

VILLAGE OF DOWNERS GROVE
Report for the Village Council Meeting
10/11/2022

SUBJECT:	SUBMITTED BY:
Amendment to Chapter 26 of the Municipal Code	Andy Sikich Public Works Director

SYNOPSIS

An ordinance has been prepared to amend certain sections within Chapter 26 of the Municipal Code, concerning stormwater and flood plain regulations.

STRATEGIC PLAN ALIGNMENT

The goals for 2021 to 2023 include *Exceptional Municipal Services*.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval on the October 18, 2022 active agenda.

BACKGROUND

Proposed Chapter 26 Municipal Code revisions are required to comply with the DuPage County Stormwater and Flood Plain Ordinance (DCSWFPO). The revision is summarized below.

On September 13, 2022, DuPage County updated its Ordinance to remove section 15-81.B.5, which correlates to section 26.1303 (b)(5) of the Downers Grove Municipal Code. This section, which applies only to manufactured homes in existing manufactured home parks or subdivisions, was removed by the County so that the DCSWFPO remains compliant with FEMA requirements. As a complete waiver community, with the authority for the administration of the DCSWFPO, Downers Grove is required to maintain the Village Stormwater and Floodplain Ordinance to be at least as restrictive as the DCSWFPO. Staff recommends removing this section to remain consistent with the DCSWFPO.

ATTACHMENTS

Ordinance

**AN ORDINANCE AMENDING
CHAPTER 26 OF THE DOWNERS GROVE MUNICIPAL CODE**

BE IT ORDAINED by the Village Council of the Village of Downers Grove in DuPage County, Illinois, as follows: (Additions are indicated by redline/underline; deletions by ~~strikeout~~):

Section 1. That Section 26.1303(b)(5) is hereby amended to read as follows:

Sec 26.1303 Regulatory Flood Plain And Localized Poor Drainage Area Development Performance Standards

a) *General Performance Standards*

- (1) No Development activity within the flood plain or LPDA shall result in an adverse hydraulic impact to upstream or downstream properties.
- (2) Proposed Developments that meet the following criteria shall be exempt from the hydrologic and hydraulic modeling requirements set forth in the Ordinance:
 - a. A Development that is located in the regulatory flood plain but is located entirely outside of the regulatory floodway, provided the Development meets the compensatory storage requirements of DGMC Section 26.1303(d).
 - b. The construction of an at-grade pedestrian path located within the regulatory floodway, provided the proposed Development meets the following requirements which results in a Development that does not increase the BFE:
 1. The Development must have an at-grade intention, with a reasonable balance of cut and fill at each cross-section based on the judgment of the Director. Net cut over the length of the Development is acceptable where a balance of cut and fill at every cross-section cannot be achieved.
 2. The maximum width of the proposed path is sixteen (16) feet of traveled lane, including shoulders.
 - c. The construction of a public safety feature, such as a pedestrian bridge railing or a guard rail for a roadway, provided the proposed construction of a public safety feature does not result in a loss of ten percent (10%) or more of the existing conveyance cross-sectional area.
 - d. Developments replacing culverts with a hydraulically equivalent culvert(s).
 - e. A Development that is located in an LPDA and is providing the compensatory storage requirements.
- (3) A CLOMR shall be required for any Development that either: (1) revises the regulatory floodway boundary or (2) encroaches upon a floodplain and causes a specified increase in the BFE, in accordance with FEMA and State regulations.
- (4) In accordance with NFIP Regulations, a building permit shall not be issued for construction in the SFHA until a LOMR is issued by FEMA unless the building meets the building protection standards in DGMC Section 26.1303(b). A building permit for a compliant structure can be issued without a LOMC.
- (5) A copy of an application for a LOMC to remove a property from the SFHA including all the required information, calculations, and documents shall be submitted to the Village concurrent with the application to FEMA or OWR or its designee.
- (6) In areas outside the regulatory floodway but within the flood plain, maximum flow depths on new parking lots that are used for permanent parking shall not exceed one foot during the base flood condition and shall be designed for protection against physical flood damages. Parking areas that are used solely for the purpose of overflow, temporary, or

short-term parking may allow flood depths greater than one foot. Parking in areas below the base flood elevation shall be clearly posted with Flood Hazard signs.

b) *Building Protection Standards*

- (1) If a proposed building is located in a SFHA or LPDA, all new construction and substantial improvements shall (i) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of building resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy, (ii) be constructed with materials resistant to flood damage, (iii) be constructed by methods and practices that minimize flood damages, and (iv) be 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 conditions of flooding. Existing buildings that have not incurred substantial damage or meet the substantial improvement criteria may also be modified based on the above criteria. All construction below the FPE shall be of flood resistant materials and conform to provisions in FEMA/FIA Technical Bulletin 2. All electrical, heating, ventilation, air conditioning, plumbing, and other appliances shall be located above the FPE. Storage of materials shall be in accordance with DGMC Section 26.1303(c)(1), which states that there can be no storage of certain listed materials below the FPE.
- (2) New construction or substantial improvements of residential buildings within a SFHA or LPDA shall have the lowest floor, including basement, elevated to at least the FPE and that the fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered Professional Engineer or Architect or meet or exceed the following minimum criteria: (i) A minimum of two (2) openings having a total net area of not less than one (1) square inch for every square foot of enclosed area subject to flooding shall be provided; (ii) the bottom of all openings shall be no higher than one (1) foot above grade. (iii) openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwaters. Adequate drainage shall be provided.
- (3) New construction and substantial improvements of non-residential buildings within a SFHA or LPDA shall (i) have the lowest floor, including basement, elevated to at least the FPE or, (ii) together with attendant utility and sanitary facilities be designed so that below the FPE the building is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. Where a non-residential structure is intended to be made watertight below the FPE, (i) a registered Professional Engineer or Architect shall develop and/or review structural design, specifications, and plans for the construction, and shall certify that the design and methods of construction are in accordance with accepted standards of practice for meeting the applicable provisions of 44CFR60.3 and (ii) a record of such certificates which includes the specific elevation (in relation to sea level) to which such buildings are floodproofed shall be maintained by the official designated by the community under 44CFR59.22.
- (4) Manufactured homes that are placed or substantially improved within the SFHA on sites (i) outside of a manufactured home park or subdivision, (ii) in a new manufactured home park or subdivision, (iii) in an expansion to an existing manufactured home park or subdivision, or (iv) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood shall be elevated on a permanent foundation such that the lowest floor of the manufactured homes to at least the FPE, be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement in accordance with the rules and regulations

for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code 870, provide adequate access and drainage and if pilings are used for elevation, applicable design and construction standards for pilings shall be met.

- (5) ~~Manufactured homes to be placed in an existing manufactured home park or subdivision within the SFHA not subject to the provisions of DGMC Section 26.1303(b)(4) shall be elevated so that either (i) the lowest floor of the manufactured home is at least the FPE, or (ii) the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement accordance with the rules and regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code 870, provide adequate access and drainage and if pilings are used for elevation, applicable design and construction standards for pilings shall be met~~RESERVED.
- (6) Recreational vehicles placed on sites within a SFHA shall be either (i) be on the site for any period not exceeding any aggregate of ten (10) days (which may or may not be consecutive) within any period of thirty (30) consecutive days, (ii) be fully licensed and ready for highway use, or (iii) meet the permit requirements of 44CFR60.3(b)(1) and the elevation and anchoring requirements of DGMC Section 26.1303(b)(4), (iv) and in compliance with provisions found in DGMC Section 28.7.090 of the Municipal Code. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by a quick disconnect type utilities and security devices, and has no permanently attached additions.
- (7) Accessory structures such as detached garages and sheds may be constructed within a SFHA and LPDA if they meet all of the following criteria:
- a. Must be non-habitable, used for the storage of vehicles and tools, and cannot be modified later into another use.
 - b. Shall be located outside of the regulatory floodway.
 - c. Shall be on a single lot and be accessory to an existing principal building on the same lot.
 - d. All new and added usable space must be elevated to at least one (1) foot above the BFE.
 - e. All electrical, heating, ventilation, air conditioning, plumbing, and other appliances, or fixed mechanical or electrical devices shall be located above the FPE.
 - f. The detached garage must be less than fifteen thousand dollars (\$15,000) in market value or replacement cost, whichever is greater, or less than five hundred and seventy six (576) square feet in size.
 - g. Shall be anchored to resist floatation and overturning.
 - h. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the FPE.
 - i. All construction below the FPE shall be of flood resistant materials.
- c) *Public Health Protection Standards*
- (1) Temporary or permanent storage in the flood plain of the following are prohibited unless elevated or floodproofed to one foot above the base flood elevation:
 - a. Items susceptible to flood damage; or
 - b. Unsecured buoyant materials or materials that may cause off-site damage including bulky materials, flammable liquids, chemicals, explosives, pollutants, or other hazardous materials; or
 - c. Landscape wastes.
 - (2) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

- (3) Sanitary sewer systems shall be designed to eliminate infiltration or inflow of flood waters and minimize discharge of sewage.
- d) *Compensatory Storage Volume Standards*
- (1) Any placement of fill, structures, or other materials above grade in the flood plain shall require compensatory storage equal to at least 1.5 times the volume of flood plain storage displaced. The storage shall be provided incrementally using one of the following methods:
 - i) between the 0 - 10-year and the 10 - 100-year flood recurrence intervals; or ii) an approved equivalent, at a minimum 1:1 ratio. The remaining 0.5:1 required storage ratio can be provided at any elevation below the BFE. Compensatory storage for fill in LPDAs shall be provided non-incrementally at a ratio of 1:1. Grading in wetland, floodplain, LPDA, or buffer areas shall be done in such a manner that the existing flood plain or stormwater storage is maintained at all times. Compensatory storage is not required for flood protection of existing buildings within the flood plain or LPDA for flood plain or stormwater volume displaced by the building and within the area of ten (10) feet adjacent to the building; or
 - (2) For areas where there is no defined regulatory floodway and a tributary drainage area less than six hundred forty (640) acres, the compensatory storage requirements set forth in DGMC Section 26.1303(d)(1) shall be waived for Developments that meet either of the following criteria:
 - a. The cross-sectional flood plain area, as defined by cross-sections through the Development site, is not reduced by more than 0.5% at any one cross-section; or
 - b. The total fill volume does not exceed two hundred (200) cubic feet.
 - (3) Existing flood storage that is lost due to channel modification shall require compensatory storage at a 1:1 ratio.
 - (4) Flood Plain fill resulting from public roadway Developments shall require incremental compensatory storage at a 1:1 ratio.
 - (5) Any removal, replacement, or modification of stormwater facilities that has an adverse hydraulic impact shall provide a watershed benefit and shall require compensatory storage to mitigate for any potential increases in flow or Flood elevations. All structures and their associated low entry elevations within the created backwater of the existing stormwater facility shall be identified.

(Ord. 5767, Amended, 06/18/2019; N/A, Amended, 06/02/2015, Scrivner's-update to new Ch 28 code reference; Ord. 5425, Amended, 12/09/2014; Ord. 5330, Amended, 08/20/2013; Ord. 5262, Add, 05/08/2012)

Section 2. That all ordinances or parts of ordinances in conflict with the provisions of this Ordinance are hereby repealed.

Section 3. That this ordinance shall be in full force and effect from and after its passage and publication in the manner provided by law.

Mayor

Passed:

Published:

Attest: _____
 Village Clerk