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City Clerk
116 E. Market Street
Troy, Illinois 62294



Ordinance No. 2023 – 49

AN ORDINANCE Amending Title XV: Land Usage and
Creating Chapter 157: Floodplain Management,
Sections 157.01 – 157.99 of the Troy Municipal Code

ADOPTED BY THE CITY COUNCIL
OF THE CITY OF TROY, ILLINOIS

THIS 18TH DAY OF SEPTEMBER, 2023

Whereas, the corporate authorities of the City of Troy adopted a Code of Ordinances and have made revisions thereto; and

Whereas, the City of Troy pursuant to the police powers granted to by the Illinois Municipal Code (65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8 and 5/11-31-2), wishes to establish eligibility in the National Flood Insurance Program and in order to do so must meet the requirements of 60.3 (a) of the National Flood Insurance Program Regulations; and

Whereas, the corporate authorities deem it to be in the best interests of the City to establish rules and regulations for floodplain management throughout the City of Troy.

Now, Therefore, Be It Ordained by the Mayor and the City Council of the City of Troy, Illinois as follows:

SECTION 1: The facts and statements contained in the preamble to this Ordinance are found to be true and correct and hereby adopted as part of this Ordinance.

SECTION 2: The Troy Municipal Code, Title XV: Land Usage, Chapter 157: Floodplain Management, Sections 157.01-157.99 shall be created to read in its entirety, as follows:

FLOODPLAIN MANAGEMENT

§ 157.01 PURPOSE.

This chapter is enacted pursuant to the police powers granted to the city by the Illinois Municipal Code (65 ILCS 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 lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, as well as flood rescue and relief operations;
- (D) To maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- (E) To make federally subsidized flood insurance available, and
- (F) To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and stormwater impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits, and enhance community and economic development.

§ 157.02 DEFINITIONS.

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

BASE FLOOD. The flood having a one percent probability of being equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in § 157.03.

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

BUILDING. A walled and roofed building, including a gas or liquid storage tank that is principally above ground, including manufactured homes and prefabricated buildings. The term also includes recreational vehicles and travel trailers installed on a site for more than 180 days per year.

DEVELOPMENT. Any man-made change to real estate including:

- (1) Construction, reconstruction, repair, or placement of a building or any addition to a building,
- (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 180 days per year;
- (4) Installation of utilities, construction of roads, bridges, culverts, or similar projects;
- (5) Demolition of a building, redevelopment of a site, or clearing of land as an adjunct of construction;
- (6) Construction or erection of fences, levees, dams, walls, or channel modifications;
- (7) Filling, dredging, grading, excavating, paving, drilling, mining, or other alterations of the ground surface;
- (8) Storage of materials including the placement of gas and liquid storage tanks, and any other activity that might change the direction, height, or velocity of flood or surface waters;
- (9) Or any other activity of man that might change the direction, height, or velocity of flood or surface waters, including extensive vegetation removal.

DEVELOPMENT does not include resurfacing roads; or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

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

FLOODPLAIN and **SPECIAL FLOOD HAZARD AREA** are synonymous. Those lands within the jurisdiction of the city, the extraterritorial jurisdiction of the city or that may be annexed into the city that are subject to inundation by the base flood. The floodplains of the city are generally identified as such on the countywide flood insurance rate map of the county prepared by the Federal Emergency Management Agency.

FLOODPROOFING. Any combination of structural and nonstructural additions, changes, or adjustments to buildings that reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, buildings and their contents.

MANUFACTURED HOME. A building, transportable in one or more sections, which is built on a permanent chassis and is designated for use with or without a permanent foundation when attached to the required utilities. The term manufactured home does not include a recreational vehicle.

NEW CONSTRUCTION. Buildings for which the start of construction commenced or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such buildings.

STRUCTURE. The results of a man-made change to the land constructed on or below the ground, including a building or any addition to a building; installing utilities, construction of roads or similar projects; construction or erection of levees, walls, fences, bridges or culverts; drilling, mining, filling, dredging, grading, excavating; and the storage of materials.

SUBSTANTIAL DAMAGE. Damage of any origin sustained by a building whereby the cost of restoring the building to its before damage condition would equal or exceed 50% of the market value of the building before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination.

SUBSTANTIAL IMPROVEMENT. Any reconstruction, rehabilitation, addition, or improvement of a building, the cost of which equals or exceeds 50 percent of the market value of the building before the start of construction of the improvement or repair is started, "Substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include either (1) any project for improvement of a building 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 building listed on the National Register of Historic Places or the Illinois Register of Historic Places.

§ 157.03 BASE FLOOD ELEVATION.

This chapter's protection standard is the base flood. The best available base flood data are listed below. Whenever a party disagrees with the best available data, the party may finance the detailed engineering study needed to replace the existing data with better data and submit it to the Federal Emergency Management Agency for approval.

- (A) The base flood elevation for the floodplains of the Canteen Creek, Wendell Branch, Mill Creek, Silver Creek, North Fork Mill Creek or other floodplains of the city shall be as delineated on the 100-year flood profiles in the Countywide Flood Insurance Study prepared by the Federal Emergency Management Agency.
- (B) The base flood elevation for each of the remaining floodplains delineated as an "A Zone" on the Countywide Flood Insurance Rate Map 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.

§ 157.04 DUTIES OF THE BUILDING & ZONING ADMINISTRATOR.

The Building & Zoning Administrator shall be responsible for the general administration of this chapter and ensure that all development activities under the jurisdiction of the City of Troy meet the requirements of this chapter. The Building & Zoning Administrator shall be responsible for receiving applications and examining the plans and specifications for the application. The Building & Zoning Administrator shall require any additional measures which are necessary to meet the minimum requirements of this chapter.

§ 157.05 FLOODPLAIN DEVELOPMENT PERMIT.

No person, firm, corporation, or governmental body not exempted by state law shall commence any development activity in the floodplain, as defined, without first obtaining a floodplain development permit from the Building & Zoning Administrator. The Building & Zoning Administrator shall only issue a floodplain development permit for development activities, including new construction and substantial improvements, which meet the requirements of this chapter.

§ 157.06 REVIEW OF PERMIT APPLICATION.

The Building & Zoning Administrator shall review all permit applications to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is in a flood prone area, all new construction and substantial improvements (including the placement of manufactured homes) shall be:

- (A) Designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure;
- (B) Constructed with materials resistant to flood damage;
- (C) Constructed by methods and practices that minimize flood damage;
- (D) Constructed with electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during flooding;
- (E) Above flood elevation.

§ 157.07 REVIEWS OF SUBDIVISION PROPOSALS

The Building & Zoning Administrator shall review subdivision proposals and other proposed new development to determine whether such proposals will be reasonably safe from flooding. If a subdivision proposal or other proposed new development is in a flood prone area, any such proposals shall be reviewed to assure that:

- (A) All such proposals are consistent with the need to minimize flood damage within the flood prone area,
- (B) All public utilities and facilities, such as sewer, gas, electrical, and water systems are located and constructed to minimize or eliminate flood damage, and
- (C) Adequate drainage is provided to reduce exposure of flood hazards.

§ 157.08 WATER SUPPLY SYSTEMS.

The Building & Zoning Administrator shall require within flood prone areas that new and replacement water supply systems be designed to minimize or eliminate infiltration of flood waters into the systems.

§ 157.09 SANITARY SEWAGE AND WASTE DISPOSAL SYSTEMS.

The Building & Zoning Administrator shall require within flood prone areas:

- (A) New and replacement sanitary sewage systems be designed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters and
- (B) On-site waste disposal systems to be located to avoid impairment to them or contamination from them during flooding.

§ 157.10 ANNEXATIONS AND EXTRATERRITORIAL JURISDICTION

The City may not approve any development located in a Special Flood Hazard Area outside the corporate limits unless such development or plat is in accordance with the following:

- (A) A floodplain ordinance legally adopted by the City of Troy that meets the minimum federal, state, and local requirements for development within a Special Flood Hazard Area.
- (B) The Special Flood Hazard Areas of those parts of unincorporated Madison County that are within the extraterritorial jurisdiction of the City of Troy or that may be annexed into the City of Troy are generally identified as such on the Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.

§ 157.11 VARIANCES.

Whenever the standards of this chapter place undue hardship on a specific development proposal, the applicant may apply to the Zoning Hearing Officer for a variance. The Zoning Hearing Officer shall review the applicant's request for a variance and shall submit their written decision to the City Council. The City Council may attach such conditions to granting of a variance as it deems necessary to further the intent of this chapter.

- (A) No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
 - (1) The development activity cannot be located outside the 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 streambeds and banks, roads, utilities, or other public facilities.
 - (6) The circumstances of the property are unique and do not establish a pattern inconsistent with the intent of the NFIP.
 - (7) All other state and federal permits have been obtained.
- (B) The Zoning Hearing Officer shall notify an applicant in writing that a variance from the requirements of the building protections standards that would lessen the degree of protection to a building will:
- (1) Result in increased premium rates for flood insurance up to \$25 per \$100 of insurance coverage;
 - (2) Increase the risks to life and property; and
 - (3) Require that the applicant proceed with knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.

§ 157.12. ABROGATION AND GREATER RESTRICTIONS.

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

§ 157.13. 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 man-made 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 City of Troy or any officer or employee thereof for any flood damage that results from proper reliance on this chapter or any administrative decision made lawfully thereunder.

§ 157.99. PENALTY.

Any person who violates this chapter shall upon conviction thereof be fined not less than \$25.00 nor more than \$750.00. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.

SECTION 3: If any provisions of this Ordinance, or the application of any provisions of this Ordinance, is held unconstitutional or otherwise invalid, such occurrence shall not affect other provisions of this Ordinance, or their application, that can be given effect without the unconstitutional or invalid provision or its application. Each unconstitutional or invalid provision or application of such provision, is severable, unless otherwise provided by this Ordinance.

SECTION 4: This Ordinance shall be in full force and effect from and after its passage and approval and publication as provided by law.


Passed by the City Council of the City of Troy, Madison County, Illinois, approved by the Mayor, and deposited in the office of the City Clerk this 18th day of September, 2023.

Aldermen:

Dawson <u>AYE</u>	Italiano <u>AYE</u>	Total:
Flint <u>ABSENT</u>	Knoll <u>AYE</u>	<u>6</u> Ayes
Hellrung <u>AYE</u>	Manley <u>ABSENT</u>	<u>0</u> Nays
Henderson <u>AYE</u>	Turner <u>AYE</u>	<u>0</u> Abstains

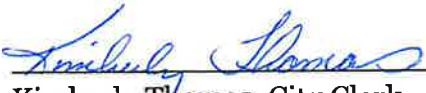


APPROVED:



David Nonn, Mayor,

ATTEST:



Kimberly Thomas, City Clerk

RECOMMENDATION NO. 2023 ~ 11PC

Of the Planning Commission of the City of Troy, Illinois Recommending Amending Title XV: Land Usage of the codified Code of Ordinances and Creating Chapter 157: Floodplain Management

WHEREAS, the Planning Commission of the City of Troy has reviewed the requirements to participate in the National Flood Insurance Program and believes that it is in the best interests of the City to establish rules and regulations for floodplain management throughout the City; and

WHEREAS, the Planning Commission met on September 14, 2023 to consider amending Title XV: Land Usage of the Code of Ordinance and creating Chapter 157 Floodplain Management, Sections 157.01 - 157.99. A copy of the proposed amendment (See Exhibit A) and certification by the City Clerk regarding publication of the hearing notice are incorporated by reference; and

WHEREAS, the Planning Commission considered the testimony and exhibits offered on behalf of the amendment and the following citizens also testified regarding the amendment (See Exhibit B); and

WHEREAS, the Planning Commission has considered the factors as described in Section 154.143 Amendments of the Code of Ordinances; and

WHEREAS, following the testimony, the members of the Planning Commission voted as recorded below:

Table with 4 columns: Name, Vote, Name, Vote. Rows include Adams (YES), Curtis (YES), Reiter (YES), Bogue (YES), Lawrenz (ABSENT), Stone (ABSTAIN), Compton (YES), Lybarger (YES), Talbert (ABSTAIN). Totals: 6 Yeas, 0 Nays, 2 Abstains.

NOW THEREFORE, BE IT RESOLVED BY THE PLANNING COMMISSION AS FOLLOWS, that the amendment for the following: Amending Title XV: Land Usage of the Code of Ordinances and creating Chapter 157: Floodplain Management, Sections 157.01 - 157.99 as specified in Exhibit A

Is Not Recommended [X] Is Recommended with the following stipulations, if noted:

N/A

A copy of this recommendation is presented to the City Council; the original shall be filed with the City Clerk.

ADOPTED this 14th day of September, 2023.

By Jami M Stone, Chairman, Planning Commission

Attest [Signature] Secretary, Planning Commission