27-2020)

Section 112.4. Insert: \$50.00, \$750.00.

(Ord. 2020-07-27(B), 07-27-2020)

Section 1103.5.3. Insert: January 1, 2025.

(Ord. 2020-07-27(B), 07-27-2020)

8-1F-3: **STORAGE OF FLAMMABLE LIQUIDS AND GASES:** The limits referred to in certain sections of the 2000 international fire code are hereby established as follows:

Sections 5704.2.9.6.1, 5706.2.4.4, 5806.2, and 6104.2:

Insert: "All zoning districts except service retail and industrial."

(Ord. 2002-12, 4-22-2002, eff. 6-1-2002; amd. Ord. 2020-07-27(B), 07-27-2020)

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ARTICLE G. ENERGY CONSERVATION CODE

SECTION:

8-1G-1: Code Adopted

8-1G-1: **CODE ADOPTED:** That certain document, three (3) copies of which are on file in the office of the village clerk and the village, being marked and designated as the Illinois energy conservation code (71, as created by the Illinois Energy Efficient Building Act (20 ILCS 3125/)), is hereby adopted as the code of the village for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of the building envelope, mechanical, lighting and power systems in the village, and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such Illinois energy conservation code, (71, as created by the Illinois Energy Efficient Building Act (20 ILCS 3125/1)), on file in the office of the village are hereby referred to, adopted and made a part hereof as if fully set out in this article. (Ord. 2002-13, 4-22-2002, eff. 6-1-2002; amd. Ord. 2020-07-27(B), 07-27-2020)

CHAPTER 1

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ARTICLE H. PROPERTY MAINTENANCE CODE

SECTION:

8-1H-1: Code Adopted
8-1H-2: Amendments To Code

8-1H-1: **CODE ADOPTED:** That certain document, three (3) copies of which are on file in the office of the village clerk and the village, being marked and designated as the international property maintenance code, 2018 edition, as published by the International Code Council, Inc., is hereby adopted as the property maintenance code of the village for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said international property maintenance code, 2018 edition, are hereby referred to, adopted and made a part hereof as if fully set out in this article, with the additions, insertions, deletions and changes, if any, prescribed in section 8-1H-2 of this article. (Ord. 2002-14, 4-22-2002, eff. 6-1-2002; amd. Ord. 2020-07-27(B), 07-27-2020)

8-1H-2: **AMENDMENTS TO CODE:** The following sections of the international property maintenance code, 2018 edition, are hereby revised:

Section 101.1. Insert: Village of Shabbona.
(Ord. 2002-14, 4-22-2002, eff. 6-1-2002)

Section 103.5. Insert: "The schedule is in accordance with section 8-2-1 of the village code."
(Ord. 2002-14, 4-22-2002, eff. 6-1-2002; amd. 2009 Code; amd. Ord. 2020-07-27(B), 07-27-2020)

Section 112.4. Insert: \$50.00, \$750.00.
(Ordinance 2020-07-27(B), 07-27-2020)

Section 302.4. Insert: 10 inches.
(Ordinance 2020-07-27(B), 07-27-2020)

Section 304.14. Insert: March 31, October 31.
(Ordinance 2020-07-27(B), 07-27-2020)

Section 602.3. Insert: October 1, April 30.

Section 602.4. Insert: October 1, April 30.
(Ord. 2002-14, 4-22-2002, eff. 6-1-2002)

CHAPTER 1

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ARTICLE I. FUEL GAS CODE

SECTION:

8-11-1: Code Adopted

8-11-2: Amendments To Code

8-11-1: CODE ADOPTED: That certain document, three (3) copies of which are on file in the office of the village clerk and the village, being marked and designated as the international fuel gas code, 2018 edition, as published by the International Code Council, Inc., is hereby adopted as the code of the village for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of fuel gas systems in the village, and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such international fuel gas code, 2018 edition, on file in the office of the village are hereby referred to, adopted and made a part hereof as if fully set out in this article. (Ord. 2020-07-27(B), 07-27-2020)

8-11-2: AMENDMENTS TO CODE: The following sections of the international fuel gas code, 2018 edition, are hereby revised:

Section 101.1. Insert: Village of Shabbona.

Section 106.5.2. Insert: "section 8-2-1 of the village code".

Section 106.5.3. #2. Insert: 0.

Section 106.5.3. #3. Insert: 0.

Section 108.4. Insert: court-determined offense; \$500, 90.

Delete: or by imprisonment not exceeding [number of days], or both such fine and imprisonment.

Section 108.5. Insert: \$100, \$500.
(Ord. 2020-07-27(B), 07-27-2020)

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ARTICLE J. SWIMMING POOL AND SPA CODE

SECTION:

8-1J-1: Code Adopted
8-1J-2: Amendments To Code

8-1J-1: **CODE ADOPTED:** That certain document, three (3) copies of which are on file in the office of the village clerk and the village, being marked and designated as the international swimming pool and spa code, 2018 edition, as published by the International Code Council, Inc., is hereby adopted as the code of the village for providing the minimum standards to provide a reasonable level of safety and protection of health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location and maintenance or use of pools and spas, and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such international swimming pool and spa code, 2018 edition, on file in the office of the village are hereby referred to, adopted and made a part hereof as if fully set out in this article. (Ord. 2020-07-27(B), 07-27-2020)

8-1J-2: **AMENDMENTS TO CODE:** The following sections of the international swimming pool and spa code, 2018 edition, are hereby revised:

Section 101.1. Insert: Village of Shabbona.

Section 105.6.2. Insert: "section 8-2-1 of the village code".

Section 105.6.3. #2. Insert: 0.

Section 105.6.3. #3. Insert: 0.

Section 107.4. Insert: court-determined offense; \$500, 90.

Section 105.5. Insert: \$100, \$500.
(Ord. 2020-07-27(B), 07-27-2020)

CHAPTER 2

GENERAL BUILDING REGULATIONS

SECTION:

- 8-2-1: Building Permit Fees
8-2-2: Fire Limits

8-2-1: **BUILDING PERMIT FEES:**

- A. Permit Fee Schedule: Refer to current fee structure published annually by the Village of Shabbona.
- B. Failure To Pay Fee:
1. In the event that any building is undertaken with this chapter, then and in that event, the responsible owner or contractor, or both, shall be liable for a fee in double of the fees set forth in the Permit Fee Schedule.
 2. In the event that any building is undertaken without compliance with this chapter after thirty (30) days when notified of noncompliance, then and in that event, the responsible owner or contractor, or both, shall be liable for a fine of two hundred fifty dollars (\$250.00) per day of noncompliance, and a fee that is double the fees set forth in the Permit Fee Schedule.
 3. In the event that continued noncompliance necessitates litigation, the responsible owner or contractor, or both, shall be liable for court costs and attorney fees for the proceeding and a minimum fine of five hundred dollars (\$500.00), in addition to a fee that is double the fees set forth in the Permit Fee Schedule. (Ord. 2007-12-17(a); amd. Ord. 2020-07-27(B), 07-27-2020)

8-2-2: **FIRE LIMITS:** Boundaries Of Fire Limits: The fire limits of the village shall be all that part lying within the following limits:

Beginning at the Southwest corner of Lot Six (6) in Block Eighteen (18) of the original Village and running thence Easterly to the Southeast Corner of Lot Five (5) in Block Twenty (20) of the original Town; thence northerly along the East line of said Lot Five (5) and the same prolonged to the South line of the Chicago, Burlington and Quincy Railroad Company right of way; thence Westerly along the South line of said right of way to the Northwest corner of Lot Twelve (12) in Block Fifteen (15) in the original Village; thence Southerly along the East line of Nokomis Street to the place of beginning. (1995 Code ch. 18 § 1; amd. Ord. 2020-07-27(B), 07-27-2020)

CHAPTER 3

DANGEROUS BUILDINGS

SECTION:

8-3-1:	Definition
8-3-2:	Nuisance Declared
8-3-3:	Dangerous Building Prohibited
8-3-4:	Abatement Procedure
8-3-5:	Additional Enforcement Powers
8-3-6:	Penalty

8-3-1: **DEFINITION:** The term "dangerous buildings", as used in this chapter, is hereby defined to mean and include any building, shed, fence or other manmade structure which:

- A. Is dangerous to the public health because of its construction or condition, or which may cause or aid in the spread of disease or cause injury to the health of its occupants or of neighboring structures.
- B. Because of faulty construction, age, lack of proper repair or any other cause, is especially liable to fire and constitutes or creates a fire hazard.
- C. By reason of faulty construction, age, lack of proper repair or any other cause, is liable to cause injury or damage by collapsing or by a collapse or fall of any part of such a structure.
- D. Because of its condition or because of lack of doors or windows is available to and frequented by malefactors or disorderly persons who are not lawful occupants of such structure. (1995 Code ch. 27 § 1)

8-3-2: **NUISANCE DECLARED:** Any "dangerous building" in the village, as the term "dangerous building" is defined in section 8-3-1 of this chapter, is hereby declared to be a nuisance. (1995 Code ch. 27 § 2)

8-3-3: **DANGEROUS BUILDING PROHIBITED:** It shall be unlawful to maintain or permit the existence of any dangerous building in the village, and it shall be unlawful for the owner, occupant or person in custody of any dangerous building to permit the same to remain in a dangerous condition or to occupy such building or permit it to be occupied while it is or remains in a dangerous condition. (1995 Code ch. 27 § 3)

8-3-4: **ABATEMENT PROCEDURE:**

- A. Notice To Abate: Whenever the health inspector or any officer or employee of the village shall be of the opinion that any building or structure in the village is a dangerous building, he shall file a written statement to this effect with the village clerk. The clerk shall thereupon cause written notice to be served upon the owner thereof, and upon the occupant thereof, if any, by registered mail or by personal service. Such notice shall state that the building has been declared to be in a dangerous condition, and that such dangerous condition must be removed or remedied by repairing or altering the building or by demolishing it, and that the condition must be remedied at once. Such notice may be in the following form: (1995 Code ch. 27 § 4)

To _____ (owner-occupant of the premises) of the premises known and described as _____. You are hereby notified that (described building) on the premises above described has been condemned as a nuisance and a dangerous building after inspection by _____. The causes for this decision are (here insert the facts as to the dangerous condition.) You must remedy this condition or demolish the building immediately, or the village will proceed to do so.

- B. Failure To Abate; Abatement By Village: If the person receiving such notice has not complied therewith within fifteen (15) days from the time this notice is served upon such person by personal service or by registered mail, the village may, upon order of the circuit court, proceed to remedy the condition or demolish the dangerous building. (1995 Code ch. 27 § 4; amd. 2009 Code)
- C. Owner Unknown: If the owner of the premises concerned is unknown, or

if his address is unknown, service of any notice provided for in this chapter may be made by posting a copy thereof on the premises and by publishing one time a copy thereof in a newspaper of general circulation within the village. (1995 Code ch. 27 § 6; amd. 2009 Code)

8-3-5: ADDITIONAL ENFORCEMENT POWERS: In addition to the actions authorized by other sections of this chapter, the village official whose duty it is to investigate fires may make the investigations authorized by 425 Illinois Compiled Statutes 25/9, 25/9a, 25/9b and 25/9e. If such officer shall find that any building or structure is so occupied or situated as to endanger persons or property, or by reason of faulty construction, age, lack of repair or for any other cause is especially liable to fire, or is liable to cause injury by collapsing or otherwise, he shall order the dangerous condition removed or remedied and shall so notify the owner or occupant of the premises. Service of such notice may be in person or by registered mail, and any person so notified may appeal from the decision of such officer in the manner provided by law. (1995 Code ch. 27 § 7; amd. 2009 Code)

8-3-6: PENALTY: Any person, firm or corporation violating any provision of this chapter by permitting any building or structure to remain in a dangerous condition shall be fined as provided in section 1-4-1 of this code for each offense, and a separate offense shall be deemed committed on each day during or on which the violation occurs or continues. (1995 Code ch. 27 § 5; amd. Ord. 2001-3, 7-23-2001; 2009 Code)

CHAPTER 4

MOVING BUILDINGS

SECTION:

- 8-4-1: Permit Requirements
- 8-4-2: Procedures For Moving Buildings
- 8-4-3: Penalty

8-4-1: PERMIT REQUIREMENTS:

- A. Permit Required: No person, firm or corporation shall move any building on, through, or over any street, alley, sidewalk or other public place in the village without having obtained a permit therefor from the village board.
- B. Application For Permit: Applications for such permits shall be made in writing to the village clerk and shall state thereon the proposed route and the number of days it is intended that the building shall occupy any portion of any street, alley, sidewalk, or other public place. (1995 Code ch. 28 § 1)
- C. Approval Of Route; Fees: Upon approval of the intended route by the village board, a fee, to be determined by the village board, shall be paid to the village clerk and the permit issued. Additional payment, to be determined by the village board, for each day or fraction thereof over and above the time stated on the permit during which any building shall occupy any such public place shall be paid. (1995 Code ch. 28 § 2; amd. 2009 Code)
- D. Bond Requirements: Every person, firm or corporation applying for a permit under this chapter shall submit with his application a bond with a lawful corporate surety to be approved by the village board, conditioned on his compliance with all the provisions of this chapter, and agreeing to pay and holding the village harmless from any claim which may be made against the village by reason of the occupation of any street, alley, sidewalk or other public place by the building or structure moved. (1995 Code ch. 28 § 3)

8-4-2: PROCEDURES FOR MOVING BUILDINGS:**A. Lights And Warning Devices:**

1. Wherever a street or alley is blocked by a house or structure which is being moved, warnings to that effect shall be placed by the county sheriff's department so as to warn vehicles and persons from entering that portion of the street so blocked. (1995 Code ch. 28 § 4; amd. 2009 Code)

2. The person, firm or corporation moving any building through the streets shall keep warning signs and lanterns or lights on the building so as to guard against any person or vehicle colliding therewith. (1995 Code ch. 28 § 4)

B. Utility Wires Or Cables: Whenever it shall be necessary to interfere with wires or cables of a public utility in moving a building, the terms of any special or franchise ordinance governing shall apply, and the bond therein specified shall be given. If no such terms apply, then the mayor shall estimate the expense of fixing the wires and the bond to be given to cover such expense. (1995 Code ch. 28 § 5)**C. Fire Alarm Wires:** When any building being moved shall approach any fire alarm wire or pole which shall be endangered by the moving of such building or structure, it shall be the duty of the mover to notify the appropriate fire official at least six (6) hours before reaching such wire or pole so that they may be removed or cared for by village authorities. (1995 Code ch. 28 § 6; amd. 2009 Code)

8-4-3: PENALTY: Any person, firm or corporation violating any provision of this chapter shall be fined as provided in section 1-4-1 of this code for each offense, and a separate offense shall be deemed committed on each day during or on which a violation occurs or continues. (1995 Code ch. 28 § 7; amd. Ord. 2001-3, 7-23-2001; 2009 Code)

CHAPTER 5

PUBLIC OPEN SPACES; SCHOOL AND CIVIC CONTRIBUTIONS

SECTION:

- 8-5--1: Purpose
- 8-5--2: Definitions
- 8-5--3: Application And Interpretation Of Provisions
- 8-5--4: Contributions Required
- 8-5--5: Land Contribution
- 8-5--6: Cash In Lieu Of Land Contribution
- 8-5--7: Land And Cash Contribution
- 8-5--8: School Capital Improvement Contribution
- 8-5--9: Timing Of Cash Contributions
- 8-5-10: Fair Market Value
- 8-5-11: Estimated Population Density Formula
- 8-5-12: Public Open Space
- 8-5-13: Amending Tables, Fees And Cost Of Services
- 8-5-14: Appendix

8-5-1: **PURPOSE:** Residential development projected over the next several years will have a significant impact on the village and its infrastructure; the Shabbona fire protection district; the Shabbona public library; and the Indian Creek School District which provides education to the community students. This development will cause a greatly increased demand for services and facilities provided by these entities. The developers of new subdivisions and residents thereof will require the services of these entities prior to the time that tax revenues are generated by said subdivisions. The development projected will result in the disappearance of land available for schools and parks, and the price of the remaining land will, in all probability, increase faster than the borrowing capacity of the various taxing bodies responsible for providing these services. It is essential to the health, welfare and safety of the village that:

- A. Adequate land and facilities are available to provide village, educational, library, recreational and fire protection services.
- B. School sites be provided within the village in accordance with the criteria hereinafter set forth, which are consistent with the minimum school site

recommendations heretofore issued by Indian Creek School District, and that funds be provided to the village to defray a portion of the cost of new school construction.

- C. Park sites be provided within the village in accordance with the standards hereinafter set forth, which are consistent with the criteria for park land requirements as recommended by the village board of trustees. (Ord., 4-26-2004)
- D. Funds be provided to the village to help defray the increased cost of providing village services and fire protection in areas which are in the process of development with a high potential for theft and vandalism, unfinished streets that cause extraordinary wear and tear to emergency vehicles, and increased patrol requirements that will strain the manpower and vehicular resources of law enforcement agencies. (Ord., 4-26-2004; amd. 2009 Code)
- E. The combining of school sites with park sites to provide the maximum in educational and recreational services and facilities should be encouraged. (Ord., 4-26-2004)

8-5-2: **DEFINITIONS:** As used in this chapter, the following words and terms shall have the meanings ascribed to them in this section:

- | | |
|----------|--|
| BEDROOM: | A private room in a dwelling which is larger than one hundred (100) square feet in area, meets the bedroom egress requirements of the village of Shabbona building code, is separable from other rooms by a door or doorframe (frame that can be used for a standard door), does not have facilities or furnishings for cooking, eating or laundering, and is not solely a bathroom, a living room, a den/family room, a kitchen, a dining room, a laundry room or a utility room for central heating/cooling equipment. |
| CIVIC: | Refers to recreational facilities, the fire protection district, the village of Shabbona (public works and infrastructure), and the Shabbona public library. |
| DENSITY: | The numerical value which indicates the number of dwelling units per acre of a development. |

DWELLING UNIT:	One or more rooms in a building, or a portion of a room, designed, intended to be used, or actually used for occupancy by one family for living and sleeping quarters, and containing one kitchen only, and includes a mobile home, but not hotel or motel units.
NEW DEVELOPMENT OR DEVELOPMENT PROJECT OR SUBDIVISION OR PLANNED UNIT DEVELOPMENT:	Any project undertaken for the purpose of development, including, without limitation, a project involving the issuance of a permit for construction, reconstruction, or change of use, but not a project involving the issuance of a permit to operate or to remodel, rehabilitate, or improve an existing structure, nor the rebuilding of a structure destroyed or damaged by an act of God, nor the replacement of one mobile home with another on the same pad if no dwelling unit is added.
RESIDENTIAL DEVELOPMENT PROJECT:	Any development undertaken to create a new dwelling unit or units. (Ord., 4-26-2004)

8-5-3: APPLICATION AND INTERPRETATION OF PROVISIONS:

- A. Annexed Land: The dedications of land, or cash contributions in lieu thereof, required by this chapter shall also be required as a condition to the annexation of any land to the village, and provisions thereof shall be incorporated in any preannexation agreement governing such land.
- B. Conflicting Provisions: In the event of a conflict between the provisions of this chapter and the provisions of any other ordinance or resolution establishing or amending school and civic contributions, the provisions of this chapter shall govern. (Ord., 4-26-2004)

8-5-4: CONTRIBUTIONS REQUIRED: As a condition of approval of a development plan or plat, each owner or developer will be required to dedicate land for school sites and civic purposes, or cash contribution in lieu of actual land dedication, or a combination of both, at the option of the village. In addition, the developer will make a cash contribution to provide for construction (capital improvements) of adequate school and civic facilities. The developer shall conform to the requirements of this chapter. The location of the areas shall be referred to the plan commission in conjunction with the submittal of the preliminary plan, and the areas shall be appropriately marked on the plat prior to

approval of the plat. (Ord., 4-26-2004)

8-5-5: LAND CONTRIBUTION:

A. Criteria:

1. **Criteria For Requiring School Land Contribution:** The village board will require each subdivider and developer of land to donate land for school sites to serve the immediate and future needs of the residents of the parcel. Such contribution is necessary to ensure proper provision of school sites for persons who are expected to reside within the subdivision or development, which sites would otherwise have to be acquired at the expense of the general public, but whose utility would generally be limited to residents of the parcel.

a. Philosophy Of Acceptance:

(1) All elementary, junior high, and senior high schools shall be located to serve the greatest number of children possible within walking distance. Access shall be available on fully improved streets.

(2) Adjacent land use to the school site must be considered. School sites shall not serve as buffers between residential-commercial and residential-industrial use.

b. Calculating Requirement:

(1) The ultimate number of students to be generated by a subdivision or development shall bear directly upon the amount of land required to be dedicated for school sites.

(2) The land dedication requirement shall be determined by:

Step 1: See worksheet in subsection 8-5-14E of this chapter, using table B (subsection 8-5-14B of this chapter).

Step 2: Obtain the number of dwelling units planned for each type of unit listed in said table B (detached/attached apartments, bedrooms). Identify these values as number of units per type.

Step 3: For elementary school, find the number of children per unit in said table B that corresponds to the type of unit. Multiply that by the number of units per type of unit.

Step 4: Find the sum of children for all types and enter as total children for elementary school.

Step 5: Using "Table C, Base School Population And Site Size" (subsection 8-5-14C of this chapter), find the maximum number of acres of land per student for each school classification in column III. Multiply that value by the total obtained in step 4. This value is the total acres required for elementary school.

Step 6: Repeat steps 3 to 5 substituting junior high and high school where elementary school was used.

Step 7: Add the total acres for each school classification. This value is the total acres that will be required to be dedicated for school sites.

c. Location: The comprehensive school plan and/or the standards adopted by the affected school district shall be used as a guideline in locating sites. Variances in land uses could, however, change the locations and/or number of sites.

2. Criteria For Requiring Park Land Contribution: The village board will require each subdivider and developer of land to donate land for public open space and recreation purposes to serve the immediate and future needs of the residents of the parcel. The amount of land shall be determined on the basis of ten (10) acres per one thousand (1,000) persons calculated as provided in the column "Total Per Dwelling Unit" (last) in subsection 8-5-14B of this chapter.

B. Village Review Of Park Site Improvements: Prior to conveyance of a public open space site to the village, the subdivider or developer shall submit to the village board its plans for any improvements to be made to such park site. Conveyance of property required by this chapter to the village shall be subject to the subdivider's or developer's compliance with the public open space or school improvement plans as approved by the village board.

C. Environmental Quality:

1. Land to be dedicated for park sites shall be approved by the village according to its environmental quality, as well as its suitability for active and passive recreational activities. The land is to be dry and usable at all times and not subject to flooding or used as detention. No bogs or swamps shall be acceptable as required park sites. Lakes and native prairie wetlands shall not normally be acceptable, but may be approved by the village where the area offers an exceptional amenity or the chance to protect a significant natural resource. No site that has been part of an unlicensed landfill or a toxic waste dump shall be acceptable as required park acreage.

2. Every effort shall be made to conserve, for public use and enjoyment, those areas of significant natural and environmental value. Except in those specific areas designated by the village for development as playfields or other active areas, all trees, other plant materials, streams and other natural features shall be retained on land to be dedicated for park site use, unless specifically cited by the village for removal by the developer.

D. Improved Sites; Topography And Grading:

1. The slope, topography and geology of the site to be donated, as well as its surroundings, must be suitable for its intended purposes. Grading on sites dedicated for public open space or school uses shall not differ greatly from surrounding land. Before donation, all sites shall be improved as required under this chapter or acceptable provisions shall be made for such improvements before dedication.

2. All sites shall be dedicated in a condition ready for full service of electrical, water, sewer and streets (including enclosed drainage and curb and gutter) as applicable to the location of the site, or acceptable provision made therefor. The sidewalk and parkway improvements will be installed before final acceptance of public improvements.

E. Land Conveyance By Warranty Deed: The following requirements shall be provided prior to acceptance of any land to be dedicated or donated:

1. A current survey;

2. A title insurance commitment, acceptable to the village, in an amount no less than the fair market value of the land as determined by the village;

3. A warranty deed; and

4. A written statement from the grantor or developer stating that they shall be responsible for paying the real estate taxes on the land until an exemption is obtained.

- F. Reservation Of Additional Land: Where the comprehensive plan for the standards of the village call for a larger amount of park and recreational land or school sites in a particular subdivision or development than the developer is required to dedicate, the land needed beyond the developer's contribution shall be reserved for subsequent purchase by the village or other public entity designated by the village; provided, that such acquisition is made within one year from the date of approval of the final plat.
- G. Combining With Adjoining Developments: Where the subdivision or development is less than forty (40) acres, public open space or a school site which is to be dedicated should, where possible, be combined with dedications from adjoining developments in order to produce usable recreation areas or school sites without hardship on a particular developer. (Ord., 4-26-2004)

8-5-6: CASH IN LIEU OF LAND CONTRIBUTION:

- A. Where the development is small and the resulting site is too small to be practical, or when the available land is inappropriate for park and recreational purposes or a school site, the village shall require the subdivider or developer to pay a cash contribution in lieu of the land dedication required. The cash contribution in lieu of park and recreation land dedication shall be held in trust by the village, or other public entity designated by the village, solely for the acquisition of park and recreation land as hereinbefore classified, which will be available to serve the immediate or future needs of the residents of that subdivision or development or for the improvement of other existing local park and recreation land which already serves such needs.
- B. The cash contributions in lieu of school sites shall be held in trust by the village, or other public entity designated by the village, solely for use in the acquisition of land for a school site to serve the immediate or future needs of children from that subdivision or development, or for the improvement to any existing school site which already serves such needs, or for the improvement or use of any school site specifically and uniquely attributable to the proposed subdivision or development. If any portion of cash contribution in lieu of park and recreation land dedication, or cash contribution in lieu of school site, is not expended for the

purposes set forth herein within twenty (20) years from the date of receipt, it shall be refunded to the developer who made such contribution.

- C. Prior to distribution of any funds under this chapter to a public entity, the public entity shall give to the village a hold harmless and indemnification, indemnifying the village from any and all causes of action or other liability that may arise on account of the distribution or an expenditure of the funds by the public entity, which shall be in the form of exhibit A as follows:

Exhibit A

**AGREEMENT REGARDING THE RECEIPT OF
OWNER/DEVELOPER CASH AND/OR IMPACT FEE**

WHEREAS, the Village of Shabbona, Illinois, on behalf of itself, its officers, employees and independent contractors (the "Village"), through its ordinances, resolutions, or through the provisions of its annexation agreements may require that owners, developers and/or subdividers make contributions to the Village, that the Village, in turn, may make available for other government bodies that are affected by the residential improvements; and

WHEREAS, such contributions may be in land or in dollars or impact fees and, then transformed or paid over to those government bodies, inure to the benefit of those government bodies and not entirely to the direct benefit of the Village; and

WHEREAS, from time to time within the Village and within other municipalities, disputes may have arisen regarding the validity of the required contribution and the amount of such contributions; and

WHEREAS, the Village is willing, at its discretion, to seek the contribution of land, money, or impact fees (the latter due to annexation of residential development) but wishes to procure a commitment from other government bodies benefited by the receipt of such contributions that those government bodies will acknowledge that: (a) the requirement that such contributions (fees) be made are totally within the discretion of the Village as to their existence, manner and amount; (b) the other government body that benefits from the contribution will pay the cost of defending any lawsuit that is filed challenging the

legal basis for the contribution and/or the appropriate amount of the contributions, the time at which they are to be made or any other aspect of the contributions; and (c) that benefiting government body will comply with the terms of a final and nonappealable judicial determination by a court of competent jurisdiction rendered in connection with any such lawsuit; and

WHEREAS, the Village is willing, in its discretion, to pay over or require contributions only to governmental bodies that execute this Agreement.

NOW, THEREFORE, IT IS AGREED between the Village on behalf of itself and its officers, employees, and independent contractors, and _____, a government body within the State of Illinois (Benefitting Government), and in consideration of obtaining land or money or of negotiating impact fees and the likelihood of the transferring of money (fees) or the transfer of land to the Benefitting Government, which the Village from time to time may within its discretion cause to be made by developers and/or subdividers, the Benefitting Government does agree, as follows:

1. The Benefitting Government acknowledges that, except when and as otherwise in the Village's ordinances or resolutions and/or annexation agreements, the Village is not obligated to cause the payment of land or money or impact fees to the Benefitting Government. The Benefitting Government recognizes that the Village may, at its sole discretion, amend its ordinances or resolutions, or may, with the consent of the other parties, enter into or amend annexation agreements or its practices to discontinue the payment of subdivision or development contributions to the Benefitting Government.

2. A. In the event a lawsuit is filed against the Village, the Benefitting Government and/or others by an owner, subdivider or developer or any other person, corporation or entity that challenges the legal basis for appropriateness, amount, timing or any other aspect of a subdivision and/or development and/or impact fee contribution that, pursuant to the terms of the Village's ordinances or resolutions or annexation agreement(s), has been paid or is due to the Benefitting Government, then the Benefitting Government does agree to pay the costs and litigation expenses (including reasonable

attorney fees) incurred in defending such lawsuit. The costs and expenses shall be paid on a monthly basis by the Benefitting Government. As a condition precedent to the payment of these costs and expenses, the Village shall submit to the Benefitting Government copies of the original statements reflecting the costs and expenses, together with the supporting documentation that may be reasonably requested by the Benefitting Government.

B. The Village covenants and agrees that it shall employ competent and skilled legal counsel to represent the Benefitting Government and the Village, and further covenants and agrees that it shall keep the Benefitting Government fully advised as to the progress and status of the litigation. In addition, if the Benefitting Government decides that it would prefer to be represented in the litigation by legal counsel of its own choosing, then the Benefitting Government shall be free to retain its own legal counsel for that purpose and to intervene in the litigation. In the event the Benefitting Government shall intervene in the litigation, this Agreement shall remain in full force and effect.

3. In the event that a final and nonappealable judicial determination is made by a court of competent jurisdiction that contributions of land or money received by the Benefitting Government are, in whole or in part, excessive, not within the lawful terms of an annexation agreement, or not authorized by law, the Benefitting Government shall promptly repay to the person who procures such a judgment, together with all other amounts judged by the court to be owing. Provided, however, that in the event that a judicial determination should require the payment of damages or for the attorney fees of the plaintiff's attorneys, in addition to the return of contributions held to be excessive, the Benefitting Government shall pay all additional amounts in the same manner as is provided in paragraph 2-A.

4. In further consideration of the continued likelihood or payment by the Village to the Benefitting Government of the subject contributions of land or money or impact fees, the Benefitting Government agrees that its obligations under paragraphs 2 and 3 of this Agreement shall extend to both past and future cash and land contributions.

5. On or before June 1st of each year, every Benefitting Government that receives payments from the Village under this Agreement shall submit a report to the Village describing the manner in which the payments have been used. When this Agreement provides that money turned over to the Benefitting Government is to be used for a specific purpose or within a specific time period, the report shall address those issues. If the Benefitting Government should fail to file such a report with the Village, the Village may delay the payment of any additional funds due the Benefitting Government until such time as a full report containing adequate information is transmitted to the Village.

6. This Agreement shall be terminated by either party for any reason, or no reason at all upon 30 days' written notice to the other party evidencing the intention to terminate this Agreement. However, the termination of this agreement shall not affect the continuing obligation of the Benefitting Government or the Village with regard to claims or damages allegedly arising out of the Village's efforts prior to termination to negotiate for collection or the actual collection of subdivision or development contributions or impact fees.

DATED this _____ day of _____, 20_____.

VILLAGE OF SHABBONA BENEFITTING GOVERNMENT

Mayor

Title _____

Village Clerk

Secretary

(Ord., 4-26-2004)

8-5-7: **LAND AND CASH CONTRIBUTION:** There may be situations in subdivisions or development when a combination of land dedication and a cash contribution in lieu of land are both advisable. These occasions will arise when:

- A. Only a portion of the land to be developed is proposed as the location for a park or school site. That portion of the land within the subdivision falling within the park or school location shall be dedicated as a site as aforesaid, and a cash contribution in lieu thereof shall be required for any

additional land that would have been required to be dedicated; and/or

- B. A major part of the local park or recreation site or school site has already been acquired, and only a small portion of land is needed from the development to complete the site. The remaining portions shall be required by dedication, and a cash contribution in lieu thereof shall be required. (Ord., 4-26-2004)

8-5-8: **SCHOOL CAPITAL IMPROVEMENT CONTRIBUTION:** The village board will require each subdivider and developer of land to donate cash in addition to land or cash in lieu of land donations expressly for the purpose of school building construction. Donations will be based on subsection 8-5-14D, "Table D, School Capital Improvement Contribution", of this chapter. The amount shown in column 3 (contribution) is for a single dwelling unit. (Ord., 4-26-2004)

8-5-9: **TIMING OF CASH CONTRIBUTIONS:** Cash contributions shall be made at the time building permits are issued. In the event a subdivider or developer files a written request to make payment at some time other than at the issuance of building permits, the village board will consult the school district and make a final determination of a payment schedule. Alternative payment schedules shall always precede the issuance of building permits. (Ord., 4-26-2004)

8-5-10: **FAIR MARKET VALUE:** The cash contribution in lieu of land shall be based on the fair market value of the acres of land as improved, that otherwise would have been dedicated as park and recreation or school sites. Subsection 8-5-14A, "Table A, Fair Market Value", of this chapter, shall be used in making any calculation herein unless the subdivider or developer files a written objection thereto. In the event of any such objection, the subdivider or developer shall submit an appraisal showing the fair market value of such improved land or other evidence thereof, and final determination of said fair market value per acre of such improved land shall be made by the village board based upon such information from other sources which may be submitted to the village board by the school district or others. (Ord., 4-26-2004)

8-5-11: **ESTIMATED POPULATION DENSITY FORMULA:** Subsection 8-5-14B, "Table B, Estimated Ultimate Population", of this chapter, is generally indicative of current and short range projected trends in family size for new construction and shall be used in calculating the amount of required dedication of acres of land or the cash contributions in lieu thereof, unless a written

objection is filed thereto by the subdivider or developer. In the event a subdivider or developer files a written objection to the table of estimated ultimate population per dwelling unit listed herein, he shall submit his own demographic study showing the estimated additional population. In that event, final determination of the density formula to be used in such calculations shall be made by the village board based upon such demographic information submitted by the subdivider or developer and from other sources which may be submitted to the village board by the school district or others. (Ord., 4-26-2004)

8-5-12: **PUBLIC OPEN SPACE:**

A. Design Standards And Requirements:

1. Public open space provides an orientation hierarchy and communal structure to a neighborhood. The series of specialized open spaces described herein are integral to the neighborhood environment. "Open space" is defined as all areas not covered by buildings or parking lots, streets, required setbacks, easements or golf courses.

2. Open space shall be planned and improved, accessible and usable by persons living nearby. "Improved" shall mean cleared of underbrush and debris, graded, landscaped, and may contain one or more of the following improvements: gazebos, benches, walls, fences, fountains, statues, memorials, ball fields, and/or play equipment. Walls and fences shall be made of stone masonry, wrought iron, or wood and shall not exceed four feet (4') in height; except, that fences used in conjunction with ball fields may be of chainlink construction and may exceed four feet (4') in height. Playground equipment, statues, memorials and fountains should be located towards the center of squares and parks.

3. Except for greenways and parkways, required open space shall be located at, or adjacent to, the higher residential densities in the neighborhood.

B. Types Of Open Spaces: The open spaces in the village fall into eight (8) types that are defined as follows:

1. Playground:

a. Playgrounds provide sunny and shaded play areas for children, as well as open shelter with benches for adults.

b. Playgrounds may be built within squares and parks or may

stand alone within a residential block.

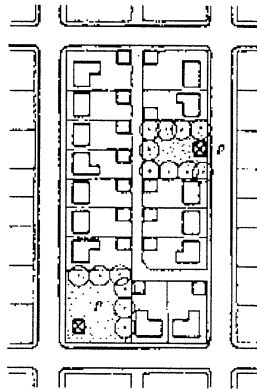
c. Playgrounds shall be fenced, securable and illuminated if not part of a square or park.

d. The minimum size for a playground shall be eight thousand (8,000) square feet; the maximum size for a playground shall be fifteen thousand (15,000) square feet.

e. There should be a playground within six hundred feet (600') of every residence.

f. Playgrounds may be covered in sand, crushed stone or other surface approved by the village.

g. Trees shall be planted along the perimeter of a playground. Trees shall be between fifteen (15) and forty feet (40') on center. Trees shall limb up to a minimum of fifteen feet (15') at maturity. Tree planting required along the perimeter of a playground is in addition to trees required to be planted in the adjacent public right of way.



2. Close:

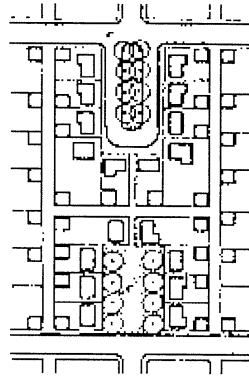
a. A "close" is a front space for buildings interior to the block.

b. A close may be pedestrian or it may have a roadway loop around a green area within the roadway.

c. The minimum width of a close must coincide with emergency vehicle turning standards.

d. Trees shall be planted along the perimeter of a close. Trees shall be spaced between fifteen feet (15') and forty feet (40') on center.

Trees shall limb up to a minimum of fifteen feet (15') at maturity. Tree planting required along the perimeter of a close is in addition to trees required to be planted in the adjacent public right of way.



3. Square:

a. "Squares" are green spaces, which are inherently civic in nature. They are the setting for civic buildings and monuments, located either at their centers or edges. Formal tree planting maintains spatial definition of the square. Squares should be maintained to a higher standard than playgrounds and parks. Squares are areas for passive recreational use.

b. Attached squares shall be bounded by streets on a minimum of three (3) sides or seventy five percent (75%) of their perimeter. Detached squares are entirely bounded by streets.

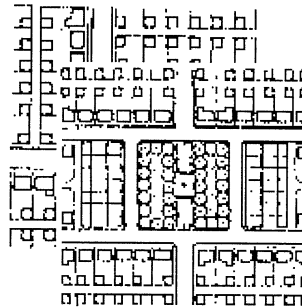
c. The recommended minimum size of a square shall be twenty thousand (20,000) square feet; the recommended maximum size shall be two (2) acres.

d. Squares may be entirely paved or partially paved in crushed gravel, brick pavers, or similar material.

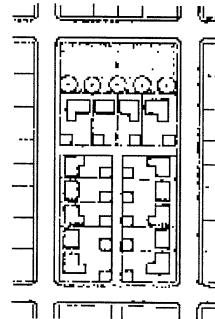
e. Areas not landscaped shall be landscaped.

f. Squares shall have trees planted parallel to all rights of way with not less than two (2) tree species a minimum of ten feet (10') and maximum of thirty feet (30') on center. Trees shall limb up to a minimum

of fifteen feet (15') at maturity. Tree planting required along the perimeter of a square is in addition to trees required to be planted in the adjacent public right of way.



Detached



Attached

4. Parks:

a. Parks may be designed for passive and/or active recreational use.

b. Parks shall be bounded by public streets on a minimum of fifty percent (50%) of their perimeter. Parks are encouraged to be entirely bounded by streets.

c. The minimum size shall be one acre; the maximum size shall be five (5) acres. The maximum park size may exceed five (5) acres if, through design, the park creates a central open space which serves an entire neighborhood or group of neighborhoods, or incorporates physical features which are an asset to the community, e.g., a lake or river frontage, high ground, significant stand of trees.

d. Trees shall be planted along all rights of way with not less than two (2) tree species a minimum of ten feet (10') and maximum of thirty feet (30') on center. Interior areas shall remain natural, and any additional plantings shall be informal in design. Tree planting required along the perimeter of a park is in addition to tree planting required in the adjacent public right of way. Promenades and esplanades within a park may be formally planted with trees parallel to the walkway. Interior portions of the park are encouraged to be kept free of plantings. Areas for active use and any facilities which accompany such use shall have a tree planting design which integrates the structures into the park and defines the areas set aside for active recreation use from areas of passive use. Plantings in the interior portions of the park are encouraged to follow topographical lines. There shall be no area within a park of undergrowth or limbs lower than twelve feet (12') from the ground.

5. Green:

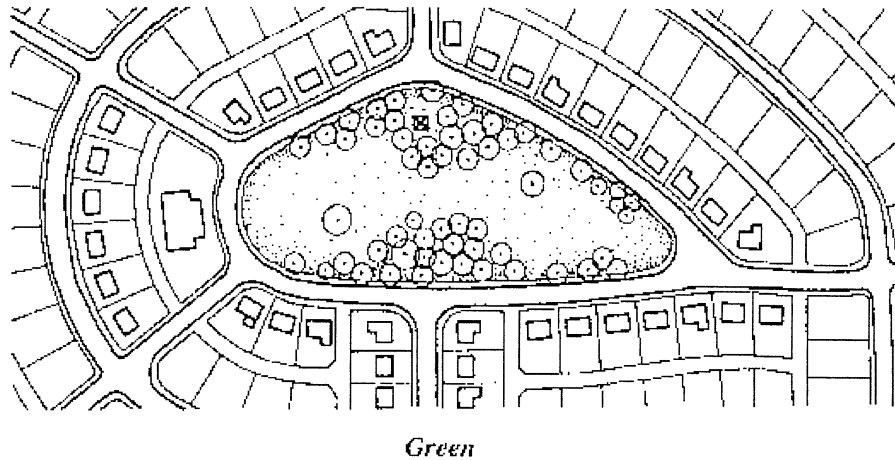
a. Like a square, a green is small, civic, and surrounded by buildings. Unlike a square, a green is informally planted and may have an irregular topography.

b. Greens are usually landscaped with trees at the edges and sunny lawns at the center.

c. Greens should contain no structures other than benches, pavilions and memorials.

d. Paths are optional.

e. Tree planting required in the public right of way along a green shall be provided as required.



6. Parkway:

a. "Parkways" are open spaces designed to incorporate natural settings such as creeks and significant stands of trees within neighborhoods.

b. Parkway are to be entirely bounded by streets or pedestrian rights of way within developed areas.

c. Parkway differ from parks and squares in that their detailing is natural, i.e., informally planted, except along rights of way, and may contain irregular topography.

d. Parkway may be used for certain active recreational uses such as walking, jogging, or bicycling.

e. Trees shall be planted along all rights of way with not less than two (2) tree species a minimum of ten feet (10') and maximum of thirty feet (30') on center. Interior areas shall remain natural, and any additional plantings shall be informal in design. Tree planting required along the perimeter of a parkway is in addition to required tree planting in the adjacent public right of way.

7. Greenbelt:

a. Greenbelts run along any waterways, or along the perimeter of

a neighborhood or the village, and serve to buffer a neighborhood from surrounding noncompatible uses, such as a highway corridor or industrial district, or a neighborhood from agricultural areas or adjacent neighborhoods.

b. Greenbelts are left in a natural state and are not for recreational purposes.

c. There is no tree planting requirement along the perimeter of greenbelts. Tree planting required in the public right of way along greenbelts shall be provided as required.

8. Buffer: The buffer has the basic elements of a green with the added purpose of buffering the impact of traffic from a highway or boulevard. (Ord., 4-26-2004)

8-5-13: **AMENDING TABLES, FEES AND COST OF SERVICES:** It is recognized that population density, age distribution, land value, the cost of providing park, school and municipal services, construction costs and other local conditions change over the years. Therefore, the specific formula for the dedication of land or the payment of fees in lieu thereof, the required contribution for school construction, police, fire, library and administrative services, and the fair market value of land in and around the village shall be reviewed regularly and amended if necessary. To that end, all of these values shall be contained in and referred to in subsection 8-5-14F of this chapter which summarizes the contributions required by the developer. (Ord., 4-26-2004)

8-5-14

8-5-14

8-5-14:**APPENDIX:**

A.Table A, Fair Market Value:

TABLE A
CALCULATING FAIR MARKET VALUE

Based On Lot Size And Amount Of Land Used For Infrastructure

Fair market value = Present cost of lot in Shabbona x lots per acre (infrastructure factored in) x 50 percent

Average Lot Size Of Development	Lots Per Acre If Infrastructure 10 Percent	Fair Market Value Per Acre	Lots Per Acre If Infrastructure 15 Percent	Fair Market Value Per Acre	Lots Per Acre If Infrastructure 20 Percent	Fair Market Value Per Acre	Lots Per Acre If Infrastructure 25 Percent	Fair Market Value Per Acre
15,000	2.61	\$52,272.00	2.47	\$49,368.00	2.32	\$46,464.00	2.18	\$43,560.00
14,500	2.70	54,074.00	2.55	51,070.00	2.40	48,066.00	2.25	45,062.00
14,000	2.80	56,006.00	2.64	52,894.00	2.49	49,783.00	2.33	46,671.00
13,500	2.90	58,080.00	2.74	54,853.00	2.58	51,627.00	2.42	48,400.00
13,000	3.02	60,314.00	2.85	56,963.00	2.68	53,612.00	2.51	50,262.00
12,500	3.14	62,726.00	2.96	59,242.00	2.79	55,757.00	2.61	52,272.00
12,000	3.27	65,340.00	3.09	61,710.00	2.90	58,080.00	2.72	54,450.00
11,500	3.41	68,181.00	3.22	64,393.00	3.03	60,605.00	2.84	56,817.00

Average Lot Size Of Development	Lots Per Acre If Infrastructure 10 Percent	Fair Market Value Per Acre	Lots Per Acre If Infrastructure 15 Percent	Fair Market Value Per Acre	Lots Per Acre If Infrastructure 20 Percent	Fair Market Value Per Acre	Lots Per Acre If Infrastructure 25 Percent	Fair Market Value Per Acre
11,000	3.56	71,280.00	3.37	67,320.00	3.17	63,360.00	2.97	59,400.00
10,500	3.73	74,674.00	3.53	70,526.00	3.32	66,377.00	3.11	62,229.00
10,000	3.92	78,408.00	3.70	74,052.00	3.48	69,696.00	3.27	65,340.00
9,500	4.13	82,535.00	3.90	77,949.00	3.67	73,364.00	3.44	68,779.00
9,000	4.36	87,120.00	4.11	82,280.00	3.87	77,440.00	3.63	72,600.00
8,500	4.61	92,245.00	4.36	87,120.00	4.10	81,995.00	3.84	76,871.00

8-5-14

Square feet per acre = 43,560

8-5-14

Percent Used For Infrastructure	Square Feet Used For Infrastructure	Square Feet Available For Building
10	4,356	39,204
15	6,534	37,026
20	8,712	34,848
25	10,890	32,670

Average

Lots Sold In Shabbona In 2003
\$42,000.00
40,000.00
38,000.00
40,000.00

Example:

Development lot size = 15,000 square feet

20% used for infrastructure

$43,560 - 8,712 (20\%) = 34,848$

$34,848 / 15,000 = 2.32 \text{ lots/acre}$

\$40,000.00 cost of lot in Shabbona

$\$40,000.00 \times 2.32 \times 0.5 = \$46,464.00$

TABLE B
TABLE OF ESTIMATED ULTIMATE POPULATION PER DWELLING UNIT

Type Of Unit	Children Per Unit						
	Preschool 0-4 Years	Elementary Grades K-5 5-10 Years	Junior High Grades 6-8 11-13 Years	Total K-8 5-13 Years	High School Grades 9-12 14-17 Years	Adults 18 Years And Over	Total Per Dwelling Unit
Detached single-family:							
2 bedroom	0.113	0.136	0.048	0.184	0.02	1.7	2.017
3 bedroom	0.292	0.369	0.173	0.542	0.184	1.881	2.899
4 bedroom	0.418	0.53	0.298	0.828	0.36	2.158	3.764
5 bedroom	0.283	0.345	0.248	0.593	0.3	2.594	3.77
Attached single-family:							
1 bedroom	0	0	0	0	0	1.193	1.193
2 bedroom	0.064	0.088	0.048	0.136	0.038	1.752	1.99
3 bedroom	0.212	0.234	0.058	0.292	0.059	1.829	2.392
4 bedroom	0.323	0.322	0.154	0.476	0.173	2.173	3.145
Apartments:							
Efficiency	0	0	0	0	0	1.294	1.294

Type Of Unit		Children Per Unit						Total Per Dwelling Unit
		Preschool 0-4 Years	Elementary Grades K-5 5-10 Years	Junior High Grades 6-8 11-13 Years	Total K-8 5-13 Years	High School Grades 9-12 14-17 Years	Adults 18 Years And Over	
1 bedroom		0	0.002	0.001	0.003	0.001	1.754	1.758
2 bedroom		0.047	0.086	0.042	0.128	0.046	1.693	1.914
3 bedroom		0.052	0.234	0.123	0.357	0.118	2.526	3.053

Note: There are only 3 significant categories provided in the above chart. Because of the similarity of yields of all types of attached single-family dwelling units, only 1 category is provided. The same is true with apartments; thus, only 1 category. Because of the relatively short history of some newer types of detached and attached single-family units, individual evaluations may be necessary.

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TABLE C
TABLE OF BASE SCHOOL POPULATION AND SITE SIZE

	I	II	III
School Classification By Grades	Maximum Number Of Students For Each Such School Classification	Maximum Number Of Acres Of Land For Each School Site Of Such Classification	Maximum Number Of Acres Of Land Per Student For Each School Classification
Elementary schools, grades kindergarten through 5th (K-5)	600 students	13 acres	0.02167
Junior high schools, grades 6th through 8th (6-8)	900 students	24 acres	0.02667
High schools, grades 9th through 12th (9-12)	2,300 students	48 acres	0.02087

Note: These figures are from the state school superintendent office.

TABLE D
SCHOOL CAPITAL IMPROVEMENT CONTRIBUTION

School Type	Square Feet Per Student	Cost Per Square Foot	Regional Adjustment Factor	Adjusted Cost Per Square Foot
Elementary school	100	\$ 92.60	0.99	\$ 9,167.40
Middle school	120	105.43	0.99	12,525.08
High school	140	106.25	0.99	14,726.25

Note: Square feet per student, cost per square foot and regional adjustment factor provided by the Indian Creek School District; 0.4 multiplier determined by the village board.

Dwelling Type	Elementary School		Junior High School		High School		Total (Sum Of 3 Costs)	Contribution (Total x 0.40)
	Students ¹ Per Dwelling	Cost Per Dwelling	Students ¹ Per Dwelling	Cost Per Dwelling	Students ¹ Per Dwelling	Cost Per Dwelling		
Detached dwelling unit:								
2 bedroom	0.136	\$1,246.77	0.048	\$ 601.20	0.020	\$ 294.53	\$ 2,142.50	\$ 857.00
3 bedroom	0.369	3,382.77	0.173	2,166.84	0.184	2,709.63	8,259.24	3,303.70
4 bedroom	0.530	4,858.72	0.298	3,732.48	0.360	5,301.45	13,892.65	5,557.06
5 bedroom	0.345	3,162.75	0.248	3,106.22	0.300	4,417.88	10,686.85	4,274.74

8-5-14	Elementary School		Junior High School		High School			8-5-14
Dwelling Type	Students ¹ Per Dwelling	Cost Per Dwelling	Students ¹ Per Dwelling	Cost Per Dwelling	Students ¹ Per Dwelling	Cost Per Dwelling	Total (Sum Of 3 Costs)	Contribution (Total x 0.40)
Attached dwelling unit (duplex):								
2 bedroom	0.088	806.73	0.048	601.20	0.038	559.60	1,967.53	787.01
3 bedroom	0.234	2,145.17	0.058	726.45	0.059	868.85	3,740.48	1,496.19
4 bedroom	0.322	2,951.90	0.154	1,928.86	0.173	2,547.64	7,428.41	2,971.36

Cost per dwelling = students per dwelling times adjusted cost per square foot

Note:

1.From "Table Of Estimated Ultimate Population Per Dwelling Unit".

(Ord., 4-26-2004; amd. 2009 Code)

WORKSHEET FOR CALCULATING LAND TO BE CONTRIBUTED FOR SCHOOLS

Elementary School	(A)	(B)	(C)	(D)	
Type Of Unit	Units Planned	Children Per Unit Table B	Total Children Per Type (A x B)	Use Table C, Base School Population And Site Size	
Detached single-family bedroom 2				Maximum number of acres of land per student for each school classification from table column III	Total acres elementary school (C x D)
Detached single-family bedroom 3					
Detached single-family bedroom 4					
Detached single-family bedroom 5					
Attached single-family bedroom 2					
Attached single-family bedroom 3					
Attached single-family bedroom 4					

8-5-14 bedroom					8-5-14
Apartments, 1 bedroom					
Apartments, 2 bedroom					
Apartments, 3 bedroom					
Total children for elementary school					

8-5-14

8-5-14

Junior High School			(A)	(B)	(C)	(D)	
Type Of Unit			Units Planned	Children Per Unit Table B	Total Children Per Type (A x B)	Use Table C, Base School Population And Site Size	
Detached bedroom	single-family	2				Maximum number of acres of land per student for each school classification from table column III	Total acres junior high school (C x D)
Detached bedroom	single-family	3					
Detached bedroom	single-family	4					
Detached bedroom	single-family	5					
Attached bedroom	single-family	2					
Attached bedroom	single-family	3					
Attached bedroom	single-family	4					
Apartments, 1 bedroom							

8-5-14					8-5-14
Apartments, 2 bedroom					
Apartments, 3 bedroom					
Total children for middle school					

8-5-14

8-5-14

High School	(A)	(B)	(C)	(D)	
Type Of Unit	Units Planned	Children Per Unit Table B	Total Children Per Type (A x B)	Use Table C, Base School Population And Site Size	
Detached single-family bedroom 2				Maximum number of acres of land per student for each school classification from table column III	Total acres high school (C x D)
Detached single-family bedroom 3					
Detached single-family bedroom 4					
Detached single-family bedroom 5					
Attached single-family bedroom 2					
Attached single-family bedroom 3					
Attached single-family bedroom 4					
Apartments, 1 bedroom					

8-5-14					8-5-14
Apartments, 2 bedroom					
Apartments, 3 bedroom					
Total children for high school					
Total acres to be dedicated, sum of elementary, junior high and high schools					

F. Summary Of Contributions Required By Developer:

1. School land contributions (subsection 8-5-5A1 of this chapter):

Use worksheet E (subsection E of this section)

Use table B (subsection B of this section) to determine population

Use table C (subsection C of this section) for calculating land required

2. Park land contributions (subsection 8-5-5A2 of this chapter): Ten (10) acres per one thousand (1,000) persons.

3. Cash in lieu of land (section 8-5-6 of this chapter): Use table A (subsection A of this section) to calculate fair market value.

4. School capital improvement contributions (section 8-5-8 of this section): Use table D in subsection D of this section, amount in column 3 is for a single dwelling unit. (Ord., 4-26-2004)

CHAPTER 6

DEVELOPMENT IN FLOODPLAIN AREAS

SECTION:

- 8-6--1: Authority And Purpose
- 8-6--2: Definitions
- 8-6--3: Duties Of Village Inspector
- 8-6--4: Base Flood Elevation
- 8-6--5: Development Permit
- 8-6--6: Preventing Increased Flood Heights And Damages
- 8-6--7: Protecting Buildings
- 8-6--8: Subdivision And Other Development Requirements
- 8-6--9: Variances
- 8-6-10: Disclaimer Of Liability
- 8-6-11: Abrogation And Greater Restrictions
- 8-6-12: Violations; Penalties

8-6-1: **AUTHORITY AND PURPOSE:** This chapter is enacted pursuant to the police powers granted to the village by 65 Illinois Compiled Statutes 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2 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 taxpayer 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; and

F. To make federally subsidized flood insurance available. (Ord., 8-28-2000)

8-6-2: **DEFINITIONS:** For the purpose 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 100-year flood. The base flood elevation at any location is as defined in this section.

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 aboveground and is enclosed by walls and a roof including manufactured homes and prefabricated buildings. The term also includes recreational vehicles and travel trailers to be installed on a site for more than one hundred eighty (180) days.

DEVELOPMENT: A. Any manmade change to real estate including, but not necessarily limited to:

1. Construction, reconstruction, or placement of a building, or any addition to a building, exceeding seventy (70) square feet in floor area;

2. Substantial improvement of an existing building;

3. 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 one hundred eighty (180) days;

4. Installation of utilities, construction of roads, bridges, culverts or similar projects;

5. Construction or erection of levees, dams, walls, or fences;

6. Drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;

7. Storage of materials including the placement of gas and liquid storage tanks; and

8. Channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

B. "Development" does not include 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:	That portion of the floodplain outside of the regulatory floodway.
FLOOD MAP:	A map prepared by the federal emergency management agency that depicts the floodplain or special flood hazard area (SFHA) within the village.
FLOOD PROTECTION ELEVATION OR FPE:	The elevation of the base flood plus one foot (1') of freeboard at any given location in the floodplain.
FLOODPLAIN AND SPECIAL FLOOD HAZARD AREA (SFHA):	Terms are synonymous. Those lands within the jurisdiction of the village that are subject to inundation by the base flood. The floodplains of the village are generally identified as such on the flood map of the village prepared by the federal emergency management agency. The floodplains of those parts of unincorporated DeKalb County that are within the extraterritorial jurisdiction of the

village or that may be annexed into the village are generally identified as such on the flood map prepared for DeKalb County by the federal emergency management agency.

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.
FLOODWAY:	That portion of the floodplain required to store and convey the base flood. The floodways for each of the floodplains of the village shall be according to the best data available from 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.
SFHA:	See definition of Floodplain And Special Flood Hazard Area (SFHA).
SUBSTANTIAL IMPROVEMENT:	A. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either: 1) before the improvement or repair is started; or 2) if the structure has been damaged and is being restored, before the damage occurred.

B. "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.

C. The term "substantial improvement" 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. Four hundred (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.
(Ord., 8-28-2000)

8-6-3: **DUTIES OF VILLAGE INSPECTOR:** The inspector, a person or firm as determined by the village board, shall be responsible for the general administration of this chapter and ensure that all development activities within the floodplains under the jurisdiction of the village meet the requirements of this chapter. Specifically, the inspector shall: (Ord., 8-28-2000; amd. 2009 Code)

A. Process development permits in accordance with section 8-6-5 of this chapter;

- B. Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of section 8-6-6 of this chapter;
- C. Ensure that the building protection requirements for all buildings subject to section 8-6-7 of this chapter 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 8-6-8 of this chapter;
- E. If a variance is requested, ensure that the requirements of section 8-6-9 of this chapter are met and maintain documentation of any variances granted;
- F. Inspect all development projects and take any and all actions outlined in section 8-6-12 of this chapter as necessary to ensure compliance with this chapter;
- G. Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- H. Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- I. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- J. Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this chapter; and
- K. 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. (Ord., 8-28-2000)

8-6-4: **BASE FLOOD ELEVATION:** This chapter's protection standard is the base flood. The best available base flood data are listed in this section. Whenever a party disagrees with the best available data, the party may finance

the detailed engineering study needed to replace the existing data with better data and submit said data to the federal emergency management agency for approval. The base flood elevation for each of the floodplains delineated as an "A zone" on the flood map of the village 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. (Ord., 8-28-2000)

8-6-5: DEVELOPMENT PERMIT:

- A. Permit Required; Compliance With Provisions: No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the floodplain without first obtaining a development permit from the inspector. The inspector shall not issue a development permit if the proposed development does not meet the requirements of this chapter.
- B. Application For Permit: The application for 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; and
 - 4. The elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of section 8-6-7 of this chapter.
- C. Review Of Information: Upon receipt of an application for a development permit, the inspector 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 base flood elevation as of the date of the site's first flood insurance rate map identification is not in the floodplain and, therefore, not subject to the requirements of this chapter. The inspector 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., 8-28-2000)

8-6-6: PREVENTING INCREASED FLOOD HEIGHTS AND DAMAGES: Within the village floodplains, the following standards shall apply:

- A. Except as provided in subsection B of this section, 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, nonobstructive 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. Any development determined by IDNR/OWR to be located entirely in a flood fringe area.
- B. Other development activities not listed in subsection A of this section 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. (Ord., 8-28-2000)

8-6-7: PROTECTING BUILDINGS:

A. Application Of Provisions: In addition to the damage prevention requirements of section 8-6-6 of this chapter, all buildings to be 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 one thousand dollars (\$1,000.00);
2. Substantial improvements made to an existing building;
3. Structural alterations made to an existing building that increase the floor area by more than twenty percent (20%);
4. 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
5. Installing a travel trailer on a site for more than one hundred eighty (180) days.

B. Residential And Nonresidential Buildings:

1. Residential or nonresidential buildings can meet the building protection requirements by one of the following methods:

a. The building may be constructed on permanent land fill in accordance with the following:

- (1) The lowest floor (including basement) shall be at or above the

flood protection elevation;

(2) The fill shall be placed in layers no greater than one foot (1') before compaction and should extend at least ten feet (10') beyond the foundation before sloping below the flood protection elevation;

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

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

(5) 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; or

b. The building may be elevated in accordance with the following:

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

(2) 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;

(3) 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 (1') 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;

(4) 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;

(5) The finished interior grade shall not be less than the finished

exterior grade;

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

(7) 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

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

2. a. Nonresidential buildings may be structurally dry floodproofed (in lieu of elevation), provided a registered professional engineer or architect certifies that:

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

(2) 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

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

b. Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection B2.

C. Manufactured Homes And Travel Trailers: Manufactured homes, or travel trailers to be installed on site for more than one hundred eighty (180) days, 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 the Illinois mobile

home tie down act¹ issued pursuant to 77 Illinois administrative code 870.
(Ord., 8-28-2000)

8-6-8: SUBDIVISION AND OTHER DEVELOPMENT REQUIREMENTS:

- A. The village 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 sections 8-6-6 and 8-6-7 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 Illinois Compiled Statutes 205/2.
- C. Public health standards must be met for all floodplain development. In addition to the requirements of sections 8-6-6 and 8-6-7 of this chapter, 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 storage tank or floodproofed building constructed according to the requirements of section 8-6-7 of this chapter.
 - 2. Public utilities and facilities such as sewer, gas, and electric shall be

1. 210 ILCS 120/1 et seq.

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 aboveground openings located below the flood protection elevation shall be watertight.

- D. All other activities defined as "development" shall be designed so as not to alter flood flows or increase potential flood damages. (Ord., 8-28-2000)

8-6-9: **VARIANCES:**

- A. Authority: Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the zoning board for a variance. The zoning board shall review the applicant's request for a variance and shall submit its recommendation to the village board. The village board may attach such conditions to the granting of a variance as it deems necessary to further the intent of this chapter.

- B. Standards For Variance Request: No variance shall be granted unless the applicant demonstrates that:

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. Effects And Risks Of Approved Variances: The zoning board shall notify an applicant in writing that a variance from the requirements of the building protection standards of section 8-6-7 of this chapter that would lessen the degree of protection to a building will:

1. Result in increased premium rates for flood insurance up to twenty five dollars (\$25.00) for 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.

D. Historic Landmarks: Variances to the building protection requirements of section 8-6-7 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 subsections B1 through B5 of this section. (Ord., 8-28-2000)

8-6-10: **DISCLAIMER OF LIABILITY:** The degree of 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 manmade or natural causes. This chapter 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 village or any officer or employee thereof for any flood damage that results from proper reliance on this chapter or any administrative decision made lawfully hereunder. (Ord., 8-28-2000)

8-6-11: **ABROGATION AND GREATER RESTRICTIONS:** This chapter repeals and replaces other ordinances adopted by the village board to fulfill the requirements of the national flood insurance program. However, this chapter does not repeal the original resolution or ordinance adopted to achieve eligibility

in the program; nor does this chapter repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this chapter and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord., 8-28-2000)

8-6-12: VIOLATIONS; PENALTIES:

- A. Determination Of Violation; Notice: 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 this chapter. Upon due investigation, the inspector may determine that a violation of the minimum standards of this chapter exists. The inspector shall notify the owner in writing of such violation.
- B. Penalties: If such owner fails, after ten (10) days' notice, to correct the violation:
 - 1. The village shall 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 herewith; (Ord., 8-28-2000)
 - 2. Any person who violates this chapter shall, upon conviction thereof, be fined as provided in section 1-4-1 of this code; and (Ord., 8-28-2000; amd. Ord. 2001-3, 7-23-2001; 2009 Code)
 - 3. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
- C. Notice Of Possible Insurance Cancellation: The inspector 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.
- D. Other Actions: Nothing herein shall prevent the village 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., 8-28-2000)