

Sec. 7.14 - Floodplain Regulations

7.14.1 *Purpose.* This section is enacted pursuant to the police powers granted to the county by 55 ILCS 5/5-1063. This section is adopted in order to accomplish the following specific purposes:

1. To assure that new development does not increase the flood or drainage hazards to others, or create unstable conditions susceptible to erosion;
2. To minimize potential losses due to periodic flooding;
3. To protect new buildings and major improvements to building from flood damage;
4. To protect human life and health from the hazards of flooding;
5. To lessen the burden of 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 county by fulfilling the requirements of the National Flood Insurance Program (NFIP);
7. To comply with the rules and regulations of the National Flood Insurance Program (NFIP) 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 hydrological and hydraulic functions of watercourses and floodplains and to protect water quality and aquatic habitats; and
10. To preserve the natural characteristics of stream corridors 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.

7.14.2 *How to Use This Section.*

1. The Zoning Administrator shall be responsible for fulfilling all of the duties listed in Section 7.14.3, Duties of the Enforcement Official.
2. To fulfill those duties, the Zoning Administrator first should use the criteria listed in Section 7.14.4, Base Flood Elevations, 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 Zoning Administrator must determine whether the development site is within a flood fringe or a regulatory floodway. If the site is within a flood fringe the Zoning Administrator shall require that the minimum requirements of Section 7.14.5, Occupation and Use of Flood Fringe Areas, be met. If the site is within a floodway, the Zoning Administrator shall require adherence to Section 7.14.6, Regulatory Floodway.
3. In addition, the general requirements of Section 7.14.7, Permitting Requirements Applicable to Flood Fringe Areas, shall be met for all developments meeting the requirements of Section 7.14.5, Occupation and Use of Flood Fringe Areas. The Zoning Administrator shall assure that all subdivision proposals shall meet the requirements of Sections 7.14.6, Regulatory Floodway, and 7.14.7, Permitting Requirements Applicable to Flood Fringe Areas.
4. Variances granted by the Zoning Board of Appeals shall comply with the requirements of Section 7.14.10, Variances. The Zoning Board of Appeals shall complete all notification requirements as set forth in subsections 7.14.10-12 and 7.14.10-14.
5. In order to assure that property owners obtain permits as required in this chapter, the Zoning Administrator may take any and all actions as outlined in Section 10.4, ("Penalties and Costs").

7.14.3 *Duties of the Enforcement Official.* The Zoning Administrator shall be responsible for the general administration and enforcement of this chapter that shall include the following:

1. *Determining 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, or a flood fringe. Enforce requirements of Sections 7.14.5, Occupation and Use of Flood Fringe Areas, 7.14.6, Regulatory Floodway, and 7.14.7, Permitting Requirements Applicable to Flood Fringe Areas, on all development in the floodplain.
 2. *Dam Safety Requirements.* Ensure that a IDNR/OWR dam safety permit has been issued or a letter indicating no dam safety permit is required, if the proposed development activity includes construction of a dam as defined in Article 11, Definitions. Regulated dams may include weirs, restrictive culverts, or impoundment structures.
 3. *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.
 4. *Plans Reviews and Permit Issuance.* Ensure that any and all development activities within SFHAs located within the jurisdiction of the county meet the requirements of this chapter and issue a floodplain development permit in accordance with the provisions of both this chapter and other regulations of this community when the development meets the conditions of this chapter.
 5. *Inspection Review.* Inspect all development projects before, during and after construction to assure proper elevation of structures and to ensure compliance with the provisions of this chapter.
 6. *Elevation and Floodproofing Certificates.* Maintain for public inspection and furnish upon request base flood data, SFHA and regulatory floodway maps, copies of federal and state permit documents, documentation of variances, conditional letters of map revision, letters of map revision, letters of map amendment, "as built" elevation and floodproofing documentation, and elevation and floodproofing certificates for all buildings constructed subject to this chapter.
 7. *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 chapter. Submit data to IDNR/OWR and the Federal Emergency Management Agency for proposed revisions of a regulatory map. Submit reports as required for the National Flood Insurance Program. Notify the Federal Emergency Management Agency of any proposed amendments to this chapter.
 8. *Promulgate Regulations.* Promulgate rules and regulations as necessary to administer and enforce the provisions of this chapter, subject however to the review and approval of IDNR/OWR and FEMA for any chapter changes.
- 7.14.4 *Base Flood Elevations.* The protection standard of this chapter is based on the Flood Insurance Study (FIS) and amendments thereto of the county dated December 1, 1982, as amended, prepared under the direction of the Federal Emergency Management Agency (FEMA), Federal Insurance Administration (FIA), and is hereby adopted for the purpose of this chapter and is on file in the office of the Zoning Administrator. The flood insurance study includes the Flood Insurance Rate Maps (FIRM) dated June 1, 1983, as amended, which delineate the SFHA as areas that are susceptible to the base flood, and the Flood Boundary and Floodway Maps (FHBM) dated June 1, 1983, as amended, which delineate the regulatory floodway. The flood insurance study data shall take precedence over other base flood elevation data for the purpose of this chapter.
1. The base flood elevation at any particular location shall be as delineated on the base flood profile in the flood insurance study; provided, that for any proposed subdivision or new development greater than fifty (50) lots or five (5) acres, whichever is the lesser, the applicant shall provide the base flood elevation data for each lot or platted parcel located in an SFHA. Base flood data received from the Federal Insurance Administration shall take precedence over data from other sources.
 2. If a disagreement arises concerning the best available flood data, the applicant may engage a registered professional engineer to conduct a detailed engineering study and submit to IDNR/OWR and FEMA for their review and determination.

3. A development permit for a site located in a floodway (or in a riverine SFHA where no floodway has been identified) shall not be issued unless the applicant first obtains a permit or written documentation that a permit is not required from the Illinois Department of Natural Resources, Office of Water Resources (IDNR/OWR), issued pursuant to 615 ILCS 5/5 et seq.
4. Letter of Map Revision (LOMR). To affect a map change to the county floodway and floodplain maps, a LOMR for a SFHA property to be protected by a proposed levee must be obtained from FEMA subject to the following criteria:
 - a. The applicant shall submit the following to the Zoning Administrator who shall in turn submit this information to FEMA and IDNR/OWR:
 1. Site plan of area proposed for levee protection and an overlay of corresponding flood boundary lines.
 2. Elevations of site and proposed levee.
 3. Design plans for proposed levee, gates and closures.
 4. Detailed report listing proposed levee material to be utilized; width, length and height above grade; internal drainage facilities, gates, and closures.
 5. Proposed maintenance and inspection schedule.
 - b. The applicant shall submit to the Zoning Administrator written proof that the proposed levee has been reviewed and approved by the applicable federal and state agencies.
 - c. No building permits shall be issued until said maps are amended by FEMA, approved by IDNR/OWR and received by the county Zoning Administrator excluding the proposed building site from the floodway or base flood level boundaries, unless said proposal is in accordance with all other pertinent parts of this chapter.
 - d. If said site is excluded by official map change from the floodway boundaries but not the base flood level boundaries, or if the official map change is not approved by either FEMA or IDNR/OWR, all other pertinent parts of this chapter shall apply to development on the proposed building site.

7.14.5 *Occupation and Use of Flood Fringe Areas.* Development in the flood fringe will be permitted if protection is provided against the base flood or 100-year frequency flood by proper elevation of structures and if other provisions of this chapter are met. 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 7.14.7, Permitting Requirements Applicable to Flood Fringe Areas.

1. *Development Permit.*

- a. No person, firm, corporation, or governmental body not exempted by state law shall commence any development in the flood fringe without first obtaining a development permit from the Zoning Administrator.
- b. Application for a floodplain development permit shall be made on a form provided by the Zoning Administrator, accompanied by the floodplain development review fee. The application shall also be accompanied by drawings of the site, drawn to scale, showing property line dimensions; existing grade elevations based on NGVD; all changes in grade resulting from excavation or filling; and the location and dimensions of all buildings and additions to buildings. For all proposed buildings, the elevation of the lowest floor (including basement, cellar or crawl space) and lowest adjacent grade shall be shown on the submitted plans and the development will be subject to the requirements of Sections 7.14.6, Regulatory Floodway, and/or 7.14.7, Permitting Requirements Applicable to Flood Fringe Areas, of this chapter.
- c. Upon receipt of a floodplain development permit application, the Zoning Administrator 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 as of the site's first Flood Insurance Rate Map (FIRM) identification is not in the SFHA, and therefore, not subject to the requirements of this chapter. The Zoning Administrator shall maintain documentation of the existing ground elevation at the development site and certification that this ground elevation existed prior to the date of the site's first Flood Insurance Rate Map (FIRM) identification.

- d. A non-conversion agreement shall be required for all residential development, including new construction, elevation projects, substantial improvements, and substantially damaged structures. The non-conversion agreement shall contain at a minimum the owner's signature, signed in the presence of a notary, the address of the property, a legal description of the property, the base flood elevation and flood protection elevation at the site, and contain specific language which prohibits the lowest floor to be finished or converted to a habitable space unless the enclosed area is in conformance with the provisions of this Section 7.14 ("Floodplain Regulations"), in effect at the time of conversion. The executed non-conversion agreement shall be recorded with the Peoria County Recorder of Deeds, at the developer's expense, prior to the issuance of any development permits.
 - e. The Zoning Administrator shall be responsible for obtaining from the applicant, copies of all other local, state and federal permits, approvals or permit-not-required letters that may be required for this type of activity. The Zoning Administrator shall not issue a permit unless all other applicable local, State and Federal permits have been obtained.
 - f. A floodplain development permit shall only be issued after the Zoning Administrator determines that the proposed development is in compliance with all requirements of these regulations, and the floodplain development permit fee has been paid by the applicant.
2. *Preventing Increased Damages.* No development or fill in the Special Flood Hazard Area shall create a threat to public health and safety. Construction practices and methods shall minimize flood damages to other properties.
 3. *Fees.* Shall follow fee schedule set forth in Appendix A.

7.14.6 *Regulatory Floodway.*

1. There shall be no development in the designated regulatory floodway unless a variance is approved pursuant to Section 7.14.10, Variances. If a variance is approved, then the development shall also comply with Sections 7.14.5, Occupation and Use of Flood Fringe Areas, and 7.14.7, Permitting Requirements Applicable to Flood Fringe Areas, of this chapter, and the term "floodplain" shall then be read as the "designated regulatory floodway" in those sections.
2. Nonconforming structures located in a regulatory floodway may remain in use.

7.14.7 *Permitting Requirements Applicable to Flood Fringe Areas.* In addition to the requirements found in Section 7.14.5, Occupation and Use of Flood Fringe Areas, the following requirements for all new construction and substantial improvements to structures located in an SFHA shall be met:

1. *Public Health Standards.* No developments in the floodplain shall include locating or storing chemicals, explosives, animal wastes, fertilizers, flammable liquids, pollutants, or other hazardous or toxic materials below the flood protection elevation.
2. *Protecting Buildings.* All buildings located within a floodplain shall be protected from flood damage below the flood protection elevation. Building protection criteria apply to the following situations:
 - a. Construction or placement of a new building;
 - b. A substantial improvement to an existing building;

- c. Installing a manufactured home on a new site or a new manufactured home on an existing site. This building protection requirement does not apply to returning a manufactured home to the same site it lawfully occupied before it was removed to avoid flood damage; and
 - d. Installing a travel trailer on a site for more than one hundred eighty (180) days.
3. *Building Protection Requirements* shall be met by one of the following methods:
- a. A residential or nonresidential building may be elevated in accordance with the following:
 - 1. The building or improvements shall be elevated on stilts, piles, walls, or other foundation that is permanently open to floodwaters and not be subject to damage by hydrostatic pressures of the base flood or 100-year frequency flood. Designs for meeting this requirement shall either be certified by a registered professional engineer or a registered professional architect or meet or exceed the following minimum criteria: A minimum of two (2) openings having 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 shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.
 - 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.
 - 3. All areas below the flood protection elevation shall be constructed of materials resistant to flood damage. The lowest floor (including basement, cellar or crawl space) 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 that plans certified by a registered professional engineer or a registered professional architect shall stipulate that the service facilities located below FPE will be floodproofed. After the building has been built, a registered professional engineer or a registered professional architect shall certify in writing that the total floodproofing of the service facilities located below the FPE has occurred before a certificate of occupancy can be issued.
 - 4. The areas below the flood protection elevation are usable solely for parking of vehicles. Areas below the BFE shall not be used for the storage of any other goods.
 - 5. Manufactured homes and travel trailers to be installed on a site for more than one hundred eighty (180) days, shall be elevated to or above the flood protection elevation; and, shall be anchored to resist floatation, 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.
 - b. Only a nonresidential building may be structurally dry floodproofed (in lieu of elevation), provided that plans certified by a registered professional engineer or a registered professional architect shall indicate that the building will be structurally dry floodproofed below the flood protection elevation, and that 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. Dry 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). After the building has been built, a registered professional engineer or a registered professional architect shall certify in

writing that the structure has been dry floodproofed below the FPE before a certificate of occupancy shall be issued for the structure.

- c. The existing lawful use of a structure that is not in conformity with the provisions of this chapter may continue subject to the following conditions:
 1. As requests are received for modifications or additions to nonconforming structures, a record shall be kept which lists the nonconforming structures, their present market value, and the cost of those additions or modifications that have been permitted.
 2. A nonconforming structure sustaining damage of any origin may be restored unless the cost of restoring the structure to its before-damaged condition would equal or exceed fifty (50) percent of the market value of the structure before the damage occurred, in which case it shall conform to this chapter.
 - a. No modification or addition to any nonconforming structure which cumulatively over the life of the structure would exceed fifty (50) percent of its present market value shall be allowed unless the entire structure is permanently changed to a conforming structure in compliance with this chapter. For purposes of this subsection, "present value" shall mean the market value of the nonconforming structure on July 11, 2000, which was the day that this subsection 7.14.7-3.c.2 became effective.
- d. Tool sheds and detached garages on an existing single-family platted lot may be constructed with the lowest floor below the flood protection elevation in accordance with the following:
 1. The building is not used for human habitation;
 2. All sheds and garages located below the Flood Protection Elevation (FPE) shall be constructed of water-damage-resistant materials up to the FPE. In addition, all requirements of Section 7.14.5, Occupation and Use of Flood Fringe Areas, must be met;
 3. The structure shall be anchored to prevent floatation;
 4. Service facilities such as electrical and heating equipment shall be elevated or floodproofed to the flood protection elevation. A registered professional engineer or a registered professional architect shall inspect the applicable building permit plans and certify that the service facilities are floodproofed;
 5. The building shall be less than or equal to seven hundred fifty (750) square feet in floor size;
 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
 7. A minimum of two (2) openings having 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 shall be provided. The bottom of all openings shall be no higher than one foot above grade. Openings may be equipped with screens, louvers, valves, or other coverings or devices, provided that they permit the automatic entry and exit of floodwaters.

7.14.8 *Certificate of Occupancy.* The following requirements shall apply to all new principal structures. For purposes of this chapter, "new principal structure" shall mean any principal structure for which the development permit is issued or for which the first placement of permanent construction, whichever event occurs first, commences after the effective date of this section.

1. No principal structure shall be occupied or used until a certificate of occupancy is issued by the Zoning Administrator after a determination that the structure has been constructed in compliance with the applicable regulations in this chapter. A temporary certificate of occupancy may be issued in accordance with the provisions of this section.

2. Temporary Certificate of Occupancy. The Zoning Administrator may issue a temporary certificate of occupancy for a principal structure, or part thereof, prior to the completion of the entire principal structure.
3. The temporary certificate of occupancy so issued by the Zoning Administrator shall state the nature of the incomplete work and the time period within which the work must be completed, provided that:
 - a. The applicant for such a temporary certificate of occupancy demonstrates that the construction which remains to be completed relates solely to conditions of the development which are not directly related to the safety of the premises; and
 - b. The applicant demonstrates that such completion is impractical at the time the temporary certificate of occupancy is sought due to weather or other conditions acceptable to the Zoning Administrator.
4. Time Frame for Temporary Certificate. A temporary certificate of occupancy shall be issued for a period of sixty (60) days, at which time the Zoning Administrator shall conduct an inspection of the principal structure to determine completeness and/ or the need for an extension of the temporary certificate of occupancy.

7.14.9 *Other Development Requirements.*

1. The County Board and the plat officer shall take into account flood hazards, to the extent that they are known in all official actions related to land management, use and development.
2. New subdivisions, manufactured home parks, and Planned Unit Developments (PUDs) within the SFHA shall be reviewed to assure that the proposed developments are consistent with Sections 7.14.4, Base Flood Elevations, through 7.14.7, Permitting Requirement Applicable to Flood Fringe Areas, of this chapter and the need to minimize flood damage. Plats or plans for new subdivisions, manufactured home parks and Planned Unit Developments (PUDs) shall include a signed statement by a registered professional engineer that the plat or plans account for changes in the drainage or surface waters in accordance with the Plat Act (765 ILCS 205/2).
3. 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 delineation.
4. 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.

7.14.10 *Variances.*

1. Whenever in a specified case, after an application for a permit has been made to the Zoning Administrator and the same has been denied and an appeal is made to the Zoning Board of Appeals, alleging that because of certain exceptional conditions peculiar to the applicant's property, the strict application of the regulations of this chapter would result in practical difficulties or particular hardship in carrying out the strict letter of any regulation relating to the construction, alteration or location of buildings or structures in a floodplain; the Zoning Board of Appeals shall have the power to determine and vary their application in harmony with the general purpose and intent of this chapter.
2. A variation under this section shall be permitted only if the Zoning Board of Appeals finds that it is in harmony with the general purpose and intent of this chapter and the National Flood Insurance Act of 1968, as amended, and that there are practical difficulties or particular hardships that would result from carrying out the strict letter of the provisions of this section.
3. An application for a variance shall be required to seek all necessary federal, state and other permits from applicable regulatory agencies.
4. Variances shall not be issued within any designated regulatory floodway if any increase in flood levels during the base flood discharge would result.

5. No variance shall be granted unless the applicant demonstrates that:
 - a. The development activity cannot be located outside the SFHA;
 - b. There will be no additional threat to public health, safety, beneficial stream uses and functions, (especially aquatic habitat), or creation of a nuisance;
 - c. 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 bed and banks, roads, utilities, or other public facilities;
 - d. The applicant's circumstances are unique and do not represent a general problem;
 - e. The granting of the variance will not alter the essential character of the area involved including existing stream uses;
 - f. Special conditions and circumstances exist which are peculiar to the land or structure involved which are not applicable to other lands or structures under the same circumstances;
 - g. The literal interpretation of the provisions of this chapter would deprive the applicant of rights commonly enjoyed by other lands or structures in the same district under the terms of this chapter;
 - h. The special conditions and circumstances do not result from the actions of the applicant;
 - i. The granting of the variance requested will not confer on the applicant any special privilege that is denied by the chapter to other lands or structures under the same circumstances;
 - j. The reasons set forth in the application justify the granting of the variance and the variance is the minimum variance that will make possible the reasonable use of the property; and
 - k. The values or character of property within the surrounding area will not be diminished or impaired thereby, nor the nearby property adversely affected.
6. Issuance of a variance may be made subject to such conditions as are necessary to carry out the purposes of this chapter.
7. Public hearing and notice. The variance petition shall be given a public hearing before the Zoning Board of Appeals as for any other petition for variance under Section 3.7 ("Variances") of the Unified Development Ordinance.
8. The concurring vote of five (5) members of the Zoning Board of Appeals shall be necessary to affect any variation in this chapter.
9. The Zoning Administrator or his delegate shall be the technical consultant to the Zoning Board of Appeals in person at variance hearings. When necessary, the Zoning Administrator and/or Zoning Board of Appeals shall seek professional advice from qualified engineers or technical experts. An additional fee may be charged to the variance petitioner. The expert's fee shall be paid in full by the applicant within ten (10) days after the county submits a bill to the petitioner. Failure to pay the bill shall constitute a violation of this chapter and shall be grounds for the issuance of a stop work order. An expert shall not be hired by the county at the expense of the applicant until the applicant has either consented to such hiring or been given an opportunity to be heard on the subject.
10. The Zoning Administrator's or his delegate's reports and recommendations shall be included in the minutes made a part of the record of the Zoning Board of Appeals.
11. Findings of fact. The action of the Zoning Board of Appeals in granting or denying a variation shall contain or be accompanied by a finding of fact specifying the reason for the decision.
12. The chairman of the Zoning Board of Appeals shall require applicants to record all approved variances as a supplement to their deed of record. The petitioner shall pay the recording fee.

13. The chairman of the Zoning Board of Appeals shall submit in writing to the Zoning Administrator who shall subsequently forward the following to the FEMA regional natural and technological hazard chief:
 - a. Description of variance (location, name and flood level).
 - b. The decision of the Zoning Board of Appeals and their finding of fact relevant to the case.
14. Upon approval of a variance, the Zoning Board of Appeals shall notify the applicant in writing over the signature of the chairman of the Zoning Board of Appeals that:
 - a. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars (\$25.00) for one hundred dollars (\$100.00) of insurance coverage.
 - b. Such construction below the base flood level increases risks to life and property.
 - c. Such notification shall be maintained with a record of all variance actions.
15. Variances may be issued for the repair or rehabilitation of historic structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a historic structure, and the variance is the minimum necessary to preserve the historic character and design of the structure.
16. Fees. The filing fee charged to the petitioner and collected by the county for a variation from these standards shall be in accordance with the fees as set forth for in Appendix A. The total amount is due at the time of filing said application. Publication costs shall be billed to the petitioner upon receipt of bill from the publishing newspaper by the county. All publication fees shall be paid in-full prior to final disposition of the application by the Zoning Board of Appeals.

7.14.11 Appeals.

1. Any person aggrieved, or any officer, department, board or bureau of the county may appeal to the Zoning Board of Appeals to review any order, requirement, decision or determination made by the Zoning Administrator in regards to Section 7.14 ("Floodplain Regulations").
2. Such appeal shall be made within thirty-five (35) days from the date of the action appealed from, by filing with the zoning administration and the Zoning Board of Appeals a notice of appeals specifying the grounds thereof. The Zoning Administrator shall forthwith transmit to the Zoning Board of Appeals all papers constituting the record upon which the action appealed from was taken.
3. An appeal stays all proceedings in furtherance of the action appealed from, unless the Zoning Administrator certifies to the Zoning Board of Appeals, after the notice of appeal has been filed with him, that by reason of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property. In such case, proceedings shall not be stayed other than by a restraining order which may be granted by the Zoning Board of Appeals or by a court or record on application, on notice to the Zoning Administrator and on due cause shown.
4. The Zoning Board of Appeals shall fix a reasonable time for the hearing of the appeal and give due notice thereof to the parties and decide the same within a reasonable time. Upon the hearing, any part may appear in person, by agent or attorney. The Zoning Board of Appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination as in its opinion ought to be made in the premises, and to that end, shall have all the powers of the Zoning Administrator. The concurring vote of five (5) members of the Zoning Board of Appeals shall be necessary to reverse any order, requirement, decision, or determination made by the Zoning Administrator.
5. The filing fee charged to the appellant and collected by the county for an appeal from a determination made by the Zoning Administrator shall be in accordance with the fees set forth in Appendix A. The total amount is due at the time of filing said application. Publication costs shall be billed to the appellant upon receipt of bill from the publishing newspaper by the county. All

publication fees shall be paid in-full prior to final disposition of the application by the Zoning Board of Appeals.

6. Appeals shall be made in conformity with the provisions of the Administrative Review Act of the state. The party making the appeal shall pay the costs of preparing the record on appeal. Copies of any orders or proceedings ordered by the appellant shall be furnished to him at his own cost.

7.14.12 *Disclaimer of Liability.* The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on available information derived from engineering and scientific methods of study. Larger floods may occur or flood heights may be increased by manmade or natural cause. This chapter does not imply that development, either inside or outside of the SFHA, will be free from flooding or damage. This chapter does not create liability on the part of the county or any officer or employee thereof for any flood damage that results from reliance on this chapter or any administrative decision made lawfully thereunder. (Ord. of 8-13-91, 1300)

7.14.13 *Notice of Violation.*

1. It shall be the duty of the Zoning Administrator to enforce the provisions of this chapter and to notify the owner or person in control of any private property of any violation of this chapter.
2. Service of such notice shall be made by means of personal service of a copy of the notice or by certified or registered mail of a copy of the notice which is addressed to the residence or usual place of business of the owner or person in control of the private property.
3. Such notice shall fairly apprise the owner or person in control of the nature of the violation, his duty to abate the violation and the penalty for failure to abate the violation.

7.14.14 *Abrogation and Greater Restrictions.* This chapter is not intended to repeal, abrogate or impair any existing easement covenants, deed restrictions. Where this chapter and other ordinances, easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail. This chapter 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 county passed in order to establish initial eligibility for the program.

(Res. of 7-12-12)