



AGENDA
Planning, Building & Zoning Committee
Regular Meeting
Village Hall
1900 Hassell Road, Hoffman Estates, IL 60169

November 10, 2025

Council Chambers

**Immediately following
Transportation & Road
Improvement Committee**

- 1. CALL TO ORDER/ROLL CALL**
- 2. APPROVAL OF MINUTES**
 - A. Planning, Building & Zoning Committee 10-13-2025
- 3. PUBLIC COMMENT**
- 4. NEW BUSINESS**
 - A. Approval of an Ordinance amending Section 10-8-1 of the Hoffman Estates Municipal Code (Flood Hazard Area Requirements)
 - B. Approval of a First Amended and Restated Development Agreement between the Village of Hoffman Estates and Hoffman Estates Acquisitions LLC (Bell Works Townhomes)
- 5. REPORTS**
 - A. Planning Division Monthly Report
 - B. Code Enforcement Division Monthly Report
 - C. Economic Development and Tourism Monthly Report
- 6. PRESIDENT'S REPORT**
- 7. ITEMS IN REVIEW**
- 8. OTHER**
- 9. ADJOURNMENT**

Further details and information can be found in the agenda packet attached hereto and incorporated herein and can also be viewed online at www.hoffmanestates.org and/or in person in the Village Clerk's office. The Village of Hoffman Estates complies with the Americans with Disabilities Act (ADA). For accessibility assistance, call the ADA Coordinator at 847/882-9100.

Village of Hoffman Estates

PLANNING, BUILDING & ZONING COMMITTEE MEETING MINUTES

October 13, 2025

1. ROLL CALL

Members in Attendance:

**Gary Stanton, Chair
Karen Arnet, Vice-Chair
Patrick Kinnane, Trustee
Karen Mills, Trustee
Anna Newell, Trustee
Gary Pilafas, Trustee
Mayor William D. McLeod**

Management Team Members in Attendance:

**Eric Palm, Village Manager
Dan O'Malley, Deputy Village Manager
Jana Dickson, Asst. Corporation Counsel
Jon Pape, Assistant Village Manager
Kasia Cawley, Police Chief
Jennifer Horn, Dir. of Planning & Trans.
Amy Senior, Production Assistant**

The Planning, Building & Zoning Committee meeting was called to order at 7:27 p.m.

2. APPROVAL OF MINUTES

Motion by Trustee Pilafas, seconded by Trustee Arnet, to approve the Planning, Building & Zoning Committee meeting minutes of September 8, 2025. Voice vote taken. All ayes. Motion carried.

3. PUBLIC COMMENT

4. NEW BUSINESS

- A. Approval of an Ordinance vacating and accepting public utility easements at 1800 Autumn Drive (Seasons at Hoffman Estates Apartments)**

An item summary sheet from Jim Donahue was presented to Committee.

October 13, 2025

Trustee Pilafas inquired if this was part of the closeout process for Seasons. Ms. Jenny Horn confirmed.

Motion by Trustee Pilafas, seconded by Trustee Kinnane, to approve an Ordinance vacating and accepting public utility easements at 1800 Autumn Drive (Seasons at Hoffman Estates Apartments) Voice vote taken. All ayes. Motion carried.

B. Approval of a License Agreement with Commonwealth Edison Company (ComEd) for underground electric distribution lines in the Beverly Road Right-of-Way.

An item summary sheet from Jenny Horn and Alan Wenderski was presented to Committee.

Allows ComEd to install high voltage electricity lines within the Village's right of way to serve the Compass Data Center. According to the approved plan. And to maintain the lines along the Beverly Road Right of Way. Corporation counsel as reviewed the language in the license agreement.

Motion by Trustee Pilafas, seconded by Mayor McLeod, to approve of a License Agreement with Commonwealth Edison Company (ComEd) for underground electric distribution lines in the Beverly Road Right-of-Way. Voice vote taken. All ayes. Motion carried.

C. Approval of a Resolution authorizing an Agreement with BLA, Inc. for construction inspection services in an amount not to exceed \$164,580.

An item summary sheet from Jenny Horn and Alan Wenderski was presented to Committee.

Ms. Horn explained the request as related to previous license agreement discussion.

Motion by Trustee Pilafas, seconded by Trustee Arnet, to authorize an Agreement with BLA, Inc. for construction inspection services in an amount not to exceed \$164,580 Voice vote taken. All ayes. Motion carried.

5. REPORTS (INFORMATION ONLY)

A. Department of Development Services monthly report for Planning Division.

October 13, 2025

The Department of Development Services monthly report for Planning Division was received and filed.

B. Department of Development Services monthly report for Code Enforcement Division.

The Department of Development Services monthly report for Code Enforcement Division was received and filed.

C. Department of Development Services monthly report for Economic Development and Tourism.

The Department of Development Services monthly report for Economic Development and Tourism was received and filed.

- 6. PRESIDENT'S REPORT**
- 7. ITEMS IN REVIEW**
- 8. OTHER**
- 9. ADJOURNMENT**

Motion by Trustee Arnet, seconded by Trustee Kinnane, to adjourn the meeting at 7:38 pm. Voice vote taken. All ayes. Motion carried.

Minutes submitted by:

Jennifer Djordjevic, Dir. Of Operations
Outreach, Office of the Mayor & Board

Date



AGENDA ITEM REPORT

Planning, Building & Zoning Committee
November 10, 2025
ITEM 4A

REQUEST: Approval of an Ordinance amending Section 10-8-1 of the Hoffman Estates Municipal Code (Flood Hazard Area Requirements)

FROM: Alan Wenderski, Director of Engineering

ITEM TYPE: Ordinance - Committee

REQUEST SUMMARY

In order for the Village to maintain eligibility in the National Flood Insurance Program (NFIP), the Municipal Code must meet the requirements of Title 44 of the Code of Federal Regulations Sections 59 to 79. Eligibility within the NFIP is necessary to allow access to flood insurance policies within the Village. While current Code Section 10-8-1 - Flood hazard area requirements have remained in place to meet those requirements, recent updates to Flood Insurance Study (FIS) and Flood Insurance Rate Map (FIRM) in the Village require Code updates.

FIS and FIRM updates within the Poplar Creek and Spring Creek watersheds were finalized in July 2025 and will become effective on January 23, 2026. In lieu of only updating the Code to include the revised FIS and FIRM prior to January 23, 2026, staff proposes repealing the existing Code and replacing with an updated model ordinance provided by the State. The benefit of utilizing the model ordinance is the assurance that all language is consistent with NFIP requirements that may change over time. While the most significant changes from existing Code Section 10-8-1 and the proposal model ordinance are formatting differences, there are a few proposed changes where the Village has discretion to be more restrictive than minimum NFIP requirements. The table below highlights the main proposed changes within areas of Village discretion.

	NFIP Minimum	Current Code Section 10-8-1	Proposed Model Ordinance
Flood Protection Elevation (FPE)	Base flood plus one foot	Base flood plus two and half feet	Base flood plus one and a half feet
Substantial Damage	Damage exceeds 50% of value of a structure during a 10 year period	Cumulative damage exceeds 50% of value of a structure during the life of the structure	Cumulative damage exceeds 50% of value of a structure during a 10 year period
Substantial Improvement	Cost of improvement	Cumulative cost of improvements exceed 50% of	Cumulative cost of improvements exceed 50% of

	exceeds 50% of value of a structure	value of a structure during the life of the structure or increase floor area by 20%	value of a structure during a 10 year period or increase floor area by 20%
Compensatory Storage for fill in floodplain	Not required	Required at a replacement volume of 1.5:1	Required at a replacement volume of 1.1:1

The proposed changes above would remain more restrictive than NFIP minimums while being less restrictive than current Code. The changes are proposed to allow more flexibility to improve structures or properties within the floodplain while still providing a higher level of protection to existing and proposed structures.

The adopted ordinance (with reference to revised FIS and FIRM) must be submitted to the IDNR by January 20, 2026 to remain compliant with the NFIP.

FINANCIAL IMPACT

N/A

RECOMMENDATION

Approve an Ordinance amending Section 10-8-1 of the Hoffman Estates Municipal Code (Flood Hazard Area Requirements).

ATTACHMENTS

1. Proposed Ordinance Section 10-8-1
2. Current Section 10-8-1 (For Reference)

ORDINANCE NO. _____ - 2025
VILLAGE OF HOFFMAN ESTATES
AN ORDINANCE AMENDING SECTION 10-8-1
OF THE HOFFMAN ESTATES MUNICIPAL CODE
(FLOOD HAZARD AREA REQUIREMENTS)

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hoffman Estates, Cook County, Illinois, as follows:

Section 1: That Section 10-8-1, Flood Hazard Area Requirements, of Chapter 10, SUBDIVISION CODE, of the Hoffman Estates Municipal Code be and is hereby amended to read as follows:

Sec.10-8-1 Flood Hazard Area Requirements

Section 1. Purpose.

This ordinance is enacted pursuant to the police powers granted to the Village 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). This Ordinance is adopted in order to accomplish the following purposes:

- A. To meet the requirements of 615 ILCS 5/18(g) Rivers, Lakes and Streams Act;
- B. To prevent unwise developments from increasing flood or drainage hazards to others;
- C. To protect new buildings and major improvements to buildings from flood damage;
- D. To protect human life and health from the hazards of flooding;
- E. To promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
- F. To lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- G. To maintain property values and a stable tax base by minimizing the potential for creating blight areas;
- H. To comply with the rules and regulations of the National Flood Insurance Program codified as 44 CFR 59-79, as amended;
- I. To make federally subsidized flood insurance available by fulfilling the requirements of the National Flood Insurance Program, and
- J. 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.

Section 2. Definitions.

Unless specifically defines below, all words used in this ordinance shall have their common meanings. The word “shall” mean the action is mandatory.

For the purposes of this ordinance, the following definitions are adopted:

Accessory Structure A non-habitable building, used only for parking of vehicles or storage, that is on the same parcel of property as the principal building and which is incidental to the use of the principal building.

Agricultural Structure A walled and roofed structure used exclusively for agricultural purposes or uses in connection with the production, harvesting, storage, raising, or drying of agricultural commodities and livestock, including aquatic organisms. Structures that house tools or equipment used in connection with these purposes or uses are also considered to have agricultural purposes or uses.

Base Flood The flood having a one percent (1%) probability of being equaled or exceeded in any given year. The base flood is often referred to as the 100-year flood. The base flood elevation at any location is as defined in Section 3 of this ordinance.

Base Flood Elevation (BFE) The height in relation to the North American Vertical Datum (NAVD) of 1988 (or other datum, where specified) of the crest of the base flood.

Basement Any portion of the building, including any sunken room or sunken portion of a room, having its floor below ground level (subgrade) on all sides.

Building A walled and roofed structure, including 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 one hundred eighty (180) days per year.

Compensatory Storage An artificially excavated, hydraulically equivalent volume of storage within the floodplain used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain. The uncompensated loss of natural floodplain storage can increase off-site floodwater elevations and flows.

Conditional Letter of Map Revision (CLOMR) A letter providing FEMA’s comment on a proposed project that would, upon construction, affect the hydrologic or hydraulic characteristics of a flooding source and thus result in the modification of the existing Floodway, the effective BFEs, or the SFHA.

Critical Facility Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can

cause greater damage to other sectors of the community, or can put special populations at risk.

Dam All obstructions, wall embankments or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Dams may also include weirs, restrictive culverts, or impoundment structures. Underground water storage tanks are not included.

Development Development means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials. This includes, but is not limited to:

1. demolition, construction, reconstruction, repair, placement of a building, or any structural alteration 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 one hundred eighty (180) days per year;
4. installation of utilities, construction of roads, bridges, culverts or similar projects;
5. redevelopment of a site, clearing of land as an adjunct of construction
6. construction or erection of levees, dams, walls, or fences;
7. drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
8. storage of materials including the placement of gas and liquid storage tanks, and channel modifications or any other activity that might change the direction, height, or velocity of flood or surface waters.

Elevation Certificate A form published by FEMA that is used to certify the elevation to which a building has been constructed.

Existing Manufactured Home Park or Subdivision A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

Expansion to an Existing Manufactured Home Park or Subdivision The preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation

of utilities, the construction of streets, and either final site grading or the pouring of concrete pads).

FEMA Federal Emergency Management Agency and its regulations at 44 CFR 59-79, as amended.

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. Flood also includes the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters.

Flood Fringe That portion of the floodplain outside of the regulatory floodway.

Flood Insurance Rate Map A map prepared by the FEMA that depicts the floodplain or special flood hazard area (SFHA) within a community. This map includes insurance rate zones and may or may not depict floodways and show BFEs. A FIRM that has been made available digitally is called a Digital Flood Insurance Rate Map (DFIRM).

Flood Insurance Study- An examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations.

Floodplain and Special Flood Hazard Area (SFHA) These two terms are synonymous. SFHA is the land in the flood plain within a community subject to a 1 percent or greater chance of flooding in any given year. Those lands within the jurisdiction of the community and the extraterritorial jurisdiction of the community, or that may be annexed into the community, that are subject to inundation by the base flood. The floodplains of the community are identified as such on panel number(s) of the countywide FIRM prepared by the FEMA. The area may be designated as Zone A on the FHB. After detailed ratemaking has been completed in preparation for publication of the flood insurance rate map, Zone A usually is refined into Zones A, AO, AH, A1-30, AE, A99, AR, AR/A1-30, AR/AE, AR/AO, AR/AH, AR/A, VO, or V1-30, VE, or V. SFHA may also refer to areas identified by the community that are flood prone and designated from other federal state or local sources of data including but not limited to historical flood information reflecting high water marks, previous flood inundation areas, and flood prone soils associated with a watercourse.

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 FEMA that is used to certify that a building has been designed and constructed to be structurally dry flood proofed to the flood protection elevation.

Flood Protection Elevation (FPE) The elevation of the base flood plus one and a half feet of freeboard at any given location in the floodplain. In an AO Zone the FPE is the depth of the zone shown on the FIRM plus one foot (or a higher standard of two or three feet). In Zone AO areas with no elevations specified on the FIRM, the structure shall have the lowest floor, including basement, elevated at least one foot (or you can choose a higher standard of two feet or three feet) above the highest adjacent natural grade.

Floodway Floodway means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height. In no case shall the designated height be more than 0.1 foot at any point within the community. The floodway for the floodplains shall be as delineated on the FIRM prepared by FEMA. For other areas, the entire floodplain shall be considered to be the floodway unless an analysis is approved by the IDNR/OWR demonstrating that a project site is outside of the floodway. If an floodway analysis is not required by IDNR/OWR under 17 ILL. ADM. Code 3700, the floodways shall be according to the best data available from the Federal, State, or other sources.

Freeboard An increment of elevation added to the BFE to provide a factor of safety for uncertainties in calculations, future watershed development, unknown localized conditions, wave actions and unpredictable effects such as those caused by ice or debris jams.

Historic Structure Any structure that is:

1. Listed individually in the National Register of Historic Places or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district.
3. Individually listed on the state inventory of historic places by the Illinois Historic Preservation Agency.
4. Individually listed on a local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.

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

IDNR /OWR Jurisdictional Stream IDNR/OWR has jurisdiction over any stream serving a tributary area of 640 acres or more in an urban area, or in the floodway of any stream serving a tributary area of 6,400 acres or more in a rural area. Determination if an area is urban or rural is done by IDNR/OWR. Construction on these streams requires a permit from the IDNR/OWR. (17 Il Admin. Code 3700). The IDNR/OWR may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in Section 6 of this ordinance.

Letter of Map Amendment (LOMA) Official determination by FEMA that a specific building, defined area of land, or a parcel of land, where there has not been any alteration of the topography since the date of the first NFIP map showing the property within the floodplain, was inadvertently included within the floodplain and that the building, defined area of land, or a parcel of land is removed from the floodplain.

Letter of Map Revision (LOMR) Letter that revises BFEs, floodplains or floodways as shown on an effective FIRM.

Lowest Floor The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor. Provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of Section 6 of this ordinance.

Manufactured Home A building, 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.

Manufactured Home Park or Subdivision A parcel (or contiguous parcels) of land divided into two or more lots for rent or sale.

New Construction Structures for which the start of construction commenced on or after the effective date of floodplain management regulations adopted by a community and includes any subsequent improvements of such structures.

New Manufactured Home Park or Subdivision A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed or buildings to be constructed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by a community.

NFIP National Flood Insurance Program.

NAVD 88 North American Vertical Datum of 1988. NAVD 88 supersedes the National Geodetic Vertical Datum of 1929 (NGVD).

Recreational Vehicle or Travel Trailer A vehicle which is:

1. built on a single chassis;
2. four hundred (400) square feet or less in size, when measured at the largest horizontal projection;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

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

Special Flood Hazard Area (SFHA) See definition of floodplain.

Start of Construction Includes substantial improvement and means the date the building permit was issued. This, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement or other improvement, was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns or any work beyond the stage of excavation or placement of a manufactured home on a foundation. For a substantial improvement, actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building whether or not that alteration affects the external dimensions of the building.

Structure (see “Building”) The results of a man-made change to the land constructed on or below the ground, including a building, as defined in Section 2, any addition to a building; installing utilities, construction of roads or similar projects; construction or erection of levees, walls, fences, bridges or culverts.

Substantial Damage Damage of any origin sustained by a structure whereby the cumulative percentage of damage during a ten (10) year period equals or exceeds fifty percent (50%) of the market value of the structure before the damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes “Repetitive Loss Buildings” (see definition).

Substantial Improvement Any reconstruction, rehabilitation, repair, addition or improvement of a structure taking place during a ten (10) year period in which the cumulative percentage of improvements equals or exceeds fifty percent (50%) of the market value of the structure and/or increases the floor area by more than twenty percent (20%) before the improvement or repair is started.

The term does not include:

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.

Variance A grant of relief by a community from the terms of a flood plain management regulation.

Violation The failure of a [structure](#) or other [development](#) to be fully compliant with this ordinance.

Section 3. Base Flood Elevation.

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

- A. The BFE for the floodplains shall be as delineated on the base flood profiles in the countywide Flood Insurance Study (FIS) of Cook County prepared by the FEMA and dated January 23, 2026. Flood Insurance Rate Map (FIRM), panel number 17031C0179J, 17031C0187J, 17031C0188J, 17031C0189J and 17031C0191J dated August 19, 2008 and 17031C0153K, 17031C0154K, 17031C0157K, 17031C0158K, 17031C0159K, 17031C0161K, 17031C0162K, 17031C0166K, 17031C0167K, 17031C0176K, 17031C0178K, and 17031C0186K, dated January 23, 2026.
- B. The BFE for each floodplain delineated as an "AH Zone" or "AO Zone" shall be that elevation (or depth) delineated on the FIRM.
- C. The BFE for each of the remaining floodplains delineated as an "A Zone" on the FIRM 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 by the applicant to determine BFEs.
- D. Establishing a BFE is required in a Zone A for all new subdivision proposals and other proposed developments (including proposals for manufactured home parks and subdivisions) greater than 50 lots or 5 acres, whichever is the lesser.

- E. The BFE for the floodplains of those parts of unincorporated County that are within the extraterritorial jurisdiction, or that may be annexed, shall be as delineated on the base flood profiles in the FIS and FIRM prepared by the FEMA.

Section 4. Duties and Responsibilities of the Floodplain Administrator

The Village Engineer is hereby appointed to administer and implement these regulations and is referred to herein as the Floodplain Administrator. The Floodplain Administrator shall be responsible for the general administration of this ordinance and ensure that all development activities within the floodplains meet the requirements of this ordinance. The Floodplain Administrator shall:

- A. Review all development permits to assure that the requirements of this ordinance have been fully met.
- B. 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 shall:
 - (1) be designed (or modified) and adequately anchored to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy,
 - (2) be constructed with materials resistant to flood damage,
 - (3) be constructed by methods and practices that minimize flood damages, and
 - (4) be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities that are located so as to prevent water from entering.
- C. Check all new development sites to determine if they are in the floodplain using the criteria listed in Section 3, Base Flood Elevation or for critical facilities, using the 0.2% annual chance flood elevation, if defined.
- D. Process development permits and any permit extensions in accordance with Section 5 and ensure all development activities happen in a timely manner.
- E. Ensure that the building protection requirements for all buildings subject to Section 6 are met and maintain a record of the “as-built” elevation of the lowest floor (including basement), elevation certificate, or floodproofing certificate.
- F. Review Elevation Certificates for accuracy and require incomplete or deficient certificates to be corrected.
- G. Assure that all subdivisions and annexations meet the requirements of Section 7 and notify FEMA in writing whenever the corporate boundaries have been modified by annexation.

- H. Ensure that water supply and waste disposal systems meet the Public Health standards of Section 8.
- I. If a variance is requested, ensure that the requirements of Section 10 are met and maintain documentation of any variances granted.
- J. Inspect all development projects and take any and all penalty actions outlined in Section 12 as a necessary to ensure compliance with this ordinance.
- K. The Floodplain Administrator shall review all floodplain development permit applications to assure that all necessary permits have been received from those federal, state or local governmental agencies from which prior approval is required. This includes, but is not limited to, permits pertaining to:
 - 1. Permits issued by the U.S. Army Corps of Engineers under Section 10 of the Rivers and Harbors Act and Section 404 of the Clean Water Act, and the Illinois Environmental Protection Agency under Section 401 of the Clean Water Act, or permits from other Federal agencies.
 - 2. Permits issued for the work in an IDNR/OWR Jurisdictional Streams by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required). This would include any required permits from other state agencies.
 - 3. Within six (6) months, notify FEMA of physical changes in the Base Flood Elevation (increases or decreases) by submitting technical or scientific data through the Letter of Map Change (LOMC) process, so that insurance rates and floodplain management requirements will be based on current data.
- L. Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse.
- M. Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques.
- N. Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this ordinance.
- O. Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and any other documentation of compliance for development activities subject to this ordinance.
- P. Notify FEMA and IDNR/OWR of any proposed amendments to this ordinance.
- Q. Perform site inspections to ensure compliance with this ordinance and make substantial damage determinations for structures within the floodplain.
- R. Schedule an annual inspection of the floodplain and document the results of the inspection.
- S. Establish, procedures for administering and documenting determinations, as outlined below, of substantial improvement and substantial damage:
 - 1. Determine the market value or require the applicant to obtain an appraisal of the market value prepared by a qualified independent appraiser, of the

building before the start of construction of the proposed work. In the case of repair, the market value of the building shall be the market value before the damage occurred and before any repairs are made.

2. Compare the cost to perform the improvement, the cost to repair a damaged building to its pre-damaged condition, or the combined costs of improvements and repairs, if applicable, to the market value of the building. Substantial damage determinations take into account all damage sustained to the structure regardless if the structure is repair or not.
3. Determine and document whether the proposed work constitutes substantial improvement or substantial damage.
4. Notify property owner of all determinations and responsibilities for permitting and mitigation of the structure.

Section 5. Development Permit.

A. Development permits

1. No person, firm, corporation, or governmental body, not exempted by law, shall commence any development in the floodplain without first obtaining a development permit from the Floodplain Administrator.
2. No person, firm, corporation, or governmental body shall commence any development of a critical facility on land below the 0.2% annual chance flood elevation without first obtaining a Development permit from the Floodplain Administrator.
3. The Floodplain Administrator shall only issue a permit for development activities, including new construction and substantial improvements, which meet the requirements of this ordinance.

B. The application for development permit shall be accompanied by:

1. A site plan or drawings, drawn to scale using NAVD 88, showing:
 - a. property lines and dimensions,
 - b. existing grade elevations,
 - c. all changes in grade resulting from excavation or filling,
 - d. description of the benchmark or source of survey elevation control
 - e. sewage disposal facilities,
 - f. water supply facilities,
 - g. floodplain limits based on elevation or depth, as applicable;
 - h. floodway limits, as applicable;
 - i. the location and dimensions of all buildings and additions to buildings;

- j. the location and dimensions of all structures, including but not limited to fences, culverts, decks, gazebos, agricultural structures, and accessory structures;
 - k. the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 7 of this ordinance.
 - 2. Cost of project or improvements, including all materials and labor, as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement.
- C. Upon receipt of an application for a development permit, the Floodplain Administrator shall compare the elevation of the site to the BFE.
- 1. Any development located on land that is shown by survey elevation to be below the current BFE is subject to the provisions of this ordinance.
 - 2. Any development located on land shown to be below the BFE and hydraulically connected to a flood source, but not identified as floodplain on the current FIRM, is subject to the provisions of this ordinance.
 - 3. Any development located on land that can be shown by survey data to be higher than the current BFE and which has not been filled after the date of the site's first flood map showing the site in the floodplain, is not located in a mapped floodway, or located in a Zone A, is not in the floodplain and therefore not subject to the provisions of this ordinance. A LOMR-Floodway is required before developing land inadvertently included in a mapped floodway. Unless a LOMR is obtained, all ordinance provisions apply if the land is located in a Zone A.
 - 4. Any development located on land that is above the current BFE but will be graded to an elevation below the BFE, is subject to the provisions of this ordinance.
 - 5. The Floodplain Administrator shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first FIRM identification.
 - 6. The Floodplain Administrator shall be responsible for obtaining from the applicant copies of all other federal, state, and local permits, approvals or permit-not-required letters that may be required for this type of activity. The Floodplain Administrator shall not issue a permit unless all other federal, state, and local permits have been obtained.
- D. Upon receipt of an application for a critical facility, the Floodplain Administrator shall compare the elevation of the site to the 0.2% annual chance flood elevation, if available. Refer to Section 8. A. 5. for critical facility site requirements.
- E. A development permit or approval shall become invalid unless the actual Start of Construction, as defined, for work authorized by such permit, is commenced within 180 days after its issuance, or if the work authorized is suspended or abandoned for a

period of 180 days after the work commences. All permitted work shall be completed within twelve (12) months after the date of issuance of the permit or the permit shall expire. Time extensions, of not more than 180 days each, may be granted, in writing, by the Floodplain Administrator. Time extensions shall be granted only if the original permit is compliant with this ordinance and the FIRM and FIS in effect at the time the extension is granted.

- F. **Certification and As-Built Documentation.** The applicant is required to submit certification by a licensed professional engineer or registered land surveyor that the finished fill and building elevations were accomplished in compliance with Section 6 of this ordinance. Floodproofing measures must be certified by a registered professional engineer or registered architect as being compliant with applicable floodproofing standards. FEMA Elevation Certificate and Floodproofing Certificate forms are required as documentation of compliance.

An as-built grading plan, prepared by a registered professional engineer is required to certify that any development in floodplain, such as grading or the construction of bridges or culverts, are in substantial conformance with the development permit.

No building, land or structure may be occupied or used in any manner until a letter or certificate has been issued by the Floodplain Administrator stating that the use of the building or land conforms to the requirements of this ordinance.

The Floodplain Administrator must maintain records in perpetuity documenting compliance with this ordinance, including the elevation to which structures and alterations to structures are constructed or floodproofed.

Section 6. Protecting Buildings.

- A. All buildings located in the floodplain shall be protected from flood damage below the FPE. This building protection requirement applies to the following situations:
1. Construction or placement of a new building or alteration or addition to an existing building.
 2. Value of improvements equals or exceeds the market value by fifty percent (50%) and/or structural alterations made to an existing building that increase the floor area by more than twenty percent (20%). Improvements shall be figured cumulatively during a 10- year period. If substantially improved, the existing structure and the addition must meet the flood protection standards of this section.
 3. Repairs made to a substantially damaged building. These repairs shall be figured cumulatively during a 10-year period. If substantially damaged, the entire structure must meet the flood protection standards of this section within 24 months of the date the damage occurred.
 4. Installing a manufactured home on a new site or a new manufactured home on an existing site.

5. Installing a travel trailer or recreational vehicle on a site for more than one hundred eighty (180) days per year.
6. Repetitive loss to an existing building as defined in Section 2.
7. Construction or placement of a new building with the low floor below BFE following a LOMR-F in accordance with the conditions outlined in Section 9.
E. The structure must meet FEMA Technical Bulletin (TB) 10 Reasonably Safe from Flooding Requirement for Building on Filled Land.

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

1. The building may be constructed on permanent land fill with the lowest floor including basement at or above the FPE in accordance with the following conditions.:
 - a. The lowest floor (including basement) shall be at or above the FPE.
 - b. The fill shall be placed in layers no greater than six inches before compaction and should extend at least twenty (20) feet beyond the foundation before sloping below the FPE in lieu of a geotechnical report.
 - c. The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure.
 - d. The fill shall be composed of rock or soil and not incorporated debris or refuse material.
 - e. The fill shall not adversely affect the flow of surface drainage from or onto neighboring properties and when necessary, stormwater management techniques, such as swales or basins, shall be incorporated.
2. The building may be elevated in accordance with the following:
 - a. The building or improvements shall be elevated on stilts, piles, solid walls, crawlspace, or other foundation that is permanently open to flood waters.
 - b. All components located below the FPE shall be constructed of materials resistant to flood damage.
 - c. The lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment shall be located at or above the FPE.
 - d. If walls are used, all enclosed areas below the FPE shall provide for equalization of hydrostatic pressures by allowing the automatic entry and exit of floodwaters. At least two (2) walls must have a minimum of one (1) permanent opening that is below the BFE and no more than one (1) foot above finished grade. The openings shall provide a total net area of not less than one (1) square inch for (1) square foot of enclosed area subject to flooding below the BFE, or the design must be certified by a Registered P.E, as providing the equivalent performance in accordance

with accepted standards of practice. Refer to FEMA Technical Bulletin 1, Openings in Foundation Walls and Walls of Enclosures, for additional guidance.

- e. The foundation and supporting members shall be anchored, designed, and certified so as to minimize exposure to hydrodynamic forces such as current, waves, ice, and floating debris.
 - i. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the FPE provided they are waterproofed.
 - ii. The area below the FPE shall be used solely for parking or building access and not later modified or occupied as habitable space.
 - iii. In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.
- 3. The building may be constructed with a crawlspace located below the FPE provided that the following conditions and requirements of FEMA TB 11, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas, which ever are more restrictive, are met:
 - a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - b. All enclosed areas below the FPE shall provide for equalization of hydrostatic pressures by allowing the automatic entry and exit of floodwaters. A minimum of one (1) permanent opening shall be provided on at least two walls that is below the BFE and no more than one (1) foot above finished grade. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the BFE, or the design must be certified by a Registered P.E. as providing the equivalent performance in accordance with accepted standards of practice. Refer to FEMA TB 1, Openings in Foundation Walls and Walls of Enclosures, for additional guidance.
 - c. The interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundations wall must not exceed four (4) feet at any point.
 - d. An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event.
 - e. The velocity of floodwaters at the site should not exceed 5 feet per second for any crawlspace. For velocities in excess of 5 feet per second, other foundation types should be used.

- f. Portions of the building below the FPE must be constructed with materials resistant to flood damage, and
 - g. Utility systems within the crawlspace must be elevated above the FPE.
- C. Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a licensed professional engineer or architect certifies that:
 - 1. Below the FPE 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.
 - 3. Floodproofing measures will be incorporated into the building design and operable without human intervention and without an outside source of electricity.
 - 4. Levees, berms, floodwalls, and similar works are not considered floodproofing for the purpose of this subsection.
- D. Manufactured homes or travel trailers to be permanently installed on site shall be:
 - 1. Elevated to or above the FPE in accordance with Section 6. B, 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 Act issued pursuant to 77 Ill. Adm. Code 870.
- E. Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days per year shall meet the elevation requirements of section 6. D unless the following conditions are met:
 - 1. The vehicle must be either self-propelled or towable by a light duty truck.
 - 2. The hitch must remain on the vehicle at all times.
 - 3. The vehicle must not be attached to external structures such as decks and porches
 - 4. The vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling.
 - 5. The vehicles having a total area not exceeding four hundred (400) square feet measured when measured at the largest horizontal projection.
 - 6. The vehicle's wheels must remain on axles and inflated.
 - 7. Air conditioning units must be attached to the frame so as to be safe for movement of the floodplain.

8. Propane tanks as well as electrical and sewage connections must be quick-disconnect.
 9. The vehicle must be licensed and titled as a recreational vehicle or park model, and must either:
 - a. entirely be supported by jacks, or
 - b. have a hitch jack permanently mounted, have the tires touching the ground and be supported by block in a manner that will allow the block to be easily removed by used of the hitch jack.
- F. Detached accessory structures may be permitted provided the following conditions are met:
1. The structure must be non-habitable.
 2. The structure must be used only for the parking and storage and cannot be modified later into another use.
 3. The structure must be located outside of the floodway or must meet all requirements of this ordinance.
 4. The exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the BFE, must be built with flood-resistant materials in accordance Section 6.
 5. All utilities, mechanical, and electrical must be elevated above the FPE.
 6. The structure must have at least one permanent opening on at least two walls not more than one (1) foot above grade with one (1) square inch of opening for every one (1) square foot of floor area. They shall meet the opening requirements of Section 6(B)(2)(d);
 7. The structure must be no more than one story in height and no more than six hundred (600) square feet in size.
 8. The structure shall be anchored to resist floatation, collapse, lateral movement. and overturning.
 9. All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the FPE.
 10. The lowest floor elevation should be documented, and the owner advised of the flood insurance implications.

Section 7 . Subdivision Requirements

The President and Board of Trustees shall take into account hazards, to the extent that they are known, in all official actions related to land management use and development.

- A. New subdivisions, manufactured home parks, annexation agreements, planned unit developments, and additions to manufactured home parks and subdivisions shall meet the damage prevention and building protections standards of Section 6 of this

ordinance. Assure that subdivision proposals and other development will be reasonably safe from flooding and minimize flood damage.

- B. Streets, blocks lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible the floodplains should be included within parks, open space parcels, or other public grounds.
- C. Any proposal for such development shall include the following data:
 - 1. The BFE and the boundary of the floodplain, where the BFE is not available from an existing study, the applicant shall be responsible for calculating the BFE.
 - 2. The boundary of the floodway, when applicable.
 - 3. A signed statement by a Licensed Professional Engineer that the proposed plat or plan accounts for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).

Section 8 . Public Health and Other Standards

- A. Public health standards must be met for all floodplain development. In addition to the requirements of Section 6 of this ordinance, 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 FPE unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 6 of this ordinance.
 - 2. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
 - 3. Public sanitary sewer systems and water supply systems shall be located and constructed to minimize or eliminate infiltration of flood waters into the systems and discharges from the systems into flood waters.
 - 4. New and replacement on-site sanitary sewer lines or waste disposal systems shall be located and constructed to avoid impairment to them or contamination from them during flooding. Manholes or other above ground openings located below the FPE shall be watertight.
 - 5. Critical facilities, which are buildings, constructed or substantially improved within the floodplain or the 0.2 percent annual chance flood elevation when defined, shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 0.2 percent annual chance flood elevation or three feet above the BFE, whichever is greater. Adequate parking shall be provided for staffing of the critical facilities at or above the BFE or 0.2 percent chance flood, when defined. Access routes to all critical facilities

should be reviewed and considered when permitting. Access routes should be elevated to or above the level of the BFE.

Floodproofing and sealing measures may also be used to provide protection, as described in Section 6, and must be taken to ensure that toxic substances will not be displaced by or released into floodwaters.

Critical Facilities include emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes, and senior care facilities.

- B. All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.
- C. Dams are classified as to their size and their hazard/damage potential in the event of failure. Permits for dams may be required from IDNR/OWR. Contact IDNR/OWR to determine if a permit is required. If a permit is required, a permit application must be made to IDNR/OWR prior to the construction or major modification of jurisdictional dams. All construction activity for a dam must also meet the development requirements of this ordinance.
- D. In floodway areas, development shall cause no increase in flood levels during the occurrence of the base flood discharge. Prior to issuance of a floodplain development permit, the applicant must submit a hydrologic and hydraulic analysis, conducted by a registered professional engineer, demonstrating that the proposed development would not result in any increase in the base flood elevation.
- E. Notwithstanding any other provisions of this ordinance, a community may permit development within the adopted regulatory floodway that would result in an increase in base flood elevations, provided that the community meets subsection (F) and fulfills any requirements for such revisions.
- F. Letters of Map Revision. The Floodplain Administrator shall require a CLOMR prior to issuance of a development permit for:
 - 1. Proposed floodway encroachments that will cause an increase in the BFE; and
 - 2. Proposed development which will increase the BFE by more than 0.1 feet in riverine area where FEMA has provided a BFE but no floodway.

Once a CLOMR has been issued by FEMA, the development permit may be issued for site grading and structures necessary in the area of the map change to achieve the final LOMR. Upon completion, the applicant shall submit as-built certifications, as required by FEMA, to achieve a final LOMR prior to the release of final development permits.

- G. When construction of a building following a FEMA issued LOMR Based on Fill (LOMR-F) is requested, the condition where a site in the floodplain is removed due to the use of fill to elevate the site above the BFE, the applicant may apply for a permit from to construct the lowest floor of a building below the BFE in the floodplain.

The Floodplain Administrator shall not issue such a permit unless the applicant has demonstrated that the building will be reasonable safe from flooding. The Floodplain Administrator shall require a professional certification from a qualified design professional that indicates the land, or buildings are reasonably safe from flooding, according to the criteria established in FEMA TB 10. Professional certification may come from a professional engineer, professional geologist, professional soil scientist, or other design professional qualified to make such evaluations.

The Floodplain Administrator shall maintain records, available upon request by FEMA, all supporting analysis and documentation used to make that determination, including but not limited to, all correspondence, professional certification, existing and proposed grading, sump pump sizing, foundation plans, Elevation Certificates, soil testing and compaction data.

Section 9. Carrying Capacity and Compensatory Storage

- A. For all projects involving channel modification, fill, or stream maintenance (including levees), the flood carrying capacity of the watercourse shall be maintained. In addition, adjacent communities, Illinois Department of Natural Resources and FEMA, shall be notified thirty (30) days prior to issuance of a permit for any alteration or relocation of a watercourse.
- B. Compensatory storage shall be provided for any floodplain storage lost due to the proposed development from the volume of fill or structures placed and the impact of any related flood control projects.
 - a. A hydrologic and hydraulic analysis must be performed if the development is proposed within the floodway as required by Section 8 (D).
 - b. Artificially created storage lost due to a reduction in head loss behind a bridge shall not be required to be replaced.
 - c. The compensatory regulatory floodway storage must be placed between the proposed normal water elevation and the proposed 100-year flood elevation.
 - d. All regulatory floodway storage lost below the existing 10-year flood elevation must be replaced below the proposed 10-year flood elevation.
 - e. All regulatory floodway storage lost above the existing 10-year flood elevation must be replaced above the proposed 10-year flood elevation.
 - f. If the compensatory storage will not be placed at the location of the proposed construction, the applicant's engineer must demonstrate through a determination of flood discharges and water surface elevations that the compensatory storage is hydraulically equivalent.
 - g. The excavation volume shall be at least equal to 1.1 times the volume of storage lost due to fill or structure.

Section 10. Variances.

- A. No variances shall be granted within a floodway if any increases in the base flood elevation would result.

- B. Whenever the standards of this ordinance place undue hardship on a specific development proposal, the applicant may apply to the Village Board for a variance. The Village 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 granting of a variance as it deems necessary to further the purposes and objectives of this ordinance. The Village Board shall base the determination on:
1. Technical justifications submitted by the applicant.
 2. The staff report, comments, and recommendations submitted by the floodplain administrator.
 3. The limitations, considerations, and conditions set forth in this section.
- C. The findings of fact and conclusions of law made by the Village Board according to Section 10. A, the notifications required by Section 10. B, and a record of hearings and evidence considered as justification for the issuance of all variances from this ordinance shall be maintained by the Village in perpetuity.
- D. No variance shall be granted unless the applicant demonstrates, and the Village Board finds that all of the following conditions are met:
1. The development activity cannot be located outside the floodplain.
 2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
 3. The variance granted is the minimum necessary, considering the flood hazard, to afford relief.
 4. There will be no additional threat to public health, public safety, destruction of beneficial stream uses and functions including, aquatic habitat, causation of fraud on or victimization of the public, conflict with existing local laws or ordinances, or creation of a nuisance.
 5. There will be no additional public expense for flood protection, rescue or relief operations, policing, lost environmental stream uses and functions, repairs to streambeds and banks, or repairs to 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. Good and sufficient cause has been shown that the unique characteristics of the size, configuration, or topography of the site renders the requirements of this ordinance inappropriate.
 8. All other state and federal permits have been obtained.
- E. The Village Board shall notify an applicant in writing that a variance from the requirements of the building protections standards of Section 7 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) per one hundred dollars (\$100) of insurance coverage.
2. Increase the risk to life and property.
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.

F. Considerations for Review. In reviewing applications for variances, all technical evaluations, all relevant factors, all other portions of these regulations, and the following shall be considered:

1. The danger that materials and debris may be swept onto other lands resulting in further injury or damage.
2. The danger to life and property due to flooding or erosion damage.
3. The susceptibility of the proposed development, including contents, to flood damage and the effect of such damage on current and future owners.
4. The importance of the services provided by the proposed development to the community.
5. The availability of alternate locations for the proposed development that are not subject to flooding or erosion.
6. The compatibility of the proposed development with existing and anticipated development.
7. The relationship of the proposed development to the comprehensive plan and floodplain management program for that area.
8. The safety of access to the property in times of flood for ordinary and emergency vehicles.
9. The expected heights, velocity, duration, rate of rise and debris and sediment transport of the floodwaters and the effects of wave action, if applicable, expected at the site.
10. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical and water systems, streets, and bridges.

G. Historic Structures. Variances issued for the reconstruction, repair, or alteration of a historic site or historic structure as defined in "Historic Structures", may be granted using criteria more permissive than the requirements of Sections 6 and 7 of this ordinance subject to the conditions that:

1. The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure.

2. The repair or rehabilitation will not preclude the structure's continued designation as a historic structure.

H. Agriculture Structures. Variances issued for the construction or substantial improvement of agricultural structures which do not meet the non-residential building requirements of Sections 6. B and 6. C, provided the requirements of Section 10. A through 10. G and the following are satisfied:

1. A determination that the proposed agricultural structure:
 - a. Is used exclusively in connection with the production, harvesting, storage, raising, or drying of agricultural commodities, or storage of tools or equipment used in connection with these purposes or uses, and will be restricted to such exclusive uses.
 - b. Has low damage potential (amount of physical damage, contents damage, and loss of function).
 - c. Does not increase risks and pose a danger to public health, safety, and welfare if flooded and contents are released, including but not limited to the effects of flooding on liquified natural gas terminals, and production and storage of highly volatile, toxic, or water-reactive materials.
 - d. Complies with the wet floodproofing construction requirements of Section H. 2.
2. Wet floodproofing construction requirements. Wet floodproofed structures shall:
 - a. The exterior and interior building components and elements (i.e., foundation, wall framing, exterior and interior finishes, flooring, etc.) below the BFE, must be built with flood-resistant materials in accordance with Section 6 of this ordinance.
 - b. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.
 - c. All enclosed areas below the FPE shall provide for equalization of hydrostatic pressures by allowing the automatic entry and exit of floodwaters. A minimum of one (1) permanent opening shall be provided on at least two walls that is below the BFE and no more than one (1) foot above finished grade. The openings shall provide a total net area of not less than one (1) square inch for every one (1) square foot of enclosed area subject to flooding below the BFE, or the design must be certified by a Registered P.E. as providing the equivalent performance in accordance with accepted standards of practice. Refer to FEMA TB 1, Openings in Foundation Walls and Walls of Enclosures, for additional guidance.

- d. Any mechanical, electrical, or other utility equipment must be located above the BFE or floodproofed so that they are contained within a watertight, floodproofed enclosure that is capable of resisting damage during flood conditions in accordance with Section 6 of this ordinance.
- e. If located in a floodway, must be issued a state floodway permit or have a letter of determination that a permit is not required.
- f. The building may not be used for manure storage or livestock confinement operations.

Section 11. Disclaimer of Liability.

The degree of protection required by this ordinance 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 ordinance does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This ordinance does not create liability on the part of the Village of Hoffman Estates or any officer or employee thereof for any flood damage that results from proper reliance on this ordinance or any administrative decision made lawfully thereunder.

Section 12. Penalty.

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 ordinance. Upon due investigation, the Village Engineer may determine that a violation of the minimum standards of this ordinance exists. The Village Engineer shall notify the owner in writing of such violation.

- A. If such owner fails after ten (10) days from the date the written notice is issued, to correct the violation:
 - 1. The Village of Hoffman Estates shall make application to the circuit court for an injunction requiring conformance with this ordinance or make such other order as the court deems necessary to secure compliance with the ordinance.
 - 2. Any person who violates this ordinance shall upon conviction thereof be fined not less than fifty dollars (\$50) or more than seven hundred fifty (\$750) for each offense.
 - 3. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues, and
 - 4. The Village of Hoffman Estates shall record a notice of violation on the title of the property.
- B. The Village 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.

The Village is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.

No site development permit shall be permanently suspended or revoked until a hearing is held by the President of the Board of Trustees. Written notice of such hearing shall be served on the permittee and shall state the grounds for the complaint, reasons for suspension or revocation, and the time and place of the hearing.

At such hearing the permittee shall be given an opportunity to present evidence on their behalf. At the conclusion of the hearing, President of the Board of Trustees shall determine whether the permit shall be suspended or revoked.

- C. Nothing herein shall prevent the Village of Hoffman Estates from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

Section 13. Abrogation and Greater Restrictions.

This ordinance repeals and replaces other ordinances adopted by the Village Board to fulfill the requirements of the NFIP. However, this ordinance does not repeal the original resolution or ordinance adopted to achieve eligibility in the program. Nor does this ordinance repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this ordinance and other ordinance easements, covenants or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

Section 14. Severability.

The provisions and sections of this ordinance shall be deemed separable and the invalidity of any portion of this ordinance shall not affect the validity of the remainder.

Section 15. Effective Date.

This ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.

Section 3: The Village Clerk is hereby authorized to publish this Ordinance in pamphlet form.

Section 4: This Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED THIS _____ day of _____, 2025

VOTE	AYE	NAY	ABSENT	ABSTAIN
Trustee Karen V. Mills	_____	_____	_____	_____
Trustee Anna Newell	_____	_____	_____	_____
Trustee Gary J. Pilafas	_____	_____	_____	_____
Trustee Gary G. Stanton	_____	_____	_____	_____
Trustee Karen Arnet	_____	_____	_____	_____
Trustee Patrick Kinnane	_____	_____	_____	_____
President William D. McLeod	_____	_____	_____	_____

APPROVED THIS _____ DAY OF _____, 2025

Village President

ATTEST:

Village Clerk

Published in pamphlet form this _____ day of _____, 2025.

EXISTING MUNICIPAL CODE SECTION 10-8-1 TO BE REPEALED (FOR REFERENCE)

Sec. 10-8-1. Flood hazard area requirements.

- A. *Purpose.* The purposes of the Section are to maintain the Village's eligibility in the National Flood Insurance Program; to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and to preserve and enhance the quality of surface waters, conserve economic and natural values and provide for the wise utilization of water and related land resources. This Section of the Municipal Code is intended to accomplish the following specific purposes:
1. To meet the requirements of 615 ILCS 5/18(g), Rivers, Lakes and Streams Act;
 2. To assure that new development does not increase the flood or drainage hazards to others, or create unstable conditions susceptible to erosion;
 3. To protect new buildings and major improvements to buildings from flood damage;
 4. To protect human life and health from the hazards of flooding;
 5. To lessen the burden on the taxpayer for flood control projects, repairs to flood-damaged public facilities and utilities, and flood rescue and relief operations;
 6. To make federally subsidized flood insurance available for property in the Village by fulfilling the requirements of the National Flood Insurance Program;
 7. To comply with the rules and regulations of the National Flood Insurance Program codified as 44 CFR 59-79, as amended;
 8. To protect, conserve, and promote the orderly development of land and water resources;
 9. 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.
- B. *Definitions.* For the purposes of this Section of the Municipal Code, the following definitions are adopted:
1. *Accessory Structure.* A non-habitable structure which is on the same parcel of property as the principal structure to be insured and the use of which is incidental to the use of the principal structure.
 2. *Act.* "An act in relation to the regulation of the rivers, lakes and streams of the State of Illinois", 615 ILCS 5/5 et seq.
 3. *Applicant.* Any person, firm, corporation or agency which submits an application.
 4. *Appropriate Use.* Only uses of the designated floodway that are permissible and will be considered for permit issuance. The only uses that will be allowed are as specified in Section 10-8-1-G-2.
 5. *Base Flood.* The flood having a one-percent chance of being equaled or exceeded in any given year. The base flood is also known as the 100-year frequency flood event. Application of the base flood elevation at any location is as defined in Section 10-8-1-E.

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6. *Base Flood Elevation (BFE)*. The elevation in relation to Mean Sea Level of the crest of the base flood.
 7. *Basement*. That portion of the building having its floor subgrade below ground level on all sides.
 8. *Building*. A walled and roofed structure, including gas or liquid storage tank, that is principally above ground, including manufactured homes, prefabricated buildings, and gas or liquid storage tanks. The term also includes recreational vehicles and travel trailers installed on a site for more than 180 days per year.
 9. *Channel*. Any river, stream, creek, brook, branch, natural or artificial depression, ponded area, flowage, slough, ditch, conduit, culvert, gully, ravine, wash, or natural or man-made drainage way, which has a definite bed and banks or shoreline, in or into which surface or groundwater flows, either perennially or intermittently.
 10. *Channel Modification*. Alteration of a channel by changing the physical dimensions or materials of its bed or banks. Channel modification includes damming, rip-rapping (or other armoring), widening, deepening, straightening, relocating, lining and significant removal of native vegetation from the bottom or banks. Channel modification does not include the clearing of dead or dying vegetation, debris, or trash from the channel. Channelization is a severe form of channel modification involving a significant change in the channel cross-section and typically involving relocation of the existing channel (e.g. straightening).
 11. *Compensatory Storage*. An artificially excavated, hydraulically equivalent volume of storage within the SFHA used to balance the loss of natural flood storage capacity when artificial fill or structures are placed within the floodplain. The uncompensated loss of natural floodplain storage can increase off-site floodwater elevations and flows.
 12. *Conditional Approval of a Designated Floodway Map Change*. Preconstruction approval by IDNR/OWR and FEMA of a proposed change to the floodway map. This preconstruction approval, pursuant to this Section of the Municipal Code, gives assurances to the property owner that once an Appropriate Use is constructed according to permitted plans, the floodway map can be changed, as previously agreed, upon review and acceptance of as-built plans.
 13. *Conditional Letter of Map Revision (CLOMR)*. A letter which indicates that FEMA will revise base flood elevations, flood insurance rate zones, flood boundaries or floodway as shown on an effective Flood Hazard Boundary Map or Flood Insurance Rate Map, once the as-built plans are submitted and approved.
 14. *Control Structure*. A structure designed to control the rate of flow that passes through the structure, given a specific upstream and downstream water surface elevation.
 15. *Critical Facility*. Any facility which is critical to the health and welfare of the population and, if flooded, would create an added dimension to the disaster. Damage to these critical facilities can impact the delivery of vital services, can cause greater damage to other sectors of the community, or can put special populations at risk. Examples of critical facilities where flood protection should be required include: emergency services facilities (such as fire and police stations), schools, hospitals, retirement homes and senior care facilities, major roads and bridges, critical utility sites (telephone switching stations or electrical transformers), and hazardous material storage facilities (chemicals, petrochemicals, hazardous or toxic substances). Examples of critical facilities where flood protection is recommended include: sewage treatment plants, water treatment plants, and pumping stations.
 16. *Dam*. All obstructions, wall embankments or barriers, together with their abutments and appurtenant works, if any, constructed for the purpose of storing or diverting water or creating a pool. Dams may also include weirs, restrictive culverts or impoundment structures. Underground water storage tanks are not included.

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17. *Designated Floodway.* The channel, including on-stream lakes, and that portion of the floodplain adjacent to a stream or watercourse, generally depicted on the FEMA FIRM map, which is needed to store and convey the existing 100-year frequency flood discharge with no more than a 0.1 foot increase in stage due to the loss of flood conveyance or storage, and no more than a ten percent increase in velocities.
- The floodways are designated for on the countywide Flood Insurance Rate Map of Cook and Kane Counties prepared by FEMA and dated August 19, 2008 and August 3, 2009, respectively. When two floodway maps exist for a waterway, the more restrictive floodway limit shall prevail.
 - The floodways for those parts of unincorporated Cook and Kane Counties that are within the extraterritorial jurisdiction of the Village that may be annexed into the Village are designated for Poplar Creek, East Branch of Poplar Creek, and Schaumburg Branch of Poplar Creek on the countywide Flood Insurance Rate Map prepared by FEMA and dated August 19, 2008, for Cook County and August 3, 2009, for Kane County.
 - To locate the designated floodway boundary on any site, the designated floodway boundary should be scaled off the designated floodway map and located on a site plan, using reference marks common to both maps. Where interpretation is needed to determine the exact location of the designated floodway boundary, IDNR/OWR should be contacted for the interpretation.
18. *Development.* Any man-made change to real estate, including:
- Construction, reconstruction, repair, or placement of a building or any addition to a building.
 - Installing a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer or recreational vehicle on a site for more than 180 days. If the travel trailer or recreational vehicle is on-site for more than 180 days, it must be fully licensed and ready for highway use.
 - Drilling, mining, installing utilities, construction of roads, bridges, or similar projects.
 - Demolition of a structure or redevelopment of a site.
 - Clearing of land as an adjunct of construction.
 - Construction or erection of levees, walls, fences, dams, or culverts; channel modification; filling, dredging, grading, excavating, paving, or other non-agricultural alterations of the ground surface; storage of materials; deposit of solid or liquid waste.
 - Any other activity of man that might change the direction, height, or velocity of flood or surface water, including extensive vegetation removal.
 - Substantial improvement of an existing building.
- Development does not include routine maintenance of existing buildings and facilities such as reroofing or resurfacing of roads when there is no increase in elevation, or gardening, plowing, and similar agricultural practices that do not involve filling, grading, or construction of levees.
19. *Elevation Certificates.* A form published by FEMA that is used to certify the elevation to which a building has been elevated.
20. *Erosion.* The general process whereby soils are moved by flowing water or wave action.
21. *Exempt Organizations.* Organizations which are exempt from this ordinance per the Illinois Compiled Statutes (ILCS) including state, federal or local units of government.
22. *FEMA.* Federal Emergency Management Agency and its regulations at 44 CFR 59-79 as amended.

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23. *Flood*. A general and temporary condition of partial or complete inundation of normally dry land areas from overflow of inland or tidal waves, or the unusual and rapid accumulation or runoff of surface waters from any source.
 24. *Flood Frequency*. A period of years, based on a statistical analysis, during which a flood of a stated magnitude may be expected to be equaled or exceeded.
 25. *Flood Fringe*. That portion of the floodplain outside of the designated floodway. See commentary on "designated floodway".
 26. *Flood Insurance Rate Map (FIRM)*. A map prepared by FEMA that depicts the Special Flood Hazard Area (SFHA) within a community. This map includes insurance rate zones and floodplains and may or may not depict floodways.
 27. *Flood Insurance Study*. An examination, evaluation and determination of flood hazards and if appropriate, corresponding water surface elevations.
 28. *Floodplain*. That land typically adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. Floodplains may also include detached Special Flood Hazard Areas, ponding areas, etc. The floodplain is also known as the Special Flood Hazard Area (SFHA).
 - a. The floodplains are those lands within the jurisdiction of the Village that are subject to inundation by the base flood or 100-year frequency flood. The SFHA's of the Village are generally identified as such on the Cook County Countywide Flood Insurance Rate Map prepared by the Federal Emergency Management Agency are generally identified as such on the following map number 17031C panel 0155J, 0157J, 0158J, 0159J, 0161J, 0162J, 0166J, 0167J, 0176J, 0178J, 0179J, 0186J, 0187J, 0188J, 0189J and 0191J dated August 19, 2008, and map number 17089C panel 0180 dated August 3, 2009, of the Kane County Countywide Flood Insurance Rate Map prepared by the Federal Emergency Management Agency.
 - b. The SFHA's of those parts of unincorporated Cook County and Kane 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 Insurance Rate Maps prepared for Cook County dated August 19, 2008, and Kane County dated August 3, 2009, by the Federal Emergency Management Agency.
 29. *Floodproofing*. Any combination of structural and nonstructural additions, changes or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.
 30. *Floodproofing Certificate*. A form published by FEMA that is used to certify that a building has been designed and constructed to be structurally dry, floodproofed to the flood protection elevation.
 31. *Flood Protection Elevation (FPE)*. The elevation of the base flood or 100-year frequency flood plus two and one-half feet of freeboard at any given location in the SFHA.
 32. *Floodway*. See Section 10-8-1-B-17 "Designated Floodway".
 33. *Historic Structure*. Any structure that is:
 - a. Listed individually in the National Register of Historic Places or preliminary determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register.
 - b. Certified or preliminary determined by the Secretary of the Interior as contributing to the historic district or a district preliminary determined by the Secretary to qualify as a registered historic district.

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- c. Individually listed on the State inventory of historic places by the Illinois Historic Preservation Agency.
 - d. Individually listed on local inventory of historic places that has been certified by the Illinois Historic Preservation Agency.
34. *Hydrologic and hydraulic calculations*. Engineering analyses which determine expected flood flows and flood elevations based on land characteristics and rainfall events.
 35. *IDNR/OWR*. Illinois Department of Natural Resources, Office of Water Resources.
 36. *Letter of Map Amendment (LOMA)*. Official determination by FEMA that a specific structure is not in a 100-year floodplain; amends the FIRM.
 37. *Letter of Map Revision (LOMR)*. Letter that revises base flood or 100-year frequency flood elevations, floodplains or floodways as shown on an effective FIRM.
 38. *Lowest Floor*. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood-resistant enclosure usable solely for parking of vehicles, building access or storage, in an area other than a basement area is not considered a building's lowest floor; provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Section.
 39. *Manufactured Home*. A structure, 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" also includes park trailers, travel trailers and other similar vehicles placed on site for more than 180 consecutive days. The term "manufactured home" does not include a "recreational vehicle".
 40. *Manufactured Home Park or Subdivision*. A parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.
 41. *Mitigation*. Mitigation includes those measures necessary to minimize the negative effects which floodplain development activities might have on the public health, safety and welfare. Examples of mitigation include: excavation of compensatory storage, soil erosion and sedimentation control, and channel restoration. Mitigation may also include those activities taken to reduce a structure's susceptibility to flooding.
 42. *New Construction*. New construction means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community and includes any subsequent improvements to such structures.
 43. *New Manufactured Home Park or Subdivision*. Manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) has been completed on or after April 1, 1990.
 44. *NAVD 88*. National American Vertical Datum of 1988. NAVD 88 supersedes the National Geodetic Vertical Datum of 1929 (NGVD).
 45. *Natural*. When used in reference to channels, means those channels formed by the existing surface topography of the earth prior to changes made by man. A natural stream tends to follow a meandering path; its floodplain is not constrained by levees; the area near the bank has not been cleared, mowed or cultivated; the stream flows over soil and geologic materials typical of the area with no substantial alteration of the course or cross-section of the stream caused by filling or excavating. A modified channel may regain some natural characteristics over time as the channel meanders and vegetation is

re-established. Similarly, a modified channel may be restored to more natural conditions by man through regrading and revegetation.

46. *Ordinary High Water Mark (OHWM)*. The point on the bank or shore up to which the presence and action of surface water is so continuous so as to leave a distinctive mark such as by erosion, destruction or prevention of terrestrial vegetation, predominance of aquatic vegetation or other easily recognized characteristics.
47. *Public Flood Control Project*. A flood control project which will be operated and maintained by a public agency to reduce flood damages to existing buildings and structures which includes a hydrologic and hydraulic study of the existing and proposed conditions of the watershed. Nothing in this definition shall preclude the design, engineering, construction or financing, in whole or in part, of a flood control project by persons or parties who are not public agencies.
48. *Public Bodies of Waters*. All open public streams and lakes capable of being navigated by watercraft, in whole or in part, for commercial uses and purposes, and all lakes, rivers, and streams which in their natural condition were capable of being improved and made navigable lakes or rivers within, or upon the borders of the State of Illinois, together with all bayous, sloughs, backwaters, and submerged lands that are open to the main channel or body of water directly accessible thereto.
49. *Recreational Vehicle or Travel Trailer*. A vehicle which is:
 - a. Built on a single chassis;
 - b. 400 square feet or less when measured at the largest horizontal projection;
 - 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.
50. *Regional Permits*. Regional permits are offered for pre-approved projects which are considered minor projects that are permissible per INDR/OWR Part 3708 rules for Northeastern Illinois regulatory floodways. A complete listing of the terms and conditions for specific project types can be obtained from the IDNR/OWR website.
51. *Registered Land Surveyor*. A land surveyor registered in the State of Illinois, under The Illinois Land Surveyors Act (225 ILCS 330/1 et seq.)
52. *Registered or Licensed Professional Engineer*. An engineer registered in the State of Illinois, under The Illinois Professional Engineering Act (225 ILCS 325/1 et seq.).
53. *Repair, Remodeling or Maintenance*. Development activities which do not result in any increases in the outside dimensions of a building or any changes to the dimensions of a structure.
54. *Repetitive Loss*. Flood-related damages sustained by a structure on two separate occasions during a ten-year period for which the cost of repairs at the time of each such flood event, on the average, equals or exceeds 25 percent of the market value of the structure before the damage occurred.
55. *Retention/Detention Facility*. A retention facility stores stormwater runoff without a gravity release. A detention facility provides for storage of stormwater runoff and controlled release of this runoff during and after a flood or storm.
56. *Riverine SFHA*. Any SFHA subject to flooding from a river, creek, intermittent stream, ditch, on-stream lake system or any other identified channel. This term does not include areas subject to flooding from lakes, ponding areas, areas of sheet flow, or other areas not subject to overbank flooding.
57. *Runoff*. The water derived from melting snow or rain falling on the land surface, flowing over the surface of the ground or collected in channels or conduits.

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58. *Sedimentation*. The processes that deposit soils, debris, and other materials either on other ground surfaces or in bodies of water or watercourses.
59. *Special Flood Hazard Area (SFHA)*. See Section 10-8-1-B-28 "Floodplain".
60. *Start of Construction*. Includes substantial improvement, and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement was within 180 days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or placement of a manufactured home on a foundation.
61. *Statewide Permits*. Statewide permits are offered for pre-approved projects that are considered minor projects which are permissible per the IDNR/OWR part 3700 rules. A complete listing of the statewide permits and permit requirements can be obtained from the IDNR/OWR website.
62. *Structure*. See Section 10-8-1-B-8 "Building".
63. *Substantial Damage*. Damage of any origin sustained by a structure whereby the cumulative percentage of damage during the life of the building equals or exceeds 50 percent of the market value of the structure before damage occurred regardless of actual repair work performed. Volunteer labor and materials must be included in this determination. The term includes Repetitive Loss Buildings, see Section 10-8-1-B-54 "Repetitive Loss".
64. *Substantial Improvement*. Any reconstruction, rehabilitation, addition, or improvement of a structure taking place during the life of the building in which the cumulative percentage of improvements equals or exceeds 50 percent of the market value of the structure before the improvement or repair is started.
- "Substantial Improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. This term includes structures which have incurred repetitive loss or substantial damage, regardless of the actual work done.
 - The term does not, however, include either:
 - 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
 - Any alteration of a "historic structure" listed on the National Register of Historic Places or the Illinois Register of Historic Places, provided that the alteration will not preclude the structure's continued designation as a historic structure.
65. *Transition section*. Reaches of the stream or floodway where water flows from a narrow cross-section to a wide cross-section or vice versa.
66. *Violation*. The failure of a structure or other development to be fully compliant with the community's floodplain management regulations. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance is presumed to be in violation until such time as that documentation is provided.
- C. *How to Use Section 10-8-1* The Director of Engineering shall be responsible for fulfilling all of the duties listed in Section 10-8-1-D. To fulfill those duties, the Director of Engineering first shall use the criteria listed in Section 10-8-1-E, Base Flood Elevation, to determine whether the development site is located within a floodplain. Once it has been determined that a site is located within a floodplain, the Director of Engineering must determine whether the development site is within a flood fringe, a designated floodway, or within a SFHA or floodplain for which no floodway has been identified. If the site is within a flood fringe, the Director

of Engineering shall require that the minimum requirements of Section 10-8-1-F be met. If the site is within a floodway, the Director of Engineering shall require that the minimum requirements of Section 10-8-1-G be met. If the site is located within a SFHA or floodplain for which no detailed study has been completed and approved, the Director of Engineering shall require that the minimum requirements of Section 10-8-1-H be met.

In addition, the general requirements of Section 10-8-1-I shall be met for all developments meeting the requirements of Section 10-8-1-F, 10-8-1-G, or 10-8-1-H. The Director of Engineering shall assure that all subdivision proposals shall meet the requirements of Section 10-8-1-J.

If a variance is to be granted for a proposal, the Director of Engineering shall review the requirements of Section 10-8-1-K to make sure they are met. In addition, the Director of Engineering shall complete all notification requirements.

In order to assure that property owners obtain permits as required by this Section of the Municipal Code, the Director of Engineering may take any and all actions as outlined in Section 10-8-1-M.

D. *Duties of the Enforcement Official.* The Director of Engineering shall be responsible for the general administration and enforcement of this Section of the Municipal Code, which shall include the following:

1. *Determining the Floodplain Designation.* Check all new development sites to determine whether they are in a Special Flood Hazard Area (SFHA). If they are in a SFHA, determine whether they are in a floodway, flood fringe or a floodplain on which a detailed study has not been conducted which drains more than one square mile. Check whether the development is potentially within an extended SFHA (with a drainage area less than one square mile), indicating that the development would have adverse impacts regarding storage, conveyance, or inundation which would be the basis for the applicant being required to delineate the floodplain and floodway and be subject to the remaining Sections herein.
2. *Professional Engineer Review.* If the development site is within a floodway or in a floodplain on which a detailed study has not been conducted and which drains more than one square mile, then the permit shall be referred to a licensed professional engineer (P.E.) under the employ or contract of the Village for review to ensure that the development meets the requirements of Section 10-8-1-G or 10-8-1-H. In the case of an Appropriate Use, the P.E. shall state in writing that the development meets the requirements of Section 10-8-1-G.
3. *Dam Safety Requirements.* Dams are classified as to their size and their hazard/damage potential in the event of failure. The construction or major modification of all Class I (high hazard) and Class II (moderate hazard) dams require an IDNR/OWR dam safety permit. Some Class III (low hazard) dams require an IDNR/OWR dam safety permit, depending on the drainage area to the dam, the height of the dam and the impounding capacity behind the dam. Most off-channel detention basins that have an embankment are non-jurisdictional Class III dam. It is not required that IDNR/OWR "sign-off" on all non-jurisdictional Class III dams. A consulting engineer with dam safety knowledge can estimate a hazard classification and determine if an IDNR/OWR dam safety permit is required. A permit application submittal must be made to IDNR/OWR for the construction or major modification of jurisdictional dams. Regulated dams may include weirs, restrictive culverts or impoundment structures.
4. *Other permit requirements.* Ensure that any and all required federal, state and local permits are received prior to the issuance of a floodplain development permit.
5. *Plan Review and Permit Issuance.* Ensure that all development activities within the SFHAs of the jurisdiction of the Village meet the requirements of this Section of the Municipal Code, and issue a floodplain development permit in accordance with the provisions of this Section and other regulations of this community when the development meets the conditions of this Section.
6. *Inspection Review.* Inspect all development projects before, during and after construction to assure proper elevation of the structure and to ensure compliance with the provisions of this Section of the

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- Municipal Code and schedule on an annual basis an inspection of the floodplain and document the results of the inspection.
7. *Damage Determinations.* Make damage determinations of all damaged buildings in the SFHA after a flood to determine substantially damaged structures which must comply with Section 10-8-1-I-3-c.
 8. *Elevation and Floodproofing Certificates.* Maintain in the permit files of the Department of Code Enforcement an Elevation Certificate certifying the elevation of the lowest floor (including basement) of a residential or non-residential building subject to Section 10-8-1-I, and/or the elevation to which a non-residential building has been floodproofed, using a Floodproofing Certificate, for all buildings subject to Section 10-8-1-I.
 9. *Records for Public Inspection.* Maintain for public inspection and furnish upon request base flood data, SFHA and designated floodway maps, copies of federal or state permit documents, variance documentation, Conditional Letter of Map Revision, Letter of Map Revision, Letter of Map Amendment and "as built" elevation and floodproofing and/or elevation certificates for all buildings constructed subject to this Section of the Municipal Code.
 10. *State Permits.* Ensure that construction authorization has been granted by IDNR/OWR, for all development projects subject to Sections 10-8-1-G and 10-8-1-H, unless enforcement responsibility has been delegated to the Village. However, the following review approvals are not delegated to the Village and shall require review or permits from IDNR/OWR:
 - a. Organizations which are exempt from this Section of the Municipal Code, as per the Illinois Compiled Statutes;
 - b. IDNR/OWR projects, dams or impoundment structures as defined in Section 10-8-1-B-16 and all other state, federal or local unit of government projects, including projects of the Village and County, except for those projects meeting the requirements of Section 10-8-1-G-2-a;
 - c. An engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, per Section 10-8-1-G-2-c-5);
 - d. An engineer's analysis of the flood profile due to Section 10-8-1-G-2-c-4);
 - e. Alternative transition sections and hydraulically equivalent compensatory storage as indicated in Section 10-8-1-G-2-c (G-2-c-1), G-2-c-2), G-2-c-8));
 - f. Permit issuance of structures within, under, or over publicly navigable rivers, lakes and streams;
 - g. Any changes in the mapped floodway or published flood profiles.
 11. *Cooperation with Other Agencies.* Cooperate with state and federal floodplain management agencies to improve base flood or 100-year frequency flood and floodway data and to improve the administration of this Section of the Municipal Code. Submit data to IDNR/OWR and the Federal Emergency Management Agency for proposed revisions of a designated map within six months whenever a modification of the floodplain may change the base flood elevation or result in a change to the floodplain map. Submit reports as required for the National Flood Insurance Program. Notify the Federal Emergency Management Agency of any proposed amendments to this Section.
 12. *Promulgate Regulations.* Promulgate rules and regulations as necessary to administer and enforce the provisions of this Section of the Municipal Code, subject however to the review and approval of IDNR/OWR and FEMA for any changes to this Section.
- E. *Base Flood Elevation.* The protection standard for this Section of the Municipal Code is based on the Flood Insurance Study for the Village. If a base flood elevation or 100-year frequency flood elevation is not available for a particular site, then the protection standard shall be according to the best existing data available from federal, state or other resources. When a party disagrees with the best available data, they

shall submit a detailed engineering study needed to replace existing data with better data and submit it to IDNR/OWR and FEMA for review and consideration prior to any development of the site.

1. The base flood or 100-year frequency flood elevation for the SFHAs of Salt Creek, Tributary A of the West Branch of Salt Creek, Higgins Road Tributary to Tributary A of the West Branch of Salt Creek and St. Michael's Tributary to Salt Creek, Poplar Creek, East Branch of Poplar Creek, and Schaumburg Branch of Poplar Creek shall be delineated on the 100-year flood profiles in the Flood Insurance Study for Cook and Kane Counties prepared by FEMA and dated August 19, 2008 and August 3, 2009, respectively and such amendments to such study and maps as may be prepared from time to time.
 2. The base flood or 100-year frequency flood elevation for the SFHAs of those parts of unincorporated Cook and Kane Counties that are within the extraterritorial jurisdiction of the Village or that may be annexed into the Village shall be delineated on the 100-year flood profiles in the Flood Insurance Study of Cook County prepared by FEMA and dated August 19, 2008, and of Kane County prepared by FEMA and dated August 3, 2009, and such amendments or revisions to such study and maps as may be prepared from time to time.
 3. The base flood or 100-year frequency flood elevation for each SFHA delineated as an "AH Zone" or "AO Zone" be that elevation (or depth) delineated on the countywide Flood Insurance Rate Map of Cook and Kane Counties.
 4. The base flood or 100-year frequency flood elevation for each of the remaining SFHAs delineated as an "A Zone" on the countywide Flood Insurance Rate Map of Cook and Kane Counties shall be according to the best existing data available from federal, state or other sources. Should no other data exist, an engineering study must be financed by the applicant to determine base flood elevations. When no base flood or 100-year frequency flood elevation exists, the base flood or 100-year frequency flood elevation for a riverine SFHA shall be determined from a backwater model, such as HEC-II, HEC-RAS, or a dynamic model such as HIP. The flood flows used in the hydraulic models shall be obtained from a hydrologic model, such as HEC-I, HEC-HMS, TR-20, or HIP, or by techniques presented in various publications prepared by the United States Geological Survey for estimating peak flood discharges. For a non-riverine SFHA, the Base Flood Elevation shall be the historic Flood of Record plus three feet, unless calculated by a detailed engineering study. For an unmapped extended SFHA (with a drainage area less than one square mile) which has been identified by the Director of Engineering pursuant to Section 10-8-1-D-1, the base flood elevation shall be determined by the applicant utilizing a method as approved in Section 10-8-1-E-1.
- F. *Occupation and Use of Flood Fringe Areas.* Development in and/or filling of the flood fringe will be permitted if protection is provided against the base flood or 100-year frequency flood by proper elevation, and compensatory storage, and other applicable provisions of this Section of the Municipal Code. No use will be permitted which adversely affects the capacity of drainage facilities or systems. Developments located within the flood fringe shall meet the requirements of this Section, along with the requirements of Section 10-8-1-I.
1. *Development Permit.* No person, firm, corporation, or governmental body not exempted by law shall commence any development in the SFHA without first obtaining a development permit from the Director of Engineering.
 - a. Application for a development permit shall be made on a form provided by the Director of Engineering. The application shall be accompanied by drawings of the site, drawn to scale, showing property line dimensions and legal description for the property and sealed by a licensed engineer, architect or land surveyor; existing grade elevations, using the North American Vertical Datum of 1988, and all changes in grade resulting from excavation or filling; the location and dimensions of all buildings and additions to buildings. For all proposed buildings, the elevation of the lowest floor (including basement) and lowest adjacent grade shall be shown on the submitted plans and the development will be subject to the requirements of Section 10-8-1-I.

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- b. Upon receipt of a development permit application, the Director of Engineering shall compare the elevation of the site to the base flood or 100-year frequency flood elevation. Any development located on land that can be shown to have been higher than the base flood elevation of the current Flood Insurance Rate Map and which has not been filled after the date of the site's first Flood Insurance Rate Map without a permit as required by this Section is not in the SFHA and, therefore, not subject to the requirements of this Section of the Municipal Code. The Director of Engineering shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map identification.
 - c. A soil erosion and sedimentation control plan for disturbed areas shall be submitted. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures and the identification of a responsible party to ensure post-construction maintenance.
 - d. The Director of Engineering shall be responsible for obtaining from the applicant, copies of all other local, state and federal permits, approvals or waivers that may be required for this type of activity. The Director of Engineering shall not issue a permit unless all other local, state and federal permits have been obtained.
2. *Preventing Increased Damages.* No development in the flood fringe shall create a threat to public health and safety.
- a. If fill is being used to elevate the site above the base flood or 100-year frequency flood elevation, the applicant shall submit sufficient data and obtain a letter of map revision (LOMR) from FEMA for the purpose of removing the site from the floodplain.
 - b. *Compensatory Storage.* Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation. The excavation volume shall be at least equal to 1.5 times the volume of storage lost due to the fill or structure. In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied. All floodplain storage lost below the existing 10-year flood elevation shall be replaced below the proposed 10-year flood elevation. All floodplain storage lost above the existing 10-year flood elevation shall be replaced above the proposed ten-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.
3. *Construction of the Lowest Floor Below The Base Flood Elevation (BFE).* A person who has obtained a Letter of Map Revision Based on Fill that removes a site in the flood fringe from the floodplain due to the use of fill to elevate the site above the BFE, may apply for a permit from the Village to construct the lowest floor of a residential building below the BFE in the flood fringe. The Director of Engineering shall not issue such a permit unless the applicant has complied with all criteria set forth in the following subsection.
- a. Compensatory storage shall be provided per Section 10-8-1-F-2-b.
 - b. The elevation of the lowest opening in the basement wall (i.e., window wells, access ways) shall be at or above the Flood Protection Elevation (FPE).
 - c. The lowest adjacent grade to the foundation shall be at or above the FPE, for a minimum distance of ten feet beyond the outside face of the structure. However, if site conditions are such that this requirement cannot be met, the Director of Engineering may waive the ten-foot

minimum setback if an Illinois Licensed Professional Engineer certifies that an alternative method to protect the building from damage due to hydrostatic pressures has been met. The certifications shall be in the form of a detailed soils and structural design analysis, which shall be submitted to the Director of Engineering for review. The Director of Engineering may require such additional documentation as necessary to prove that the proposed shorter setback distance will keep the structure reasonably safe. In no case shall the setback be less than four feet.

- d. The grade around the perimeter of the structure, measured at a distance of 20 feet from the structure, shall be above the BFE. However, if site conditions are such that this requirement cannot be obtained, the Director of Engineering may waive the 20-foot minimum setback distance if an Illinois Licensed Professional Engineer certifies that an alternative method to protect the building from damages due to hydrostatic pressures have been met. A detailed soils analysis and structural design proving that a shorter setback distance will keep the structure reasonably safe from flooding, shall be submitted to the Village for review. In no case shall the setback distance be less than four feet.
- e. The ground around the building shall be compacted fill that meets all requirements of this subsection and is at least five feet thick under the basement floor slab. Nothing in this subsection shall be interpreted to require the removal or replacement of fill that was placed as part of a LOMR-F, if such fill consists of material, including soils of similar classification and degree permeability, such as those classified as CH, CL, SC or ML according to ASTM standard D-2487, Classification of Soils for Engineering Purposes.
- f. The fill material must be homogeneous and isotropic; that is, the soil must be all of one material, and the engineering priorities must be in the same direction.
- g. All fill material and compaction shall be designed, certified and inspected by an Illinois Licensed Professional Engineer, as warranted by the site conditions.
- h. The basement floor shall be at an elevation that is no more than five feet below the BFE.
- i. There shall be a granular drainage layer beneath the floor slab, and minimum of ¼ horsepower sump pump with a backup power supply shall be provided to remove seepage flow. The pump shall be rated at four times the estimated seepage rate and shall discharge above the BFE and away from the building in order to prevent flooding of the basement or uplift of the floor under the effect of the seepage pressure.
- j. The drainage system shall be equipped with a positive means of preventing backflow.
- k. All foundations elements shall be designed to withstand hydrostatic pressure in accordance with accepted engineering practices.
- l. If the applicant is unable to meet all of the requirements set forth in the preceding paragraphs of this subsection, the Director of Engineering may allow the construction of a basement below the BFE only if the applicant demonstrates that the proposed fill and structure meet the guidelines and requirements set forth in FEMA Technical Bulletin 10-01 and are reasonably safe from flooding. In order to demonstrate that the proposed structure is reasonably safe from flooding, the applicant shall submit a detailed engineering analysis of the proposed fill and foundation wall. The engineered basement study shall be completed in accordance with the latest edition of FEMA Technical Bulletin 10-01, with the analysis of the fill being prepared by an Illinois Licensed Professional Engineer.
- m. In order to provide the required compensatory storage on site, in no case shall the depth of excavation in the front and side yards of the lot exceed 18 inches, as measured from the previously existing natural grade. The rear yard shall be permitted to have a greater depth of excavation, if necessary. All such excavation shall be constructed to drain freely and openly to the

watercourse or storm sewer system. The use of mechanical means to drain the compensatory storage area will not be permitted.

G. *Occupation and Use of Designated Floodways.* This Section applies to proposed development, redevelopment, site modification or building modification within a designated floodway. The designated floodway for Salt Creek, Tributary A of the West Branch of Salt Creek, Higgins Road Tributary to Tributary A of the West Branch of Salt Creek, St. Michael's Tributary to Salt Creek, Poplar Creek, East Branch of Poplar Creek, and Schaumburg Branch of Poplar Creek shall be as delineated on the countywide Flood Insurance Rate Map of Cook and Kane Counties and referenced in Section 10-8-1-B-26. Only those uses and structures will be permitted which meet the criteria in this Section. All floodway modifications shall be the minimum necessary to accomplish the purpose of the project. The development shall also meet the requirements of Section 10-8-1-I.

1. *Development Permit.* No person, firm, corporation or governmental body not exempted by state law shall commence any development in a floodway without first obtaining a development permit from the Director of Engineering and IDNR/OWR.

a. Application for a development permit shall be made on a form provided by the Director of Engineering. The application shall include the following information:

- 1) Name and address of applicant.
- 2) Site location (including legal description) of the property, drawn to scale, on the designated floodway map, indicating whether it is proposed to be in an incorporated or unincorporated area.
- 3) Name of stream or body of water affected.
- 4) Description of proposed activity.
- 5) Statement of purpose of proposed activity.
- 6) Anticipated dates of initiation and completion of activity.
- 7) Name and mailing address of the owner of the subject property if different from the applicant.
- 8) Signature of applicant or the applicant's agent.
- 9) If the applicant is a corporation, the president or other authorized officer shall sign the application form.
- 10) If the applicant is a partnership, each partner shall sign the application form.
- 11) If the applicant is a land trust, the trust officer shall sign the name of the trustee by him (her) as trust officer. A disclosure affidavit shall be filed with the application, identifying each beneficiary of the trust by name and address and defining the respective interests therein.
- 12) Plans of the proposed activity shall be provided which include as a minimum:
 - (a) A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow.
 - (b) A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations, using the North American Vertical Datum of 1988, adjacent property lines and ownership, drainage and flood control easements, location of any

channels and any existing or future access roads, distance between proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), designated floodway limit, floodplain limit, specifications and dimensions of any proposed channel modifications, location and orientation of cross-sections, north arrow, and a graphic or numerical scale.

- (c) Cross-section views of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, ten-year frequency flood elevation, 100-year frequency flood elevation, and graphic or numerical scales (horizontal and vertical).
 - (d) A soil erosion and sediment control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance.
 - (e) A copy of the designated floodway map, marked to reflect any proposed change in the designated floodway location.
- 13) Any and all other local, state and federal permits or approval letters that may be required for this type of development.
- 14) Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the permit criteria of Section 10-8-1-G-2.
- 15) If the designated floodway delineation, base flood or 100-year frequency flood elevation will change due to the proposed project, the application will not be considered complete until IDNR/OWR has indicated conditional approval of the designated floodway map change. No structures may be built until a Letter of Map Revision has been approved by FEMA.
- 16) The application for a structure shall be accompanied by drawings of the site, drawn to scale showing property line dimensions and existing ground elevations and all changes in grade resulting from any proposed excavation or filling, and floodplain and floodway limits; sealed by a licensed professional engineer, licensed architect or licensed land surveyor; the location and dimensions of all buildings and additions to buildings; and the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 10-8-1-I.
- 17) If the proposed project involves a channel modification, the applicant shall submit the following information:
 - (a) A discussion of the purpose of and need for the proposed work.
 - (b) A discussion of the feasibility of using alternative locations or methods (see Section 10-8-1-G-2-c-9)) to accomplish the purpose of the proposed work.
 - (c) An analysis of the extent and permanence of the impacts each feasible alternative identified in 10-8-1-G-2-c-9) of this Section would have on the physical and biological conditions of the body of water affected.
 - (d) An analysis of the impacts of the proposed project, considering cumulative effects on the physical and biological conditions of the body of water affected.

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- b. The Director of Engineering shall be responsible for obtaining from the applicant copies of all other local, state, and federal permits and approvals that may be required for this type of activity. The Director of Engineering shall not issue the development permit unless all required federal and state permits have been obtained. A Licensed Professional Engineer, under the employ or contract of the Village, shall review and approve applications reviewed under this Section.
2. *Preventing Increased Damages and a List of Appropriate Uses.*
- a. The only development in a floodway which will be allowed are Appropriate Uses, which will not cause a rise in the base flood elevation, and which will not create a damaging or potentially damaging increase in flood heights or velocity, be a threat to public health and safety and welfare, impair the natural hydrologic and hydraulic functions of the floodway or channel, or permanently impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this Section of the Municipal Code. Only those Appropriate Uses listed in 17 IL Adm. Code Part 3708 will be allowed. The approved Appropriate Uses are as follows:
- 1) Flood control structures, dikes, dams and other public works or private improvements relating to the control of drainage, flooding, erosion, or water quality or habitat for fish and wildlife.
 - 2) Structures or facilities relating to the use of, or requiring access to, the water or shoreline, such as pumping and treatment facilities and facilities and improvements related to recreational boating, and commercial shipping and other functionally water dependent uses.
 - 3) Storm and sanitary sewer relief outfalls.
 - 4) Underground and overhead utilities.
 - 5) Recreational facilities such as playing fields and trail systems, including any related fencing (at least 50 percent open when viewed from any one direction) built parallel to the direction of flood flows, and including open air pavilions and toilet facilities (four stall maximum) that will not block flood flows nor reduce floodway storage.
 - 6) Detached garages, storage shed, or other non-habitable accessory structures that will not block flood flows nor reduce floodway storage.
 - 7) Bridges, culverts, roadways, sidewalks, railways, runways and taxiways and any modification thereto.
 - 8) Parking lots built at or below existing grade where either:
 - (a) The depth of flooding at the 100-year frequency flood event will not exceed 1.0 foot; or
 - (b) The applicant of a short-term recreational use facility parking lot formally agrees to restrict access during overbank flooding events and accepts liability for all damage caused by vehicular access during all overbank flooding events.
 - 9) Designated floodway regrading, without fill, to create a positive non-erosive slope toward a watercourse.
 - 10) Floodproofing activities to protect previously existing lawful structures including the construction of watertight window wells, elevating structures, or construction of floodwalls around residential, commercial or industrial principal structures where the outside toe of

the floodwall shall be no more than ten feet away from the exterior wall of the existing structure, and which are not considered substantial improvements to the structure.

- 11) The replacement, reconstruction or repair of a damaged building, provided that the outside dimensions are not increased, and if the building was damaged to 50 percent or more of the market value before the damage occurred, the building will be protected from flooding to the flood protection elevation.
 - 12) Modifications to an existing building that would not increase the enclosed floor area of the building below the 100-year frequency flood elevation, and which will not block flood flows including but not limited to, fireplaces, bay windows, decks, patios and second story additions. If the building is improved to 50 percent or more of the market value before the modification occurred (i.e., a substantial improvement), the building will be protected from flooding to the flood protection elevation.
- b. Appropriate uses do not include the construction or placement of any new structures, fill, building additions, buildings on stilts, excavation or channel modifications done to accommodate otherwise non-appropriate uses in the floodway, fencing (including landscaping or planting designed to act as a fence) and storage of materials except as specifically defined above as an Appropriate Use.
 - c. Within the designated floodway, the construction of an Appropriate Use, will be considered permissible provided that the proposed project meets the following engineering and mitigation criteria and is so stated in writing with supporting plans, calculations and data by a licensed professional engineer and provided that any structure meets the protection requirements of Section 10-8-1-I.
- 1) *Preservation of Flood Conveyance, so as Not to Increase Flood Stages Upstream.* For appropriate uses other than bridge or culvert crossings, on-stream structures or dams, all effective designated floodway conveyance lost due to the project will be replaced for all flood events up to and including the 100-year frequency flood. In calculating effective designated floodway conveyance, the following factors shall be taken into consideration:
 - (a) Designated floodway conveyance, "K" = $(1.486/n)(AR^{2/3})$ where "n" is Manning's roughness factor, "A" is the effective area of the cross-section, and "R" is the ratio of the area to the wetted perimeter. (See Open Channel Hydraulics, Ven Te Chow, 1959, McGraw-Hill Book Company, New York.)
 - (b) The same Manning's "n" value shall be used for both existing and proposed conditions unless a recorded maintenance agreement with a federal, state, or local unit of government can assure the proposed conditions will be maintained or the land cover is changing from a vegetative to a non-vegetative land cover.
 - (c) Transition sections shall be provided and used in calculations of effective designated floodway conveyance. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to IDNR/OWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:
 - (i) When water is flowing from a narrow section to a wider section, the water shall be assumed to expand no faster than at a rate of one-foot horizontal for every four feet of the flooded stream's length.
 - (ii) When water is flowing from a wide section to a narrow section, the water shall be assumed to contract no faster than at a rate of one-foot horizontal for every one-foot of the flooded stream's length.

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- (iii) When expanding or contracting flows in a vertical direction, a minimum of one-foot vertical transition for every ten feet of stream length shall be used.
 - (iv) Transition sections shall be provided between cross-sections with rapid expansions and contractions and when meeting the designated floodway delineation on adjacent properties.
 - (v) All cross-sections used in the calculations shall be located perpendicular to flood flows.
- 2) *Preservation of Floodway Storage so as Not to Increase Downstream Flooding.* Compensatory storage shall be provided for any designated floodway storage lost due to the proposed work from the volume of fill or structures placed and the impact of any related flood control projects. Compensatory storage for fill or structures shall be equal to at least 1.5 times the volume of floodplain storage lost. Artificially created storage lost due to a reduction in head loss behind a bridge shall not be required to be replaced. The compensatory designated floodway storage shall be placed between the proposed normal water elevation and the proposed 100-year flood elevation. All designated floodway storage lost below the existing ten-year flood elevation shall be replaced below the proposed ten-year flood elevation. All designated floodway storage lost above the existing ten-year flood elevation shall be replaced above the proposed ten-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse. If the compensatory storage will not be placed at the location of the proposed construction, the applicant's engineer shall demonstrate through a determination of flood discharges and water surface elevations that the compensatory storage is hydraulically equivalent. There shall be no reduction in floodway surface area as a result of a floodway modification, unless such modification is necessary to reduce flooding at existing structure.
- 3) *Preservation of Floodway Velocities so as Not to Increase Stream Erosion or Flood Heights.* For all Appropriate Uses, except bridges or culverts or on-stream structures, the proposed work will not result in an increase in the average channel or designated floodway velocities or stage for all flood events up to and including the 100-year frequency event. In the case of bridges or culverts or on-stream structures built for the purpose of backing up water in the stream during normal or flood flows, velocities may be increased at the structure site if scour, erosion and sedimentation will be avoided by the use of rip-rap or other design measures.
- 4) *Construction of New Bridges or Culvert Crossings and Roadway Approaches.* The proposed structure shall not result in an increase of upstream flood stages greater than 0.1 foot when compared with the existing conditions for all flood events up to and including the 100-year frequency event; or the upstream flood stage increases will be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements. If the proposed construction will increase upstream flood stages greater than 0.1 feet, the developer must contact IDNR/OWR to obtain a permit for a dam or waiver.
- (a) The engineering analysis of upstream flood stages must be calculated using the flood study flows and corresponding flood elevations for tailwater conditions for the flood study specified in Section 10-8-1-E. Bridges and culverts must be analyzed using any commonly accepted FEMA approved hydraulic models.
 - (b) Lost floodway storage must be compensated per Section 10-8-1-G-2-c-2).
 - (c) Velocity increases must be mitigated per Section 10-8-1-G-2-c-3).

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- (d) If the crossing is proposed over public water that is used for recreational or commercial navigation, a IDNR/OWR permit must be received.
 - (e) The hydraulic analysis for the backwater caused by the bridge showing the existing condition and proposed designated profile must be submitted to IDNR/OWR for concurrence that a CLOMR is not required by Section 10-8-1-G-2.
 - (f) All excavations for the construction of the crossing shall be designed per Section 10-8-1-G-2-c-8).
- 5) *Reconstruction or Modification of Existing Bridges, Culverts, and Approach Roads.*
- (a) The bridge or culvert and roadway approach reconstruction or modification shall be constructed with no more than 0.1 foot increase in backwater over the existing flood profile for all flood frequencies up to and including the 100-year event, if the existing structure is not a source of flood damage.
 - (b) If the existing bridge or culvert and roadway approach is a source of flood damage to buildings or structures in the upstream floodplain, the applicant's engineer shall evaluate the feasibility of redesigning the structure to reduce the existing backwater, taking into consideration the effects on flood stages on upstream and downstream properties.
 - (c) The determination as to whether or not the existing crossing is a source of flood damage and should be redesigned must be prepared in accordance with 17 IL Adm. Code Part 3708 (Floodway Construction in Northeastern Illinois) and submitted to the IDNR/OWR for review and concurrence before a permit is issued.
- 6) *On-Stream Structures Built for the Purpose of Backing Up Water.* Any increase in upstream flood stages greater than 0.0 foot when compared with the existing conditions, for all flood events up to and including the 100-year frequency event shall be contained within the channel banks (or within existing vertical extensions of the channel banks) such as within the design protection grade of existing levees or flood walls or within recorded flood easements. A permit or letter indicating a permit is not required must be obtained from IDNR/OWR for any structure built for the purpose of backing up water in the stream during normal or flood flow. All dams and impoundment structures as defined in Section 10-8-1-B-16 shall meet the permitting requirements of 17 Ill. Adm. Code Part 3702 (Construction and Maintenance of Dams). If the proposed activity involves a modification of the channel or floodway to accommodate an impoundment, it shall be demonstrated that:
- (a) The impoundment is determined to be in the public interest by providing flood control, public recreation, or regional stormwater detention;
 - (b) The impoundment will not prevent the migration of indigenous fish species, which require access to upstream areas as part of their life cycle, such as for spawning;
 - (c) The impoundment will not cause or contribute to degraded water quality or habitat conditions. Impoundment design should include gradual bank slopes, appropriate bank stabilization measures, and a pre-sedimentation basin;
 - (d) A non-point source control plan has been implemented in the upstream watershed to control the effects of sediment runoff as well as minimize the input of nutrients, oil and grease, metals, and other pollutants. If there is more

than one municipality in the upstream watershed, the municipality in which the impoundment is constructed should coordinate with upstream municipalities to ensure comprehensive watershed control;

- (e) The project otherwise complies with the requirements of Section 10-8-1-G.
- 7) *Floodproofing of Existing Habitable, Residential and Commercial Structures.* If construction is required beyond the outside dimensions of the existing building, the outside perimeter of the floodproofing construction shall be placed no further than ten feet from the outside of the building. Compensation of lost storage and conveyance will not be required for floodproofing activities.
- 8) *Excavation in the Floodway.* When excavation is proposed in the design of bridges and culvert openings, including the modifications to and replacement of existing bridge and culvert structures, or to compensate for lost conveyance for other Appropriate Uses, transition sections shall be provided for the excavation. The following expansion and contraction ratios shall be used unless an applicant's engineer can prove to IDNR/OWR through engineering calculations or model tests that more abrupt transitions may be used with the same efficiency:
 - (a) When water is flowing from a narrow section to a wider section, the water shall be assumed to expand no faster than at a rate of one-foot horizontal for every four feet of the flooded stream's length; and
 - (b) When water is flowing from a wide section to a narrow section, the water shall be assumed to contract no faster than at a rate of one-foot horizontal for every one-foot of the flooded stream's length; and
 - (c) When expanding or contracting flows in a vertical direction, a minimum of one-foot vertical transition for every ten feet of stream length shall be used; and
 - (d) Erosion/scour protection shall be provided inland upstream and downstream of the transition sections.
- 9) If the proposed activity involves a channel modification, it shall be demonstrated that:
 - (a) There are no practicable alternatives to the activity which would accomplish its purpose with less impact to the natural conditions of the body of water affected. Possible alternatives include levees, bank stabilization, flood proofing of existing structures, removal of structures from the floodplain, clearing the channel, high flow channel, or the establishment of a stream side buffer strip or green belt. Channel modification is acceptable if the purpose is to restore natural conditions and improve water quality and fish and wildlife habitat;
 - (b) Water quality, habitat, and other natural functions would be significantly improved by the modification and no significant habitat area may be destroyed, or the impacts are offset by the replacement of an equivalent degree of natural resource values;
 - (c) The activity has been planned and designed and will be constructed in a way which will minimize its adverse impacts on the natural conditions of the body of water affected, consistent with the following criteria:
 - (i) The physical characteristics of the modified channel shall match as closely as possible those of the existing channel in length, cross-section, slope and sinuosity. If the existing channel has been previously modified,

restoration of more natural physical conditions should be incorporated into channel modification design, where practical.

- (ii) Hydraulically effective transitions shall be provided at both the upstream and downstream ends of the project, designed such that they will prevent erosion.
- (iii) One-sided construction of a channel shall be used when feasible. Removal of streamside (riparian) vegetation should be limited to one side of the channel, where possible, to preserve the shading and stabilization effects of the vegetation.
- (iv) Clearing of stabilizing vegetation shall be limited to that which is essential for construction of the channel.
- (v) Channel banks shall be constructed with a side slope no steeper than 3:1 horizontal to vertical, wherever practicable. Natural vegetation and gradual side slopes are the preferred methods for bank stabilization. Where high velocities or sharp bends necessitate the use of alternative stabilization measures, soil bioengineering techniques, natural rock or rip-rap are preferred approaches. Artificial materials such as concrete, gabions, or construction rubble should be avoided unless there are no practicable alternatives.
- (vi) All disturbed areas associated with the modification shall be seeded or otherwise stabilized as soon as possible upon completion of construction. Erosion blanket or an equivalent material shall be required to stabilize disturbed channel banks prior to establishment of the vegetative cover.
- (vii) If the existing channel contains considerable bottom diversity such as deep pools, riffles, and other similar features, such features shall be provided in the new channel. Spawning and nesting areas and flow characteristics compatible with fish habitat shall also be established, where appropriate.
- (viii) A sediment basin shall be installed at the downstream end of the modification to reduce sedimentation and degradation of downstream water quality.
- (ix) New or relocated channels should be built in the dry and all items of construction, including vegetation, should be completed prior to diversion of water into the new channel.
- (x) There shall be no increases in stage or velocity as the channel enters or leaves the project site for any frequency flood unless necessitated by a public flood control project or unless such an increase is justified as part of a habitat improvement or erosion control project.
- (xi) Unless the modification is for a public flood control project, there shall be no reduction in the volume of floodwater storage outside the floodway as a result of the modification; and

(d) The project otherwise complies with the requirements of Section 10-8-1-G.

- 10) *Seeding and Stabilization Plan.* For all activities located in a floodway, a seeding and stabilization plan shall be submitted by the applicant.

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- 11) *Soil Erosion and Sedimentation Control Measures.* For all activities in the floodway, including grading, filling, and excavation, in which there is potential for erosion of exposed soil, soil erosion and sedimentation control measures shall be employed consistent with the following criteria:
- (a) The construction area shall be minimized to preserve the maximum vegetation possible. Construction shall be scheduled to minimize the time soil is exposed and unprotected. In no case shall the existing natural vegetation be destroyed, removed, or disturbed more than 15 days prior to the initiation of improvements.
 - (b) Temporary and/or permanent soil stabilization shall be applied to denuded areas as soon as possible. As a minimum, soil stabilization shall be provided within 15 days after final grade is reached on any portion of the site, and within 15 days to denuded areas which may not be at final grade but will remain undisturbed for longer than 60 days.
 - (c) Sedimentation control measures shall be installed before any significant grading or filling is initiated on the site to prevent the movement of eroded sediments off site or into the channel. Potential sediment control devices include filter fences, straw bale fences, check dams, diversion ditches, and sediment traps and basins.
 - (d) A vegetated buffer strip of at least 25 feet in width shall be preserved and/or re-established, where possible, along existing channels. (See Section 10-8-1-G-2-c-16.) Construction vehicle use of channels shall be minimized. Temporary stream crossings shall be constructed, where necessary, to minimize erosion. Necessary construction in or along channels shall be restabilized immediately.
 - (e) Soil erosion and sedimentation control measures shall be designed and implemented consistent with "Procedures and Standards for Urban Soil Erosion and Sedimentation Control in Illinois" (1988) also known as the "Green Book" and "The Illinois Urban Manual" (NRCS, 1995).
- 12) *Public Flood Control Projects.* For public flood control projects, the permitting requirements of this Section will be considered met if the applicant can demonstrate to IDNR/OWR through hydraulic and hydrologic calculations that the proposed project will not singularly or cumulatively result in increased flood heights outside the project right-of-way or easements for all flood events up to and including the 100-year frequency event.
- 13) *General Criteria for Analysis of Flood Elevations.*
- (a) The flood profiles, flows and floodway data in the designated floodway study, referenced in Section 10-8-1-E, must be used for analysis of the base conditions. If the study data appears to be in error or conditions have changed, IDNR/OWR shall be contacted for approval and concurrence on the appropriate base conditions data to use.
 - (b) If the 100-year designated floodway elevation at the site of the proposed construction is affected by backwater from a downstream receiving stream with a larger drainage area, the proposed construction shall be shown to meet the requirements of this Section for the 100-year frequency flood elevations of the designated floodway conditions and conditions with the receiving stream at normal water elevations.

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- (c) If the applicant learns from IDNR/OWR, local governments, or a private owner that a downstream restrictive bridge or culvert is scheduled to be removed, reconstructed, modified, or a regional flood control project is scheduled to be built, removed, constructed or modified within the next five years, the proposed construction shall be analyzed and shown to meet the requirements of this Section for both the existing conditions and the expected flood profile conditions when the bridge, culvert or flood control project is built.
- 14) *Conditional Letter of Map Revision.* If the Appropriate Use would result in a change in the designated floodway location or the 100-year frequency flood elevation, the applicant shall submit to IDNR/OWR and to FEMA all the information, calculations and documents necessary to be issued a conditional designated floodway map revision and receive from IDNR/OWR a conditional concurrence of the designated floodway change before a permit is issued. However, the final designated floodway map will not be changed by FEMA until as-built plans or record drawings of initial filling, grading, dredging or excavating activities are submitted and accepted by FEMA and IDNR/OWR. In the case of non-government projects, the municipality in incorporated areas and the county in unincorporated areas shall concur with the proposed conditional designated floodway map revision before IDNR/OWR approval can be given. No filling, grading, dredging or excavating shall take place until a conditional approval is issued. After initial filling, grading, dredging or excavating, no activities shall take place until a final Letter of Map Revision (LOMR) is issued by FEMA with concurrence from IDNR/OWR.
- 15) *Professional Engineer's Supervision.* All engineering analyses shall be performed by or under the supervision of a licensed professional engineer.
- 16) For all activities in the floodway involving construction within 25 feet of the channel, the following criteria shall be met:
- (a) A natural vegetation buffer strip shall be preserved within at least 25 feet of the ordinary high water mark of the channel.
- (b) Where it is impossible to protect this buffer strip during the construction of an Appropriate Use, a vegetated buffer strip shall be established upon completion of construction.
- 17) After receipt of conditional approval of the designated floodway change and issuance of a permit and a Conditional Letter of Map Revision, construction as necessary to change the floodway designation may proceed but no buildings or structures or other construction that is not an Appropriate Use may be placed in that area until the designated floodway map is changed and a final Letter of Map Revision is received. The designated floodway map will be revised upon acceptance and concurrence by IDNR/OWR and FEMA of the "as-built" plans.
- d. *Development Activities in Delegated Communities Requiring State Review.* For those projects listed below located in a designated floodway, the following criteria shall be submitted to IDNR/OWR for their review and concurrence and/or permit prior to the issuance of a permit by a community or county delegated state permitting authority in the floodway:
- 1) An engineer's analysis of the flood profile due to a proposed bridge pursuant to Section 10-8-1-G-2-c-4).
- 2) An engineer's determination that an existing bridge or culvert crossing is not a source of flood damage and the analysis indicating the proposed flood profile, pursuant to Section 10-8-1-G-2-c-5).

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- 3) Alternative transition sections and hydraulically equivalent storage pursuant to Section 10-8-1-G-2-c-(1), 2), 8)).
 - 4) The construction of any IDNR/OWR projects, dams (as defined in Section 10-8-1-B-16) and all other state, federal or local units of government projects, including projects of the municipality or county.
 - 5) An engineer's determination that a proposed bridge affected by backwater from a downstream receiving stream may be built with a smaller opening.
 - 6) Projects which revise or establish the floodway and/or flood profiles.
 - 7) Projects in public bodies of water.
- e. *Other Permits.* In addition to the other requirements of this Section of the Municipal Code, a development permit for a site located in a floodway shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from IDNR/OWR, issued pursuant to 615 ILCS 5/5 et seq. No correspondence from IDNR/OWR shall be required if the project meets the requirements of Regional Permit 3. No permit from IDNR/OWR shall be required if IDNR/OWR has delegated this responsibility to the Village.
 - f. *Permits for Dams.* Any work involving the construction, modification or removal of a dam as defined in Section 10-8-1-B-16 per 17 Illinois Administration Code Part 3702 (Rules for Construction of Dams) shall obtain an IDNR/OWR permit prior to the start of construction of a dam. If the Director of Engineering finds a dam that does not have an IDNR/OWR permit, the Director of Engineering shall immediately notify the IDNR/OWR Bartlett office. If the Director of Engineering finds a dam which is believed to be in unsafe condition, the Director of Engineering shall immediately notify the owner of the dam, the IDNR/OWR Bartlett office, and the Illinois Emergency Management Agency (IEMA).
 - g. *Activities That Do Not Require a Licensed Professional Engineer's Review.* The following activities may be permitted without a licensed professional engineer's review. Such activities shall still meet the other requirements of this Section of the Municipal Code, including the mitigation requirements.
 - 1) Regional Permit 3 which authorizes, for example, underground and overhead utilities, storm and sanitary sewer outfalls, sidewalks, athletic fields, playground equipment, patios and stream bank protection activities.
- H. *Occupation and Use of SFHA Areas Where Floodways are not Identified.* In SFHA or floodplains, (including AE, AH, AO and Unnumbered A Zones) where no floodways have been identified and no base flood or 100-year frequency flood elevations have been established by FEMA, and draining more than one square mile, no development shall be permitted unless the cumulative effect of the proposals, when combined with all other existing and anticipated uses and structures, shall not significantly impede or increase the flow and passage of the floodwaters nor significantly increase the base flood or 100-year frequency flood elevation.
1. *Development Permit.* No person, firm, corporation, or governmental body, not exempted by state law, shall commence any development in a SFHA or floodplain without first obtaining a development permit from the Director of Engineering.
 - a. Application for a development permit shall be made on a form provided by the Director of Engineering. The application shall be accompanied by drawings of the site, drawn to scale, showing: property line dimensions; existing grade elevations and all changes in grade resulting from excavation or filling, sealed by a licensed engineer, architect or surveyor; the location and dimensions of all buildings and additions to buildings; and the elevations of the lowest floor

(including basement) of all proposed buildings subject to the requirements of Section 10-8-1-I. The application for a development permit shall also include the following information:

- 1) A detailed description of the proposed activity, its purpose, and intended use.
 - 2) Site location (including legal description) of the property, drawn to scale, on the designated floodway maps, indicating whether it is proposed to be in an incorporated or unincorporated area.
 - 3) Anticipated dates of initiation and completion of activity.
 - 4) Plans of the proposed activity shall be provided which include as a minimum:
 - (a) A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic or numerical scale, and north arrow.
 - (b) A plan view of the project and engineering study reach showing existing and proposed conditions including principal dimensions of the structure or work, elevations using the North American Vertical Datum of 1988, adjacent property lines and ownership, drainage and flood control easements, distance between proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), floodplain limit, location and orientation of cross-sections, north arrow, and a graphical or numerical scale.
 - (c) Cross-section views of the project perpendicular to the flow of floodwater and engineering study reach showing existing and proposed conditions including principal dimensions of the work as shown in plan view, existing and proposed elevations, normal water elevation, ten-year frequency flood elevation, 100-year frequency flood elevation, and graphical or numerical scales (horizontal and vertical); and
 - (d) A soil erosion and sedimentation control plan for disturbed areas. This plan shall include a description of the sequence of grading activities and the temporary sediment and erosion control measures to be implemented to mitigate their effects. This plan shall also include a description of final stabilization and revegetation measures, and the identification of a responsible party to ensure post-construction maintenance. Engineering calculations and supporting data shall be submitted showing that the proposed work will meet the criteria of Section 10-8-1-H-2. Any and all other local, state and federal permits or approvals that may be required for this type of development.
- b. Based on the best available existing data according to federal, state or other sources, the Director of Engineering shall compare the elevation of the site to the base flood or 100-year frequency flood elevation. Should no elevation information exist for the site, the developer's engineer shall calculate the elevation according to Section 10-8-1-E-4. Any development located on land that can be shown to have been higher than the base flood elevation of the current Flood Insurance Rate Map Identification is not in the SFHA and, therefore, not subject to the requirements of this Section of the Municipal Code. The Director of Engineering 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. The Director of Engineering shall be responsible for obtaining from the applicant copies of all other local, state, and federal permits, approvals or waivers that may be required for this type of activity. The Director of Engineering shall not issue the development permit unless all required local, state and federal permits have been obtained.

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2. *Preventing Increased Damages.* No development in the SFHA, where a floodway has not been determined shall create a damaging or potentially damaging increase in flood heights or velocity or threat to public health, safety and welfare or impair the natural hydrologic and hydraulic functions of the floodway or channel, or impair existing water quality or aquatic habitat. Construction impacts shall be minimized by appropriate mitigation methods as called for in this Section of the Municipal Code.
- a. Within all riverine SFHA's where the floodway has not been determined, the following standards shall apply:
- 1) The developer shall have a Licensed Professional Engineer state in writing and show through supporting plans, calculations, and data that the project meets the engineering requirements of Section 10-8-1-G-2-c-1) through 10-8-1-G-2-c-9) for the entire floodplain as calculated under the provisions of Section 10-8-1-E-4. As an alternative, the developer should have an engineering study performed to determine a floodway and submit that engineering study to IDNR/OWR and FEMA for acceptance as a designated floodway. Upon acceptance of the floodway by IDNR/OWR and FEMA, the developer shall then demonstrate that the project meets the requirements of Section 10-8-1-G for the designated floodway. The floodway shall be defined according to the definition in Section 10-8-1-B-17.
 - 2) A development permit shall not be issued unless the applicant first obtains an IDNR/OWR permit or a determination has been made that an IDNR/OWR permit is not required.
 - 3) *Permits for Dams.* Any work involving the construction, modification or removal of a dam as defined in Section 10-8-1-B-16 per 17 Ill. Adm. Code Part 3702 (Rules for Construction of Dams) shall obtain an IDNR/OWR permit prior to the start of construction of a dam. If the Director of Engineering finds a dam that does not have an IDNR/OWR permit, the Director of Engineering shall immediately notify the IDNR/OWR Bartlett office. If the Director of Engineering finds a dam which is believed to be in unsafe condition, the Director of Engineering shall immediately notify the owner of the dam, the IDNR/OWR Bartlett office, and the Illinois Emergency Management Agency (IEMA).
- b. The following activities may be permitted without a Licensed Professional Engineer's review or calculation of a base flood elevation and designated floodway. Such activities shall still meet the other requirements of this Section of the Municipal Code:
- 1) Bridge and culvert crossings of streams in rural areas meeting conditions of IDNR/OWR Statewide Permit No. 2.
 - 2) Barge fleeting facilities meeting conditions of IDNR/OWR Statewide Permit No. 3.
 - 3) Aerial utility crossings meeting conditions of IDNR/OWR Statewide Permit No. 4.
 - 4) Minor boat docks meeting conditions of IDNR/OWR Statewide Permit No. 5.
 - 5) Minor, non-obstructive activities meeting conditions of IDNR/OWR Statewide Permit No. 6; activities (not involving fill or positive change in grade) are covered by this permit.
 - 6) Outfall structures and drainage ditch outlets meeting conditions of IDNR/OWR Statewide Permit No. 7.
 - 7) Underground pipeline and utility crossings meeting conditions of IDNR/OWR Statewide Permit No. 8.
 - 8) Bank stabilization projects meeting conditions of IDNR/OWR Statewide Permit No. 9.
 - 9) Accessory structures and additions to existing residential buildings meeting conditions of IDNR/OWR Statewide Permit No. 10.

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- 10) Minor maintenance dredging activities meeting conditions of IDNR/OWR Statewide Permit No. 11.
 - 11) Bridge and culvert replacement structures and bridge widenings meeting conditions of IDNR/OWR Statewide Permit No. 12.
 - 12) Temporary construction activities meeting conditions of IDNR/OWR Statewide Permit No. 13.
 - 13) Special Uses of Public Waters meeting conditions of IDNR/OWR Statewide Permit No. 14.
 - 14) Any development determined by IDNR/OWR to be located entirely within a flood fringe area shall be exempt from State Floodway permit requirements.
- c. The flood-carrying capacity of any altered or relocated watercourse shall be maintained.
 - d. **Compensatory Storage.** Whenever any portion of a floodplain is authorized for use, the volume of space which will be occupied by the authorized fill or structure below the base flood or 100-year frequency flood elevation shall be compensated for and balanced by a hydraulically equivalent volume of excavation taken from below the base flood or 100-year frequency flood elevation. The excavation volume shall be at least equal to 1.5 times the volume of storage lost due to the fill or structure. In the case of streams and watercourses, such excavation shall be made opposite or adjacent to the areas so filled or occupied. All floodplain storage lost below the existing ten-year flood elevation shall be replaced below the proposed ten-year flood elevation. All floodplain storage lost above the existing ten-year flood elevation shall be replaced above the proposed ten-year flood elevation. All such excavations shall be constructed to drain freely and openly to the watercourse.
- I. *Permitting Requirements Applicable to All Floodplain Areas.* In addition to the requirements found in Sections 10-8-1-F, 10-8-1-G, and 10-8-1-H for development in flood fringes, designated floodways, and SFHA or floodplains where no floodways have been identified, the following requirements shall be met:
1. *Public Health Standards.*
 - a. No developments in the SFHA shall include locating or storing chemicals, explosives, buoyant materials, animal wastes, fertilizers, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation (FPE) unless such materials are stored in a floodproofed and anchored storage tank and certified by a professional engineer or floodproofed building constructed according to the requirements of Section 10-8-1-I-3.
 - b. Public utilities and facilities such as sewer, gas and electric shall be located and constructed to minimize or eliminate flood damage.
 - c. 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.
 - d. New and replacement water supply systems, wells, sanitary sewer lines and on-site waste disposal systems may be permitted providing all manholes or other above ground openings located below the flood protection elevation (FPE) are watertight.
 - e. All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.
 2. *Carrying Capacity and Notification.* For all projects involving channel modification, fill, or stream maintenance (including levees), the flood-carrying capacity of the watercourse shall be maintained. In addition, the Village shall notify adjacent communities in writing 30 days prior to the issuance of a permit for the alteration or relocation of the watercourse.

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3. *Protecting Buildings.* All buildings located within a 100-year floodplain, also known as a SFHA, shall be protected from flood damage below the flood protection elevation.
- a. This building protection criteria applies to the following situations:
- 1) Construction or placement of a new building or alteration or addition to an existing building valued at more than \$1,000.00 or 70 square feet.
 - 2) Substantial improvements or structural alterations made to an existing building that increase the floor area by more than 20 percent or equal or exceed the market value by 50 percent. Alteration shall be figured cumulatively during the life of the building. If substantially improved, the existing structure and the addition must meet the flood protection standards of this Section.
 - 3) Repairs made to a substantially damaged building. These repairs shall be figured cumulatively during the life of the building. If substantially damaged, the entire structure must meet the flood protection standards of this Section.
 - 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 mobile home to the same site it lawfully occupied before it was removed to avoid flood damage).
 - 5) Installing a travel trailer or recreational vehicle on a site for more than 180 days per year.
 - 6) Repetitive loss to an existing building as defined in Section 10-8-1-B-54. This building protection requirement may be met by one of the following methods in the remaining subsections of this Section 10-8-1-I-3 (b., c., d., e., f., g., or h.).
- b. A residential or non-residential building, when allowed, may be constructed on permanent landfill in accordance with the following:
- 1) The lowest floor (including basement) shall be at or above the flood protection elevation; and
 - 2) Fill Requirements:
 - (a) The fill shall be placed in layers no greater than six inches deep before compaction and should extend at least ten feet beyond the foundation of the building before sloping below the flood protection elevation; and
 - (b) The top of the fill shall be above the flood protection elevation. However, the ten-foot minimum may be waived if a structural engineer certifies an alternative method to protect the building from damages due to hydrostatic pressures; and
 - (c) The fill shall be protected against erosion and scour during flooding by vegetative cover, riprap or other structural measure; and
 - (d) The fill shall be composed of rock or soil and not incorporate debris or refuse materials; and
 - (e) The fill shall not adversely affect the flow or surface drainage from or onto neighboring properties, and when necessary, stormwater management techniques such as swales or basins shall be incorporated.
- c. A residential or non-residential building may be elevated in accordance with the following:
- 1) The building or improvements shall be elevated on crawl space, stilts, piles, walls, or other foundation that is permanently open to floodwaters and not subject to damage by

hydrostatic pressures of the base flood or 100-year frequency flood. Designs must either be certified by a licensed professional engineer or architect or the permanent openings, one on each wall, shall be no more than one-foot above existing grade, and consist of a minimum of two openings. The openings must have a total net area of not less than one square inch for every one square foot of enclosed area subject to flooding below the Base Flood Elevation; and

- 2) The foundation and supporting members shall be anchored and aligned in relation to flood flows and adjoining structures so as to minimize exposure to known hydrodynamic forces such as current, waves, ice and floating debris; and
- 3) All areas below the flood protection elevation shall be constructed of materials resistant to flood damage. The lowest floor (including basement) and all electrical, heating, ventilating plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation. Water and sewer pipes, electrical and telephone lines, submersible pumps, and other waterproofed service facilities may be located below the flood protection elevation provided they are floodproofed; and
- 4) The areas below the flood protection elevation may only be used for the parking of vehicles, building access or storage in an area other than a basement and not later modified or occupied as habitable space; and
- 5) In lieu of the above criteria, the design methods to comply with these requirements may be certified by a licensed professional engineer or architect.
- 6) Manufactured homes, and travel trailers to be installed on a site for more than 180 days, shall be elevated to or above the flood protection elevation, and shall be anchored to resist flotation, collapse, or lateral movement by being tied down in accordance with the Rules and Regulations for the Illinois Mobile Home Tie-Down Act issued pursuant to 77 Ill. Adm. Code 870. In addition, all manufactured homes shall meet the following elevation requirements:
 - (a) In the case of manufactured homes placed or substantially improved:
 - (1) Outside of a manufactured home or subdivision;
 - (2) In a new manufactured home park or subdivision;
 - (3) In an expansion to an existing manufactured home park or subdivision; or
 - (4) In an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage from a flood, the top of the lowest floor shall be elevated to or above the flood protection elevation.
 - (b) In the case of manufactured homes placed or substantially improved in an existing manufactured home park or subdivision, the manufactured home shall be elevated so that either the top of the lowest floor is above the base flood elevation or the chassis is at least 36 inches in height above grade and supported by reinforced piers or other foundations of equivalent strength, whichever is less.
- 7) Recreational vehicles or travel trailers shall be required to meet the elevation and anchoring requirements of Section 10-8-1-I-3-c-6) above unless:
 - (a) They are on site for fewer than 180 consecutive days; and

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- (b) They are fully licensed, ready for highway use, and used only for recreation, camping, travel or seasonal use rather than as a permanent dwelling. A recreational vehicle[(s)] is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utility and service devices, and has no permanently attached additions.
 - d. Only a non-residential building may be structurally dry floodproofed (in lieu of elevation), provided that a licensed professional engineer or architect shall certify that the building has been structurally dry floodproofed below the flood protection elevation, and the structure and attendant utility facilities are watertight and capable of resisting the effects of the base flood or 100-year frequency flood. The building design shall take into account flood velocities, duration, rate of rise, hydrostatic and hydrodynamic forces, the effects of buoyancy, and impacts from debris or ice. Floodproofing measures shall be operable without human intervention and without an outside source of electricity. (Levees, berms, floodwalls and similar works are not considered floodproofing for the purpose of this subsection.)
 - e. A building may be constructed with a crawl space located below the flood protection elevation provided that the following conditions are met:
 - 1) The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; and
 - 2) Any enclosed area below the flood protection elevation shall have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. A minimum of one opening on each wall having a total net area of not less than one square inch per one square foot of enclosed area. The openings shall be no more than one-foot above grade; and
 - 3) The interior grade of the crawlspace below the flood protection elevation must not be more than two feet below the lowest adjacent exterior grade; and
 - 4) The interior height of the crawlspace measures from the interior grade of the crawl to the top of the foundation wall must not exceed four feet at any point; and
 - 5) An adequate drainage system must be installed to remove floodwaters from the interior area of the crawlspace within a reasonable period of time after a flood event; and
 - 6) Portions of the building below the flood protection elevation must be constructed with materials resistant to flood damage; and
 - 7) Utility systems within the crawlspace must be elevated above the flood protection elevation.
 - f. Construction of new or substantially improved critical facilities shall be located outside the limits of the floodplain. Construction of new critical facilities shall be permissible within the floodplain if no feasible alternative site is available. Critical facilities constructed within the SFHA shall have the lowest floor (including basement) elevated or structurally dry floodproofed to the 500-year flood frequency elevation or three feet above the level of the 100-year flood frequency elevation whichever is greater. Floodproofing and scaling measures must be taken to ensure that toxic substances will not be displaced by or released into floodwaters. Access routes elevated to or above the level of the base flood elevation shall be provided to all critical facilities.
 - g. Tool sheds, detached garages, and other minor accessory structures on an existing single-family platted lot, may be constructed with the lowest floor below the flood protection elevation in accordance with the following:

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- 1) The building is not used for human habitation; and
 - 2) All areas below the base flood or 100-year frequency flood elevation shall be constructed with waterproof material. Structures located in a designated floodway shall be constructed and placed on a building site so as not to block the flow of floodwaters and shall also meet the Appropriate Use criteria of Sections 10-8-1-G. In addition, all other requirements of Sections 10-8-1-F, 10-8-1-G, and 10-8-1-H must be met; and
 - 3) The structure shall be anchored to prevent flotation; and
 - 4) Service facilities such as electrical and heating equipment shall be elevated or floodproofed to the flood protection elevation; and
 - 5) The building shall be valued at less than \$10,000.00 and be less than 500 square feet in floor size; and
 - 6) The building shall be used only for the storage of vehicles or tools and may not contain other rooms, workshops, greenhouses or similar uses and cannot be modified later into another use; and
 - 7) The building shall meet the permanent opening criteria of Section 10-8-1-I-3-c-1); and
 - 8) All flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation; and
 - 9) The lowest floor elevation should be documented and the owner advised of the flood insurance implications.
- h. Existing buildings located within a designated floodway shall also meet the more restrictive Appropriate Use standards included in Section 10-8-1-G. Nonconforming structures located in a designated floodway may remain in use, and may only be enlarged, replaced or structurally altered in accordance with Section 10-8-1-G-2. A non-conforming structure damaged by flood, fire, wind or other natural or man-made disaster may be restored unless the damage exceeds 50 percent of its market value before it was damaged, in which case it shall conform to this Section of the Municipal Code.
- J. *Other Development Requirements.* The Board of Trustees shall take into account flood hazards, to the extent that they are known, in all official actions related to land management, use and development.
1. New subdivisions, manufactured home parks, annexation agreements, and Planned Unit Developments (PUDs) within the SFHA shall be reviewed to assure that the proposed developments are consistent with Sections 10-8-1-F, 10-8-1-G, 10-8-1-H, and 10-8-1-I and the need to minimize flood damage. Plats or plans for new subdivisions, mobile home parks and Planned Unit Developments (PUDs) shall include a signed statement by a Licensed Professional Engineer that the plat or plans account for changes in the drainage of surface waters in accordance with the Plat Act (765 ILCS 205/2).
 2. Proposals for new subdivisions, manufactured home parks, travel trailer parks, planned unit developments (PUDs) and additions to manufactured home parks and additions to subdivisions shall include base flood or 100-year frequency flood elevation data and floodway delineations. Where this information is not available from an existing adopted, the applicant's engineer shall be responsible for calculating the base flood or 100-year frequency flood elevation per Section 10-8-1-E-4 and the floodway delineation per the definition in Section 10-8-1-B-17.
 3. Streets, blocks, lots, parks and other public grounds shall be located and laid out in such a manner as to preserve and utilize natural streams and channels. Wherever possible, the floodplains shall be included within parks or other public grounds.

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4. The Board of Trustees shall not approve any Planned Unit Development (PUD) or plat of subdivision located outside the corporate limits unless such agreement or plat is in accordance with the provisions of this Section of the Municipal Code.
 5. All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

K. *Variances.*

1. No variances shall be granted to any development located in a designated floodway as defined in Section 10-8-1-B-[17]. Whenever the standards of this Section of the Municipal Code place undue hardship on a specific development proposal, the applicant may apply to the Village Manager for a variance. The Village Manager shall review the applicant's request for a variance and shall submit his recommendation to the Board of Trustees. The Village may attach such conditions to granting of a variance as it deems necessary to further the flood protection intent of this Section.
 - a. No variance shall be granted unless the applicant demonstrates that all of the following conditions are met:
 - 1) The development activity cannot be located outside the SFHA; and
 - 2) An exceptional hardship would result if the variance were not granted; and
 - 3) The relief requested is the minimum necessary; and
 - 4) There will be no additional threat to public health, safety, beneficial stream uses and functions, especially aquatic habitat, or creation of a nuisance; and
 - 5) There will be no additional public expense for flood protection, lost environmental stream uses and functions, rescue or relief operations, policing, or repairs to stream beds and banks, roads, utilities, or other public facilities; and
 - 6) The provisions of Sections 10-8-1-F-2 and 10-8-1-H-2 shall still be met; and
 - 7) The activity is not in a designated floodway; and
 - 8) The applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP; and
 - 9) The granting of the variance will not alter the essential character of the area involved including existing stream uses; and
 - 10) All other required state and federal permits or waivers have been obtained.
 - b. The Director of Engineering shall notify an applicant in writing that a variance from the requirements of Section 10-8-1-I that would lessen the degree of protection to a building will:
 - 1) Result in increased premium rates for flood insurance up to amounts as high as \$25.00 per \$100.00 of insurance coverage; and
 - 2) Increase the risks to life and property; and
 - 3) Require that the applicant proceed with knowledge of these risks and that the applicant will acknowledge in writing the assumption of the risk and liability.
 - c. Variances requested in connection with restoration of a historic site or historic structure as defined in Section 10-8-1-B-33 "Historic Structures", may be granted using criteria more permissive than the requirements of Sections 10-8-1-K-1-a and 10-8-1-K-1-b, subject to the conditions that:

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- 1) The repair or rehabilitation is the minimum necessary to preserve the historic character and design of the structure; and
 - 2) The repair or rehabilitation will not result in the structure being removed as a certified historic structure.
- L. *Disclaimer of Liability.* The degree of flood protection required by this Section of the Municipal Code 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 Section does not imply that development, either inside or outside of the SFHA, will be free from flooding or damage. This Section does not create liability on the part of the Village or any officer or employee thereof for any flood damage that results from reliance on this Section or any administrative decision made lawfully thereunder.
- M. *Penalty.*
1. If such owner fails after ten days' notice to correct the violation:
 - a. The Village may make application to the Circuit Court for an injunction requiring conformance with the Municipal Code or make such other order as the Court deems necessary to secure compliance with the Municipal Code.
 - b. Any person who violates this Section of the Municipal Code shall, upon conviction thereof, be fined in accordance with Section 7-[12]-1 of the Hoffman Estates Municipal Code for each offense, plus damages. Said damages shall include costs of property damage, restoration costs, and administrative costs.
 - c. A separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
 - d. The Village shall record a notice of violation on the title to the property.
 2. The Director of Engineering 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.
 - a. The Director of Engineering is authorized to issue an order requiring the suspension of the subject development. The stop-work order shall be in writing, shall indicate the reason for the issuance, and shall order the action, if necessary, to resolve the circumstances requiring the stop-work order. The stop-work order constitutes a suspension of the permit.
 - b. The stop-work order shall remain in effect until compliance or a resolution has been achieved by the permittee to the approval of the Director of Engineering.
 3. 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.
- N. *Abrogation and Greater Restrictions.* This Section of the Municipal Code is not intended to repeal, abrogate or impair any existing easements, covenants, or deed restrictions. Where this Section and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. This Section of the Municipal Code is intended to repeal the original ordinance or resolution which was adopted to meet the National Flood Insurance Program regulations, but is not intended to repeal the resolution which the Village passed in order to establish initial eligibility for the program.
- O. *Severability.* The provisions and sections of this Section of the Municipal Code shall be deemed separable and the invalidity of any portion of this shall not affect the validity of the remainder.

(Ord. No. 4360-2013, § 1(Exh. A), 3-18-13)



AGENDA ITEM REPORT

Planning, Building & Zoning Committee
November 10, 2025
ITEM 4B

REQUEST: Approval of a First Amended and Restated Development Agreement between the Village of Hoffman Estates and Hoffman Estates Acquisitions LLC (Bell Works Townhomes)

FROM: Jennifer Horn, Director of Planning & Transportation

ITEM TYPE: Agreement - Committee

REQUEST SUMMARY

The Bell Works Townhomes project was approved in January 2025 pursuant to a Development Agreement with the owner/developer, Hoffman Estates Acquisitions III LLC and Hoffman Estates Acquisitions IV LLC. The Development Agreement allows the project to be developed in two phases and requires completion of certain public and private improvements, as specified in the agreement, prior to release of building permits for each phase.

The owner/developer is seeking an amendment to allow issuance of building permits for Phase 1 prior to completion of all improvements specified in the original Development Agreement. Below is a summary of the proposed changes as outlined in the First Amended and Restated Development Agreement:

- **Effective Date:** Revised to November 10, 2025.
- **Updated Financial Security:** An updated letter of credit contemplating the First Amended and Restated Development Agreement shall be submitted by January 1, 2026.
- **Huntington Boulevard Sidewalk:** Shall be completed prior to issuance of permits in Phase 2 (sidewalk is currently completed adjacent to Phase 1 only).
- **Internal Street Lighting:** Lighting per phase shall be completed and operational within 60 days of the first occupancy in each phase (street light installation in Phase 1 is near completion).
- **Sanitary Sewer Extensions:** Extensions to service future development to the west shall be installed prior to final acceptance of all public and private improvements.
- **Stormwater Improvements:** Volume control improvements sufficient to serve both Phase 1 and Phase 2 shall be completed prior to issuance of permits for Phase 2 (volume control is currently complete to serve Phase 1 only).

FINANCIAL IMPACT

N/A

RECOMMENDATION

Approval of a First Amended and Restated Development Agreement between the Village of Hoffman Estates and Hoffman Estates Acquisitions LLC.

ATTACHMENTS

1. BW Development Agreement FINAL(322119039.1) Amended JBD (3) - AW Rev (002)
2. BWTH Agreeemnt Exhibits

FIRST AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN THE VILLAGE OF HOFFMAN ESTATES AND HOFFMAN ESTATES ACQUISITIONS LLC

THIS FIRST AMENDED AND RESTATED DEVELOPMENT AGREEMENT ("Agreement"), dated this 10th day of November, 2025 ("Effective Date"), is made by and between the VILLAGE OF HOFFMAN ESTATES, Cook County, Illinois, an Illinois municipal corporation and home rule unit of local government (the "Village"), and HOFFMAN ESTATES ACQUISITIONS III LLC, a Delaware limited liability company; and HOFFMAN ESTATES ACQUISITIONS IV LLC, a Delaware limited liability company and successor owners of record (collectively "Owner/Developer"). The Village and Developer are each hereinafter referred to as a "Party" and collectively as the "Parties".

RECITALS

WHEREAS, the Village is a duly constituted and existing municipality within the meaning of Section 1 of Article VII of the 1970 Constitution of the State of Illinois and is a "home rule unit" under Section 6(a) of Article VII of the 1970 Constitution; and

WHEREAS, the Village has the authority to promote the health, safety and welfare of the Village and its inhabitants, to encourage private development in order to enhance the local tax base, create employment and ameliorate blight, and to enter into contractual agreements with third persons to achieve these purposes; and

WHEREAS, Owner/Developer, owns the Property legally described on Exhibit A to this Agreement ("Residential Site"); and

WHEREAS, the Parties desire that development of the Residential Site occur as soon as practicable; and

WHEREAS, Owner/Developer has agreed to redevelop the site in accordance with the Residential Site Plan Ordinance ("Residential Site Plan") approved by the Village on January 20, 2025, attached hereto and incorporated herein as Exhibit B and made a part hereof; and

WHEREAS, Owner/Developer and Village entered into a Development Agreement dated January 20, 2025; and

WHEREAS, it is necessary for the successful initiation and completion of the Project (as defined herein) that the Village enter into this Agreement with the Owner/Developer to provide for the development of the Property and construction of the Project, thereby implementing and bringing to completion the Plan; and

NOW THEREFORE, in consideration of the foregoing recitals, the mutual covenants and promises contained in this Agreement and other good and valuable consideration, the receipt and sufficiency of which are acknowledged, the Parties agree as follows:

I. Recitals.

The foregoing recitals and the findings therein are material to this Agreement and are hereby incorporated into this Agreement as if fully set forth herein.

II. Exhibits

All work contemplated herein shall be performed in accordance with the Village Code, Village building and development standards, and the Development Documents (as defined in the Village Code) including but not limited to all approved plans and the following Exhibits:

Exhibit A Legal Description of the Residential Site

Exhibit B Site Plan Ordinance

Exhibit C Site Improvement Phasing

All Exhibits are incorporated herein and made part hereof by reference.

III. Commencement and Completion of Work.

This Development Agreement became effective on January 20, 2025.

The Work contemplated in this Agreement must commence by April 18, 2025; Phase 1 in section V(1) below be completed within eighteen months thereafter; and Phase 2 work in Section V(2) below to be completed within twenty-four months after the completion of the Phase 1 work, unless an extension is agreed to in writing by the Village. Failure to complete the Work contemplated in this Agreement within the time constraints herein shall be considered a violation of the Agreement.

IV. Owner/Developer Obligations.

The Owner/Developer shall construct such public improvements and private improvements for the benefit of the public required for the Residential Site as laid out in the Development Documents.

Owner/Developer shall comply with the Village Code, Village construction and development standards, and the Development Documents.

Owner/Developer shall pay all water, sewer and other utility fees which are related to the increased development of the Residential Site.

Owner/Developer shall be subject to all Village imposed impact fees related to the Residential Site.

The Owner/Developer and any successor Owners or Developers shall be joint and severally liable for all obligations contained herein.

V. Phasing of Improvements and Permits

Building permits for the residential construction shall only be issued upon completion of the following sequence of improvement construction:

1. Items shall be completed to the satisfaction of the Village Engineer, in his sole discretion, prior to issuance of the first building permit within Phase 1:
 - a. Stormwater improvements (including volume control for Phase 1)
 - b. Storm, sanitary, water utilities within Phase 1 excluding sanitary sewer extensions planned to service future development
 - c. Internal roadways (except surface course and alleys) as shown in Exhibit C and sidewalks within Phase 1
 - d. Huntington Blvd. capacity improvements, including temporary pavement markings (excluding surface course)
 - e. Huntington Blvd. sidewalk for Phase 1
 - f. Lohan Way improvements (excluding resurfacing) sidewalk and crosswalks and ramps between the north side of the east-west spine road and Center Drive.
 - g. All internal lighting for Phase 1 installed per Village Code Section 10-3-4-F
2. Only upon completion of the items listed in Section 1 above, the following items shall be completed to the satisfaction of the Village Engineer, in his sole discretion, prior to issuance of the first building permit within Phase 2:
 - a. Stormwater improvements (with volume control sufficient for Phase 1 and 2)
 - b. Storm, sanitary, water utilities within Phase 2
 - c. Internal roadways (except surface course and alleys) as shown in Exhibit C, and sidewalks within Phase 2
 - d. Lakewood Blvd. path between the west side of Lohan Way and Huntington Blvd
 - e. Lakewood Blvd. / Huntington Blvd. intersection pedestrian improvements
 - f. Center Drive upgrades including lighting, roundabout, pedestrian and bike improvements as included in approved Development Documents
 - g. Huntington Blvd. sidewalk final extension
 - h. Huntington Blvd. improvements (final surface course)
 - i. Internal roadways (final surface course) within Phase 1
 - j. Lohan Way improvements (excluding resurfacing), sidewalk and crosswalks north of the east-west spine road to Lakewood Blvd
 - k. East surface lot (west of Lohan Way) pedestrian improvements between Lohan Way and East Drive, including ADA accessibility for entirety of east-west pedestrian path, lighting upgrades, property maintenance addressed, and closure of parking lot to vehicular traffic
 - l. All internal lighting installed per Village Code Section 10-4-3-F for Phase 2
3. Only upon completion of the items listed in Sections 1 and 2 above, the following items shall be completed to the satisfaction of the Village Engineer, in his sole discretion, prior to final acceptance:
 - a. Internal roadways (final surface course) within Phase 2

- b. Sanitary sewer extensions planned to service future development
- c. Resurfacing and striping of Lohan Way
- d. Lots 169 and 170 (0.43 acres) deeded to the Hoffman Estates Park District. Transfer of the lots must be completed by deed and in compliance with section 10-9-2 of the Village Code (as outlined in a separate agreement between Inspired by Somerset Development and the Hoffman Estates Park District)
- e. Cash contribution paid to the Hoffman Estates Park District (as outlined in a separate agreement between Inspired by Somerset Development and the Hoffman Estates Park District)

For the purposes of the construction of public improvements and private improvements for the benefit of the public Phase 2 shall not commence prior to completion of Phase 1.

VI. Financial Security

Prior to the commencement of any work, the Owner/Developer shall post financial security for the completion of public improvements and private improvements for the benefit of the public in the amount of one million, five hundred-thousand dollars (\$1,500,000.00). At no time shall the amount of financial security held by the Village be less than one million, five hundred-thousand dollars (\$1,500,000.00). Upon final acceptance of all public improvements, the financial security may be reduced to \$400,000 for a 12-month maintenance guarantee period.

The financial security shall be provided by a financial institution reasonably acceptable to the Village and in such form as reasonably required by the Village.

Failure to comply with the Development Documents and the timeline for completion outlined above shall be a breach of this Agreement and shall result in the forfeiture of the financial security to the Village in such amounts as required by the Village to complete the work described herein.

Failure to complete Phase 1 lighting by February 15, 2026, shall result in the forfeiture of financial security to the Village in such amounts as required by the Village to complete the work described herein.

Failure to complete the Huntington Blvd. sidewalk for Phase 1 and Phase 2, sanitary sewer extensions planned to service future development, and any other improvements listed in this Development Documents deemed by the Village Engineer to be necessary for the completion of Phase 1 regardless of the commencement of Phase 2 shall result in the forfeiture of financial security to the Village in such amounts as required by the Village to complete the work described herein.

The Parties agree that Owner/Developer shall provide Village with an updated letter of credit referencing the effective date of this First Amended and Restated Development Agreement in addition to the Development Agreement dated January 20, 2025, no later than January 1, 2026. In the event an updated letter of credit or other financial security acceptable to the Village is not delivered by that date, this Agreement shall be considered a breach of this Agreement.

VII. Backup Special Service Area

The Owner/Developer shall waive all objections to a backup Special Service Area which shall cover the public and private improvements for the benefit of the public outlined herein. The executed waiver of objection form shall be delivered to the Village as required by the Village.

The backup special service area shall be the levy of an annual *ad valorem* tax based upon the whole equalized assessed value on each parcel of property in the proposed Special Service Area by the Village, sufficient to produce revenues to provide the for the maintenance and repair of the public improvements and private improvements for the benefit of the public "Services". The Initial Tax will be imposed when the need arises to provide needed Services. The initial amount of taxes to be levied within the proposed Special Service Area shall be \$50,000.00. The maximum rate of taxes to be extended within the proposed Special Service Area in any year thereafter shall not exceed one percent (1%, being \$1.00 for every \$100.00) of the whole equalized assessed value of the property within the proposed Special Service Area. Said taxes shall be imposed for an indefinite period of time after the date of the ordinance establishing the proposed Special Service Area. Said taxes shall be in addition to all other taxes provided by law and shall be levied pursuant to the provisions of the Illinois Property Tax Code. Notwithstanding the foregoing, taxes shall not be levied hereunder and said Area shall be "dormant," and shall take effect only if the Owner/Developer fails to maintain, repair or replace the improvements.

VIII. Costs

All development costs related to the development project shall be borne by the Owner/Developer.

Owner/Developer will comply with Section 1-1-13 of the Hoffman Estates Village Code by posting a \$10,000 deposit prior to the commencement of any site work.

IX. Assignability, Successor Owners and or Developers

This Agreement is assignable to any fee title owner of record of the Residential Site without the Village's consent. Otherwise, any assignment of this Agreement must obtain the Village's consent, which consent shall not be unreasonably withheld, conditioned or delayed.

This Agreement shall run with the land and shall be recorded with the Cook County Recorder of Deeds. Any duties, obligations and rights contained herein shall be imposed on any successor, assignee, or future owners or developers of the Residential Site.

X. Owner/Developer's Representations and Warranties.

The Owner/Developer represents and warrants that:

- a. They are duly organized and validly existing Limited Liability Companies under the laws of the State of Delaware, and duly authorized to conduct business in the State of Illinois. The Owner/Developer has all requisite corporate power and authority to enter into this Agreement and to consummate the transactions contemplated by this Agreement and this Agreement has

been duly executed and delivered by authorized members of the Owner/Developer and is legally binding upon and enforceable against the Owner/Developer in accordance with its terms.

b. The Owner/Developer is not a party to any contract or agreement or subject to any charter, operating agreement, article of organization or other limited liability company restriction which materially and adversely affects its business, property or assets, or financial condition. Neither the execution and delivery of this Agreement nor compliance with the terms of this Agreement will conflict with, or result in, any breach of the terms, conditions or restrictions of, or constitute a default under, or result in any violation of, or result in, the creation of any liens upon the properties or assets of the Owner/Developer pursuant to, the operating agreement or articles of incorporation of the Owner/Developer, any award of any arbitrator or any agreement (including any agreement with members), instrument, order, judgment, decree, statute, law, rule or regulation to which the Owner/Developer is subject.

c. The Property is subject to an AMENDED AND RESTATED CONSTRUCTION MORTGAGTE, SECURITY AGREEMENT, FIXTURE FILING, AND ASSIGNMENT OF LEASES AND RENTS recorded on April 29, 2025, by the Cook County Clerk as Document No. 2511907013 and that said mortgage is held by CIBC Bank USA.

d. There is no action, suit, investigation or proceeding pending, or to the knowledge of the Owner/Developer, threatened against or affecting the Owner/Developer, at law or in equity, or before any court, arbitrator, or administrative or governmental body, nor has the Owner/Developer received notice in respect of, nor does it have any knowledge of, any default with respect to any judgment, order, writ, injunction, or decree of any court, governmental authority or arbitration board or tribunal, which in either case might reasonably be expected to result in any material adverse change in the business, condition (financial or otherwise) or operations of the Owner/Developer or the ability of the Owner/Developer to perform its obligations under this Agreement.

e. The execution, delivery, and performance of this Agreement have been duly authorized by all requisite corporate action.

f. The Owner/Developer has filed all federal, state and other income tax returns which, to the knowledge of the officers of the Owner/Developer, are required to be filed, and each has paid all taxes as shown on such returns and on all assessments received by it to the extent that such taxes have become due, except such taxes as are being contested in good faith by appropriate proceedings for which adequate reserves have been established in accordance with generally accepted accounting principles. The Owner/Developer knows of no proposed additional tax or assessment against it by any governmental authority that would be reasonably likely to have a material adverse effect on the business, condition (financial or otherwise) or operations of the Owner/Developer.

XI. Village Representations and Warranties

The Village represents and warrants that:

a. The Village is a municipal corporation under the laws of the State of Illinois with power and authority under its home rule powers and the Act to enter into this Agreement and to consummate the transactions contemplated by this Agreement.

b. To the best of its knowledge and belief, the execution of this Agreement and the consummation of the transactions contemplated by this Agreement will not result in any breach of, or constitute a default under, any agreement, contract, lease, mortgage, indenture, deed of trust or other instrument to which the Village is a party, nor violate any federal, state or local ordinance or statute.

c. There is no action, suit or proceeding pending, or to the knowledge of the Village threatened, against or affecting the Village, at law or in equity, or before any governmental authority which, if adversely determined, would impair the Village's ability to perform its obligations under this Agreement.

XII. Entire Agreement; Successors and Assigns; Amendments

This Agreement, and the Exhibits attached to it contain the entire agreement between the Parties in connection with these transactions, and there are no oral or parole agreements, representations or inducements existing between the Parties relating to these transactions which are not expressly set forth in this Agreement and covered by this Agreement. This Agreement may not be modified except by a written agreement signed by all of the Parties or their successors in interest, and in the case of the Village, shall require the adoption of an ordinance or resolution by the President and Board of Trustees of the Village approving such amendment. This Agreement shall be binding upon and inure to the benefit of the Parties to this Agreement, their respective heirs, legal representatives, administrators, successors, successors in interest, and assigns.

XIII. Governing Law; Partial Invalidity

This Agreement shall be governed by the laws of the State of Illinois. The captions, section numbers and article numbers appearing in this Agreement are inserted only as a matter of convenience and do not define, limit, construe or describe the scope or intent of such paragraphs or articles of this Agreement nor in any way affect this Agreement. The invalidity of any provision of this Agreement or portion of a provision shall not affect the validity of any other provision of this Agreement or the remaining portions of the applicable provision.

XIV. Notices

All notices, demands, requests, consents, approvals or other instruments required or permitted to be given under this Agreement shall be in writing and shall be executed by the Party or an officer, agent or attorney of the Party, and shall be deemed to have been effective as of the date of actual delivery, if by messenger delivery, on the date of transmission if transmitted via facsimile during normal business hours (9:00 a.m. to 5:00 p.m.), or as of the third (3rd) day from and including the date of posting, if deposited in the United States mail, postage prepaid, registered or certified mail, addressed as follows (or to such other address as may be designated from time to time by either Party by written notice to the other:

If to the Owner/Developer: Ralph Zucker
Somerset Development
101 Crawfords Comer Road
Holmdel, NJ 07733

If to the Village: Village Manager
1900 Hassell Road
Hoffman Estates, IL 60169

XV. Village's Representative Not Individually Liable

No member, official, or employee of the Village shall be personally liable to the Developer or any successor in interest in the event of any default or breach by the Village or for any amount which may become due to the Developer or successor or on any obligation under the terms of this Agreement.

XVI. Municipal Limitation

All commitments or obligations of the Village undertaken pursuant to this Agreement shall be limited to the extent that such obligations are within its powers as a municipal corporation.

XVII. Costs

All development costs related to the development project shall be borne by the Owner/Developer. Owner/Developer must comply with Village Code Section 1-1-13.

XVIII. No Joint Venture

Nothing contained in this Agreement is intended by the Parties to create a joint venture between the Parties. It is understood and agreed that this Agreement does not provide for the joint exercise by the Parties of any activity, function or service, nor does it create a joint enterprise, nor does it constitute either Party as an agent of the other for any purpose whatsoever.

XIX. Counterparts

This Agreement may be executed in several counterparts and by each Party on a separate counterpart, each of which, when so executed and delivered, shall be an original, but all of which together shall constitute but one and the same instrument. In proving this Agreement, it shall not be necessary to produce or account for more than one such counterpart signed by the Party against whom enforcement is sought.

XX. Authority to Execute

Each Party to this Agreement warrants and represents that its signatory to this Agreement is a duly authorized representative of that Party, with full power and authority to agree to this Agreement, and all terms herein, on behalf of that Party.

XXI. Jury Trial Waiver

Each Party irrevocably waives its right to a jury trial in any action or proceeding arising out of or relating to this Agreement or the transactions relating to its subject matter.

XXII. Force Majeure

Either Party's timely performance under this Agreement shall be excused and no Party shall be deemed to have defaulted under or breached this Agreement, for any failure or delay in fulfilling or performing any term of this Agreement (except for the payment of money) when and to the extent such failure or delay is caused by or results from: (a) acts of God; (b) flood, fire, earthquake or explosion; (c) inclement weather; (d) war, invasion, hostilities (whether war is declared or not), terrorist threats or acts, riot or other civil unrest; (e) government order or law; (f) shortage or stoppage of labor, materials or equipment; and (g) other similar events beyond the reasonable control of the Party affected.

XXIII. Prior Agreement

To the extent the Residential Site is subject to that certain Redevelopment Agreement with the Village dated January 28, 2019 ("RDA"), nothing in this Agreement shall delete, amend, alter, modify or nullify any of the terms of the RDA. Only as it relates to the Residential Site, in the event there is a direct conflict between the terms of this Agreement and the terms of the RDA, the terms of this Agreement shall control over the terms of the RDA.

[signature pages to immediately follow]

[remainder of page intentionally left blank]

IN WITNESS WHEREFORE, the Village has executed this Agreement on the day and date stated hereinabove.

THE VILLAGE OF HOFFMAN ESTATES

By: _____
William D. McLeod
Mayor

Attest: _____
Patty Richter
Village Clerk

IN WITNESS WHEREFORE, the Owner/Developer has executed this Agreement on the day and date stated hereinabove.

HOFFMAN ESTATES ACQUISITIONS III LLC

a Delaware limited liability company

By: _____

Name: _____

Title: _____

HOFFMAN ESTATES ACQUISITIONS IV LLC

a Delaware limited liability company

By: _____

Name: _____

Title: _____

EXHIBIT A

LEGAL DESCRIPTION OF RESIDENTIAL SITE BELL WORKS TOWNHOMES

LOTS 1 AND 5 THROUGH 170 IN THE FINAL PLAT OF BELLWORKS SUBDIVISION BEING A SUBDIVISION OF PART OF THE SOUTH 1/2 OF SECTION 36, TOWNSHIP 42 NORTH, RANGE 9 EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT THEREOF RECORDED AUGUST 9TH, 2023 AS DOCUMENT NUMBER 2322115008, IN COOK COUNTY, ILLINOIS, AND REVISED AND RECORDED ON OCTOBER 12, 2023 AS DOCUMENT NUMBER 2328515037, IN COOK COUNTY, ILLINOIS.

Common Address: 1705 Lakewood Blvd.

PINs:

01-36-404-001-0000 thru 01-36-404-168-0000 (consecutive)

EXHIBIT B

ORDINANCE NO. 5147 - 2025

VILLAGE OF HOFFMAN ESTATES AN ORDINANCE GRANTING SITE PLAN AMENDMENT FOR BELL WORKS TOWNHOMES LOCATED AT 1705 LAKEWOOD BOULEVARD

WHEREAS, on February 6, 2023, the Corporate Authorities approved Ordinance 4999-2023 granting Preliminary and Final Site Plan for Bell Works Townhomes located at 1705 Lakewood Boulevard and shown on Exhibit "A" attached hereto and made a part hereof; and

WHEREAS, on August 5, 2024, the Corporate Authorities approved Ordinance 5112-2024 granting Site Plan Amendment for Bell Works Townhomes located at 1705 Lakewood Boulevard; and

WHEREAS, the owner of property described on Exhibit A, Hoffman Estates Acquisitions III LLC and Hoffman Estates Acquisitions IV LLC, has requested Site Plan Amendment approval to modify conditions of approval as part of Ordinance 5112-2024; and

NOW, THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Hoffman Estates, Cook County, Illinois, as follows:

Section 1: Site Plan Amendment is hereby granted for Bell Works Townhomes, located at 1705 Lakewood Boulevard, subject to the following conditions:

1. The project shall be constructed as outlined in approved Development Agreement with Hoffman Estates Acquisitions III LLC and Hoffman Estates Acquisitions IV LLC for the Bell Works Townhome development, as may be amended from time to time (the "Development Agreement").
2. A waiver from Section 10-7-1-B-1 of the Municipal Code is granted. Financial security for the development shall be provided in the form and amount as outlined in the Development Agreement.
3. The following documents and plans are hereby approved and constitute the final site plan amendment approval for the project:
 - a. Improvement Plans updated through 7/8/2024.
 - b. Elevations dated 4/11/24.
 - c. Architectural renderings dated 2/5/24.
4. The owner shall finalize and record the Homeowners Association Declarations and Declaration of Easement and Cost Sharing prior to issuance of the first certificate of occupancy for the development.
5. Acceptance of all public improvements shall follow procedures outlined in the Development Agreement.
6. The owner shall donate lots 169 and 170 (0.43 acres) and pay a cash contribution to the Hoffman Estates Park District as outlined in an agreement between the two parties. Transfer of the lots must be completed by deed and in compliance with Section 10-9-2 of the Village Code prior to final acceptance of public improvements for the development.
7. The owner shall work with the US Post office to ensure proper placement of mailboxes on site if they are required to be relocated from current locations shown on plans. Other site adjustments shall be made as directed by Village staff if mailboxes are relocated.
8. The owner acknowledges that no building permits on the west side of the main building (2000 Center Drive), excluding the basement level, will be issued until site plan approval is granted for the west side, including but not limited to the following elements:
 - a. Pedestrian and bicycle accommodations throughout entire site (i.e. new internal sidewalks, modifications to existing sidewalks to meet ADA standards for width and ramp locations, shared use path along Lakewood Blvd., new bike lanes) as outlined in the approved Pedestrian and Bike Plan for Bell Works.
 - b. West parking garage and surface lot upgrades including ADA accessibility, pedestrian accessibility, lighting, general property maintenance throughout parking areas.
 - c. Lighting improvements for entirety of the west side in conformance with approved Master Lighting Plan for Bell Works.
9. The following conditions relate to the site construction:
 - a. A pre-construction meeting shall be conducted with the Village staff prior to construction commencing.
 - b. A master building permit set must be approved by the Village prior to issuance of building permits for any townhome building.
 - c. Fire Department and emergency access to the property shall be maintained at all times. Petitioner shall make any adjustments on the site as needed for access as per direction by the Village.
 - d. In accordance with Village Code, construction hours shall be limited to 7 a.m. to 7 p.m. Monday through Friday, and 8 a.m. to 6 p.m. Saturday and Sunday.

Section 4: The Village Clerk is hereby authorized to publish this Ordinance in pamphlet form.

Section 5: This Ordinance shall be in full force and effect immediately from and after its passage and approval.

PASSED THIS 20th day of January, 2025

VOTE	AYE	NAY	ABSENT	ABSTAIN
Trustee Karen V. Mills	<u>X</u>	_____	_____	_____
Trustee Anna Newell	<u>X</u>	_____	_____	_____
Trustee Gary J. Pilafas	<u>X</u>	_____	_____	_____
Trustee Gary G. Stanton	<u>X</u>	_____	_____	_____
Trustee Karen Arnet	<u>X</u>	_____	_____	_____
Trustee Patrick Kinnane	<u>X</u>	_____	_____	_____
Mayor William D. McLeod	<u>X</u>	_____	_____	_____

APPROVED THIS 20th DAY OF January 2025

William D. McLeod
Village President

ATTEST:

Dotty Guel
Village Clerk

Published in pamphlet form this 22nd day of January 2025.

Exhibit A

Bell Works Townhomes

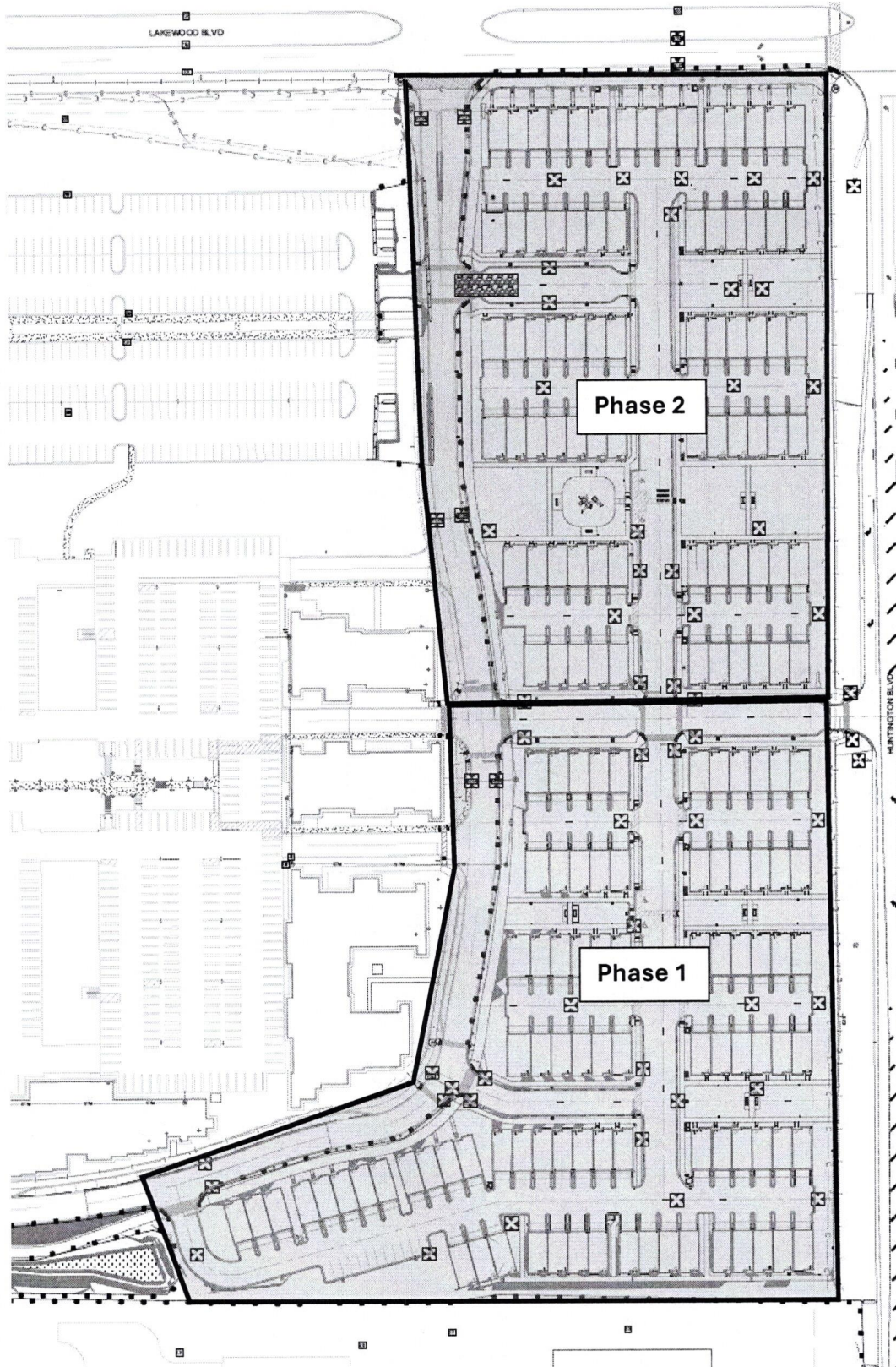
Site Plan Amendment



0 0.05 0.1 0.2 Miles

EXHIBIT C

Bell Works Townhomes Permit Phasing Exhibit





VILLAGE OF HOFFMAN ESTATES

DEPARTMENT OF DEVELOPMENT SERVICES

PLANNING DIVISION MONTHLY REPORT

SUBMITTED TO: PLANNING, BUILDING & ZONING COMMITTEE

BY: Jennifer Horn, Director of Planning and Transportation

November 2025

- Transportation & Long-Range Planner Phil Green served as conference chair for the 2025 APA Illinois State Conference and Daisy Dose-Adamzadeh served on the APA-IL Programming Committee. The 2025 conference broke every record in its 30+ year history, attracting almost 900 planners from across the state and beyond.
- Phil Green has been selected to serve as programming chair for the 2026 National Planning Conference in Detroit, Michigan.



HOFFMAN ESTATES ZONING UPDATE

- ◆ Teska Associates (as lead) and Ancel Glink awarded contract to complete the update of the Zoning Code. The new code will be a Unified Development Code.
- ◆ The PB&Z Committee moved to support the consultant's findings and recommendations on August 7, 2023.
- ◆ The project website is live at www.VOHEzoning.org.
- ◆ A first draft of the complete code has been reviewed by Corporation Counsel. Staff are actively redrafting ahead of an anticipated early 2026 adoption process.

Zoning Code Update Timeline



- ◆ The Hoffman in Motion Transportation Plan was adopted by the Village board at the 10/20/2025 Village Board meeting. Please visit www.hoffmaninmotion.com to view the final plan and interactive Story Map.
- ◆ Implementation steps are underway.



Hello, Hoffman!

Hello, Hoffman is the Village's new **Comprehensive & Strategic Plan**—a guide for how Hoffman Estates will grow and thrive in the years ahead. This plan is all about shaping the future of our neighborhoods, roads, public spaces, businesses, and services. It will be shaped by input from those who live here, work here, play here, and know this community best.

Together, we're answering three big questions throughout the project:

- **#1: Where are we now?** *Let's take a good look at where we stand today. What's working, and where can we improve? What makes our community shine?*
- **#2: Where do we want to go?** *Let's boldly envision the next 20 years for our community. What are our values and priorities as we say hello to a bigger, brighter future?*
- **#3: How do we get there?** *Let's make plans! What policies, decisions, and actions do we need to take together to reach our community's goals?*

**Project Updates**

- ◆ Public engagement continues with over 1500 individual contacts across the Summer Hang, various pop-up events, and the online survey.
- ◆ The team met over 500 people at the Haunted Hoffman event at Fabbri Park. The next big event scheduled is the Public Works Open House.
- ◆ Discovery Discussions are set to be scheduled before the end of the year.
- ◆ Project website is live at www.hellohoffman.com. The first survey for *where are we now?* is live and has received 205 responses to date.

ACTIVE PLANNING PROJECTS

Project	Address	Status	PZC or PBZ Meeting	VB Meeting
Landscape Plan Update – Staff Level Amendment	2490 PEMBROKE AVE	APPROVED	-	-
Side Yard Setback Variation	3992 N PARKSIDE DR	PUBLIC MEETING	11/5/2025	11/17/2025
Grand Reserve Apartments – Barrington Square Town Center (Synergy)	2300 W HIGGINS RD	PUBLIC MEETING	11/19/2025	12/1/2025
Microsoft CHI07 Data Center	3125 N BARRINGTON RD	UNDER REVIEW		
Bell Works Apartments	1730 LOHAN WAY	UNDER REVIEW		
Bell Works – West Side Entrance Site Plan	2000 CENTER DR	UNDER REVIEW		
Scooter's Coffee	2 E HIGGINS RD	UNDER REVIEW		
Fire Station 22 Pre-Development Review	2170 – 2190 W HIGGINS RD	UNDER REVIEW		
Medcoa Buildings – SU and Parking Lot Improvements	990 - 1000 GRAND CANYON PKWY	UNDER REVIEW		
635 Lakeview Ln Plat of Subdivision	635 LAKEVIEW LN	UNDER REVIEW		
Higgins Crossing Townhomes	125 - 155 W HIGGINS RD	UNDER REVIEW		
Restaurant / Pub – Site Plan Amendment	2069 N BARRINGTON RD	UNDER REVIEW		
Prairie Stone Apartments Pre-Development Review	5555 PRAIRIE STONE PKWY	UNDER REVIEW		

MONTHLY PLANNING PROJECT ACTIVITY

Projects Submitted by Type	October	2025 YTD
Pre-Development	1	5
Agreement		1
Annexation		
Courtesy Review		1
Easement		1
Master Sign Plan	1	3
Plat of Subdivision	1	3
Other Plat		3
RPD Amendment		
Site Plan Review	3	17
Special Use	1	4
Text Amendment		1
Rezoning		
Variation		6
Total	7	43
FOIA Processed	2	35
Zoning Verification Letters	1	7
Building Permits Reviewed by Planning	73	662

PLANNING PERFORMANCE MEASURES

Site Plan Review Process	October		2025 YTD	
Number of administrative/staff review site plan cases completed	3	100%	10	71%
Number of PZC site plan cases processed	N/A		4	
Annual goal is to complete at least 65% of site plan cases through administrative review process				

Site Plan Review Timing	October		2025 YTD	
Number of cases processed within 105 days	3	100%	14	100%
Annual goal is to complete 100% of cases within 105 days				



VILLAGE OF HOFFMAN ESTATES DEPARTMENT OF DEVELOPMENT SERVICES

BUILDING & CODE ENFORCEMENT DIVISION MONTHLY REPORT

SUBMITTED TO: PLANNING, BUILDING & ZONING COMMITTEE

BY: Sanyokta Kapur, Director of Building & Code Enforcement

November 2025

GENERAL ACTIVITIES

- On October 4, 2025, David Banaszynski inspected the Gigi Fest.
- On October 7, 2025, David Banaszynski, Kerin Browne, Liz Dianovsky & Tricia Morandi attended an online Sonya Shearer Workshop & Training on Empathy In Action: Building Trust Through Understanding.
- On October 12, 2025, David Banaszynski inspected the Makers Market.
- On October 18, 2025, David Banaszynski inspected the Vintage Fest.
- On October 20, 2025, David Banaszynski passed the Food Service Manager class/exam.
- On October 22 & 28, 2025, Kathleen Kuffer & Tony Knuth attended an online Sonya Shearer Workshop & Training on Project Leadership: Navigating the 10 P's of Successful Management.
- On October 25, 2025, David Banaszynski inspected the NOW Arena & Food Trucks at Starbuds.
- On October 28, 2025, Liz Dianovsky & Kathleen Kuffer attended an online training with Heather Whepley, DuPage County Health Department, on Mastering Tough Talks.
- On October 30, 2025, Marc Shulga attended the NWBOCA training on IFC International Fire Council Day on Mastering Firestop Inspections: Real World Codes, Systems and Solutions in Schaumburg.
- Site development is ongoing for **Kensington Townhomes by Pulte** on 1950 Hassell Rd. Model Building 1 is open as a showcase and sales office. Foundation for Building 2 in underway.
- Site Development permit at 3333 Beverly Rd, for existing site demolition, mass grading and Land Development permit of the **Compass Data Centers** has been issued. Compass Data Center, Building 1, has completed foundations and the blast walls around exterior equipment are being installed.
- **Shangrila Dispensary** off N. Barrington Rd has received temporary certificate of occupancy.
- **Dar-UI-Ilm** Foundation interior buildout for religious center at Lakewood Blvd is underway.
- **Belle Tire** on Higgins Rd has is almost ready for occupancy, which is due by end of October.
- **Fire Station 21** off Flagstaff Lane has made significant progress and is expected to be occupied by November.
- **ComEd** is almost complete with construction on Pembroke Ave. substation expansion.
- **Airdrie Estates** subdivision has several lots under construction for new single-family homes.
- Code Enforcement staff have been involved in several ongoing property maintenance cases as well as annual monitoring of commercial snow removal and pothole maintenance.
- **Pebble Beach** fireplaces were found to be potentially not in compliance with minimum code requirements and might pose a life safety hazard. The village staff has been working with the homeowner's association, contractor and residents to remedy the situation by the early 2026. So far 90 permits have been issued for work to remedy the potential life safety hazard.

Bell Works Construction Update:

- Staff is working with Bell Works on several tenant build-outs and parking garage repairs throughout the east side. Land Development permit for Bell Works **Townhomes** has been issued and work is underway. **West side parking garage** repairs and interior demolition of **West and Central building** is under progress.

2025 Code Enforcement Freedom of Information Act Requests Processed

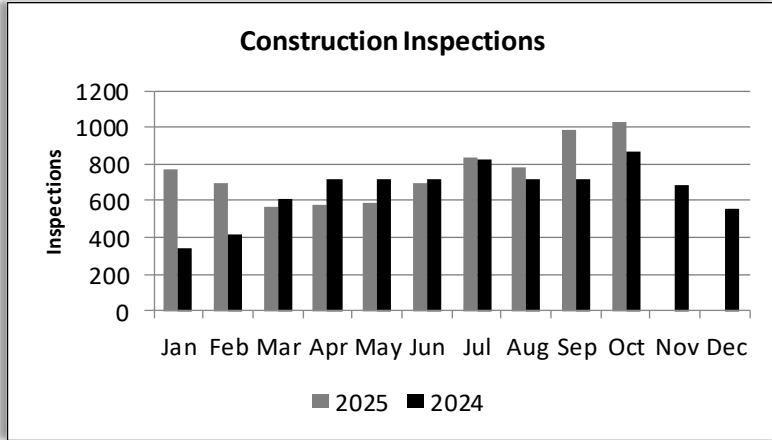
Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
24	24	53	36	45	48	49	50	48	56			433

2025 Code Enforcement GovQA Questions & Complaints Processed

Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
4	16	17	18	35	27	32	19	17	19			204

Construction Inspections

Year	2025	2024
Jan	775	346
Feb	693	415
Mar	563	607
Apr	576	715
May	589	718
Jun	698	717
Jul	837	827
Aug	788	720
Sep	986	716
Oct	1032	865
Nov		689
Dec		552
Total	7537	7887

**RENTAL HOUSING LICENSE AND INSPECTION PROGRAM**

- There are currently 1,864 rental properties registered. This includes 1,214 single family and townhome units (65%) and 650 condominium units (35%). This number fluctuates based on new registrants and owners who choose to no longer rent their properties.
- Renewal notifications were mailed on November 14, 2024, to all rental properties. The deadline to submit payment and update registration information was February 1, 2025.
- As of November 3rd, 1,840 properties have renewed.

2025 Rental Inspections

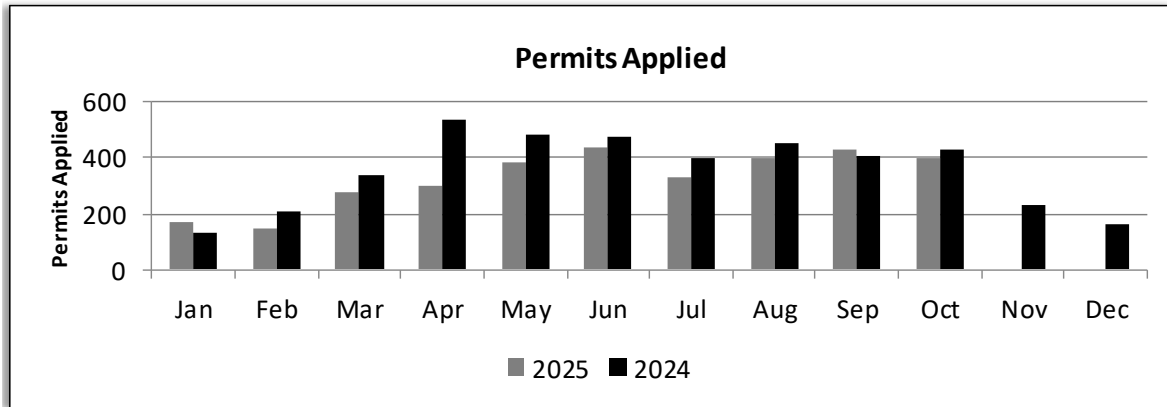
Inspection	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Annual	258	128	125	195	152	87	86	49	122	194			1396
Reinspections	183	177	135	130	112	138	89	74	83	76			1197
Total	441	305	260	325	264	225	175	123	205	270	0	0	2593

2025 Permits Issued

Permit	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2025 YTD	2024 Total
Commercial New	0	0	2	0	0	0	1	0	1	2			6	8
Single Family New	0	0	0	0	2	1	1	0	1	0			5	5
Land Development	2	0	3	0	0	0	0	0	0	1			6	6
Fire	16	11	7	10	11	9	3	11	12	12			102	134
All Other Permits	129	116	179	202	215	329	275	288	312	355			2400	3079
2025 Total	147	127	191	212	228	339	280	299	326	370	0	0	2519	

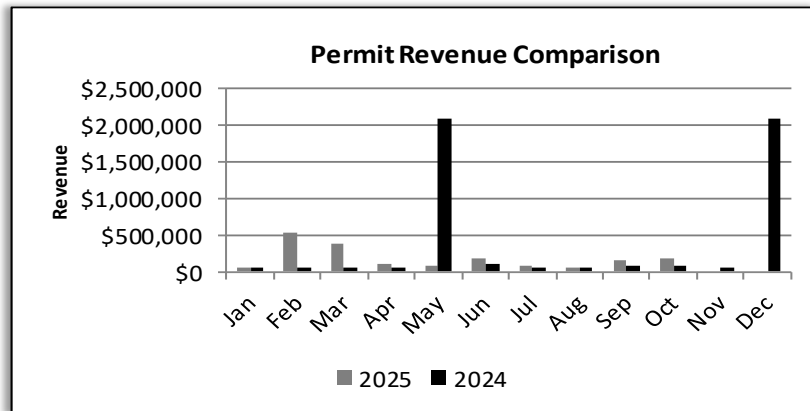
2025 Permits Applied

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
2025	168	145	273	302	383	434	326	398	429	396			3254
2024	134	205	340	535	479	470	395	447	409	427	233	166	4240



Permit Revenue

Year	2025	2024
Jan	\$57,516	\$54,595
Feb	\$532,367	\$55,383
Mar	\$381,031	\$61,118
Apr	\$102,949	\$63,268
May	\$77,219	\$2,080,130
Jun	\$188,961	\$100,777
Jul	\$85,321	\$67,251
Aug	\$67,944	\$70,712
Sep	\$161,153	\$86,798
Oct	\$196,400	\$88,794
Nov		\$57,749
Dec		\$2,096,911
Total	\$1,850,860	\$4,883,486

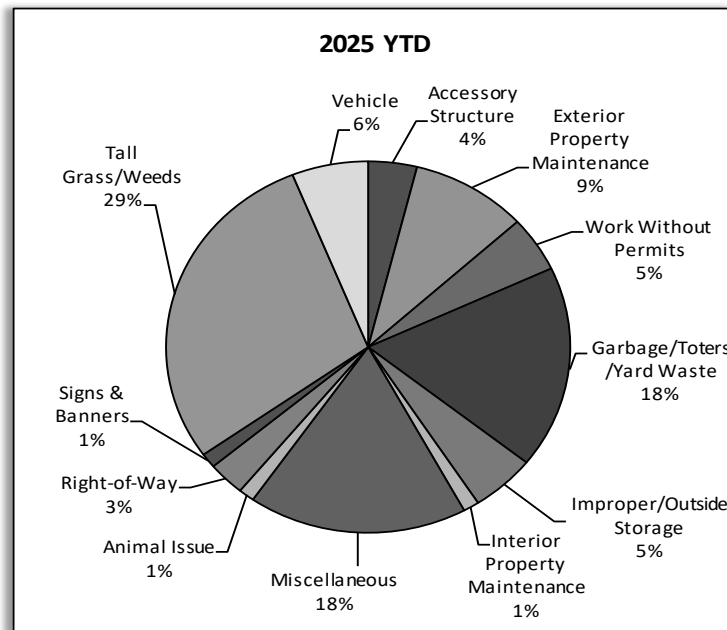


2025 Budget: \$6,625,000.

Total Revenue includes building permits, fire permits and Temporary & Full Certificates of Occupancy.

2025 Property Maintenance Summary Report

Violation	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	2025 YTD	2024 Total
Accessory Structure	0	1	7	7	3	12	5	3	5	3			46	55
Exterior Property Maintenance	0	26	27	12	6	11	9	8	6	5			110	105
Work Without Permits	0	1	7	7	5	13	9	8	3	4			57	72
Garbage/Toters/Yard Waste	38	28	20	19	7	33	12	10	28	13			208	597
Improper/Outside Storage	2	4	6	6	8	3	9	12	7	4			61	110
Interior Property Maintenance	1	1	1	0	1	3	0	5	1	2			15	9
Miscellaneous	6	9	16	18	12	11	17	61	31	26			207	160
Animal Issue	0	2	0	2	0	0	0	4	2	5			15	43
Right-of-Way	0	8	0	2	4	0	2	4	7	8			35	32
Signs & Banners	0	4	1	1	2	1	1	3	1	1			15	21
Tall Grass/Weeds	0	0	0	1	114	109	50	48	12	5			339	494
Vehicle	13	3	14	16	4	6	7	6	1	2			72	60
2025 Total	60	87	99	91	166	202	121	172	104	78	0	0	1180	
2024 Total	61	109	87	164	311	174	184	201	186	139	88	54		1758



2025 Citations Issued

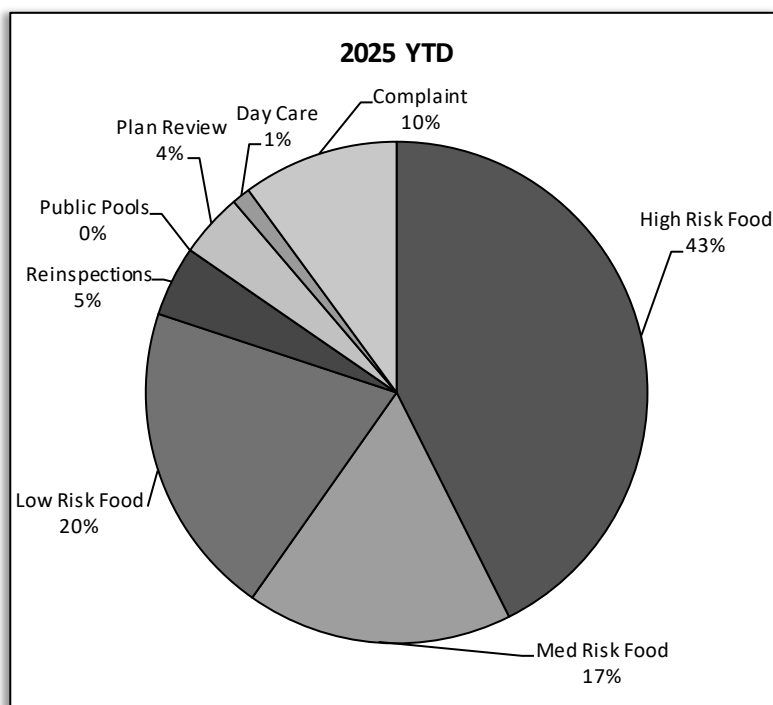
Violation	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Business License	25	13	0	0	56	0	36	12	0	69			211
Code	47	55	34	34	67	64	47	65	60	67			540
Rental	102	80	25	35	90	63	62	45	19	70			591
Total	174	148	59	69	213	127	145	122	79	206	0	0	1342

2025 Adjudication Court Dockets - Citations Presented

Court	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
Code	70	64	70	61	70	73	85	69	59	71			692
Rental/Bus Lic	75	73	78	61	76	57	60	93	43	140			756
Total	145	137	148	122	146	130	145	162	102	211	0	0	1448

2025 Environmental Health Inspection Report

Activity	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	YTD
High Risk Food	32	40	1	0	40	33	2	0	31	37			216
Med Risk Food	5	4	24	51	1	0	0	0	0	2			87
Low Risk Food	0	2	2	0	1	1	42	53	1	1			103
Reinspections	1	4	2	3	1	2	1	5	3	1			23
Public Pools	0	0	0	0	0	0	0	0	0	0			0
Plan Review	3	1	3	1	1	1	0	4	4	3			21
Day Care	0	0	2	4	0	0	0	0	0	0			6
Complaint	6	3	2	0	3	2	3	9	14	9			51
Total	47	54	36	59	47	39	48	71	53	53	0	0	507



Food establishments are divided into the risk categories of high, moderate or low, and planned inspections are performed three, two, or one time each year respectively. A high-risk establishment presents a high relative risk of causing foodborne illness based on the large number of food handling operations typically implicated in foodborne outbreaks and/or the type of population served by the facility. There are approximately 285 facilities that require a total of approximately 550 planned inspections throughout the year (this number fluctuates based on businesses opening/closing).

HIGHLIGHTS THIS MONTH



Staff attended several events throughout the month including speaking on a panel at an AFCOM data center networking event, speaking at a CCIM event at Bell Works, the Village Networking monthly lunch, the Lambda Alpha International Initiation Banquet, and a REJournals industrial conference.



Staff coordinated a successful C-Suite happy hour event hosted by Edge Electrical. There were 9 businesses represented with casual conversations taking place. Hello Hoffman was the main topic to solicit feedback and input from the business community.



Staff attended ICSC@MIDWEST in Chicago for the one-day conference. Setting up the booth attracted several meetings and new leads for future development.



SUMMARY OF ACTIVITIES

- Staff met with several potential developers for properties around the Village. Staff also met with several property owners to strategize about the most likely development possibilities. Staff continues to seek out a development partner for properties with TIF Districts while searching for retailers and developers for other vacant property throughout the Village.
- Worked with Legal to draft two new agreements to projects within the Higgins Hassell TIF (Barrington Square).
- As part of the BRE efforts, Staff visited a Prairie Stone business and coordinated a C-Suite Discussion event with the Economic Development Commission.
- Staff partnered with the Illinois CCIM Chapter to host a membership event at Bell Works, highlighting the site as a successful reuse case. Staff also presented available retail and development sites to attendees.
- Matthew Galloway attended his first of three week-long OU EDI trainings to prepare for the CEcD certification exam. This session covered Credit Analysis and Real Estate and Reuse.
 - Key Course Takeaways:
 - Credit Analysis and Financial Review:
 - Gained practical knowledge of basic financial analysis used in development agreements.
 - Learned how to assess a company's financial health, identify red flags, and verify financial documentation.
 - Real Estate and Reuse:
 - Covered best practices for marketing sites and buildings for development or redevelopment.

Economic Development & Tourism Monthly Report

November 2025

SUMMARY OF ACTIVITIES CONT.

- RFI (Request for Information) Responses:
 - Learned what companies and site selectors prioritize when evaluating community submissions.
 - Discussed how to tailor responses and highlight community assets to improve competitiveness.
- Professional Networking:
 - Throughout the week, I connected with economic development professionals from across the country, establishing a strong network of peers and subject matter experts that will provide valuable insight and collaboration opportunities for future Village initiatives.



HOTEL UPDATE

Hotel tax revenue reports are skewed due to three hotels being behind in their remittance. Country Inn is one month behind, Marriott is three months behind and Hyatt is two months behind. In the month of October 2025, the Village received a total of \$78,597. In October 2024, the Village received a total of \$141,862, down \$63,264.

The Tourism Office distributes the updated “Hot Sheet” from NOW Arena to all HE hotels every month that details all contracted events. Those event dates are used to review the rates being offered online at all HE hotels. Staff checks guest reviews and advises the hotel if rates offered or negative reviews are costing them ranking on the most used online booking applications to assist in revenue maximization.

EVENTS

- Volleyball Nations League (VNL) - July 2026 - NOW Arena: The Volleyball Nations League Event is out to bid for 2026. NOW hosted the inaugural event in 2025. Organizers are looking for a significant contribution from the host city/state. Staff will be bidding against other states and are struggling to keep the event that features international men’s volleyball teams from up to 8 countries competing over the week bringing 10-day stays (8 teams, support staff, fans, families, press totaling 3,000 trackable room nights) and almost \$300,000 in catering spend to the host hotel. Now that renovations are complete Staff is working with the Chicago Marriott NW Sales Team to create the most attractive bid to be named host hotel if the event books at the Arena. The organization’s housing authority uses Marriott brand to solicit lodging using only full-service Marriott Hotels.
- Illinois American Planning Association Conference - September 2026 - NOW Arena: Attendance at this event exceeded 900 in 2025 held in downtown Chicago. Staff and the Arena met with the event organizers to discuss their layout to determine if the NOW Arena could be a unique and potential site. Staff is working with the Arena to provide as much AV as possible in-house to reduce the Association’s rental fees for AV.
- Grant Opportunities: Tourism staff researched available grants from DCEO and reached out to MEET Chicago NW to determine if they had received any grant money to draw international travelers. MCNW contributed \$5,000 to the Volleyball event in 2025. Greg Mahilich from DCEO advised there were no incentive grants available. There was a Tourism Attraction Grant open for one month offering up to \$200,000. Staff rewrote a grant previously submitted seeking \$122,000 in matching funds to install a permanent PA systems, LED Digital board and lighting to increase the sound/sight capacity of the campus and draw a greater audience.

MEETINGS/ACTIVITIES

- Celtic Fest and 4th of July Commission meetings
- Circulated Police Incident Reports to hotels
- Circulated updated “Hot Sheet” from NOW Arena
- Research for Japanese Festival



Kevin Kramer, Director of Economic Development



Linda Scheck, Director of Tourism & Business Retention