

# UTICA'S FLOODPLAIN DEVELOPMENT PERMIT FAQs

## (PLEASE READ!!)

**NOTE:** In 1968, Congress created the National Floodplain Insurance Program (NFIP) in response to the rising cost of taxpayer funded disaster relief for flood victims and the increasing amount of damage caused by floods. Through this program, now administered by the Federal Emergency Management Agency (FEMA), floodplain insurance is offered (and mandatory if using a Federally regulated/insured bank for a loan) to anyone who has property located in the floodplain. Since developing this program, FEMA has drastically reduced the amount of tax-payer dollars that support general floodplain claims. Now, FEMA mainly uses only premium monies from flood insurance policies to cover claims.

In order for your property to be eligible for flood insurance, Utica has joined the NFIP and adopted a Floodplain Development Ordinance which establishes regulations for development in the 100-year floodplain. That means that people in Utica are both eligible for flood insurance and have reduced premiums because Utica remains in good standing with FEMA and the NFIP through their efforts in local floodplain management.

The rules that govern building in the floodplain are complex and impossible to fully list in a page like this, however, we have put together most of the common questions people have when building in a floodplain. Any further information can be obtained by calling the Utica Building Inspector at 815-667-4111.

### 1. *How do I know if I'm in the 100-year floodplain?*

Most of the “old” part of Utica is in the 100-year floodplain. By being in this designated area, it means that you have a 1% chance of experiencing a flood event in any given year. Please keep in mind that you may still be in the 100-year floodplain even though your property has never flooded. Likewise, you may not be in the 100-year floodplain even though you have had flood waters reach your property at some time in the past. There are 3 ways of finding out if you are in the floodplain:

- (1) The Federal Emergency Management Agency (FEMA), has recently updated maps which identify the 100-year floodplain and floodways in Utica. Utica's floodplains are associated with the Illinois River and Clark's Run Creek. The I & M Canal *does not* have a floodplain associated with it. You can go to FEMA's website [www.fema.gov](http://www.fema.gov), and click on “FEMA's Flood Map Store” to view the maps for Utica; or
- (2) You can view the floodplain maps at the Village office trailer; or
- (3) You can call the Building Inspector at 815-667-4111 and he can look at the maps for you.

### 2. *Can I build if my property is in the 100-yr floodplain?*

Yes, you are legally allowed to build, however there are many flood protection rules you'll need to be aware of that will influence how you build, where on your property you can build, what types of materials you'll need for construction and how your finished project will look.

### 3. *What kind of projects require a Floodplain Development Permit?*

Probably more than you realize. A Floodplain Development Permit from the Village is needed for any man-made change to real estate including, but not necessarily limited to:

- (1) construction, reconstruction, or placement of a building, or any addition to a building, exceeding 70 square feet in floor area, or increasing the floor area by more than 20%;
- (2) substantial improvement or substantial damage of an existing building;
- (3) installation of a manufacture home on a site, preparing a site for a manufactured home, or installing a travel trailer on a site for more than 180 days;
- (4) installation of utilities, construction of roads, bridges, culverts or similar projects;
- (5) construction or erection of levees, dams, walls or fences;
- (6) drilling, mining, filling, dredging, grading, excavating, paving or other alterations of the ground surface;
- (7) storage of materials including the placement of gas and liquid storage tanks; and
- (8) channel modifications or any other activity that might change the direction, height or velocity of flood or surface waters.

4. *What happens when I repair damage or make improvements to my house if I'm in the floodplain?*

You will have to get a Floodplain Development Permit and take into consideration “substantial damage” or “substantial improvement”. Either one of these terms just means that if the value (contractor’s quote) of the repair work or improvement(s) is 50% or more of the relevant structure’s current assessed value (or recent appraisal), the entire structure, and improvement, will have to be built to floodplain standards.

5. *What regulations are placed on my construction if I'm in the floodplain?*

Even though it seems like an easy question, it has a very complex answer. The following is a partial answer for the most common structures built. It is always recommended that you contact the Building Inspector to discuss your plans.

Generally speaking, if you are building a residence in the floodplain, your lowest floor has to be at least 1’ above the Base Flood Elevation (BFE). Any areas of your structure that are below the BFE, can only be used for storage, parking or building access. You *can not* have a basement. All service equipment such as furnaces, air conditioners, heat pumps, hot water heaters, washers, dryers, food freezers, plumbing, electrical wiring, electrical service panels and junction boxes must be kept above the Flood Protection Elevation (FPE).

Generally speaking, if you are building a garage or shed of minimum value, you may put the floor at grade level. However if that level is below the FPE, you are required to either raise the structure 1’ above the BFE with fill or make all materials below the FPE flood-resistant and place holes in the walls to allow flood waters to easily enter and exit your structure. Just as in the case above (a residential structure), all service equipment must be raised above the FPE. If you will be raising the structure using fill, the fill needs to be compacted, extend 10’ beyond the walls and then slope down to existing grade using erosion-resistant materials, i.e., rip-rap, vegetative cover, etc.

It is best in every case to contact the Building Inspector at 815-667-4111 to discuss your situation with him.

6. *What regulations are there for building in the floodway?*

The floodway is that portion of a stream or river where the majority of flood flows occur. Building regulations are very strict in the floodway. If you are planning on some type of development in the floodway, you must fill out and submit a joint application form to the three agencies involved with floodway development: the Illinois Department of Natural Resources (IDNR); the Illinois Environmental Protection Agency (IEPA) and the U.S. Army Corps of Engineers (USACE). If you get approval from each of these agencies, you then apply to Utica for their Floodplain Development Permit (and Construction Permit).

These agencies look to see how your proposed development affects flood flows and storage capacities while the Village of Utica looks to see how the flood flows will affect your structure. In essence, the State determines your development’s affect on the flood and the Village determines the flood’s affect on your development. For obvious reasons, structures and fences which may block or divert flood flows are strongly discouraged in the floodway.

7. *What is the BFE and the FPE?*

The BFE is the Base Flood Elevation. That is the height at which engineering studies and flood history show the flood waters will rise to. The FPE is the Flood Protection Elevation. This elevation is the height at which the local ordinance requires structures be built to. Utica’s ordinance states you must build 1’ above the level of expected 100-year flood waters.

8. *What is the difference between the 100-year floodplain and the floodway?*

The **100-year floodplain** is that area which is subject to the inundation of flood waters resulting from a 100-year flood (1% chance every year). This area conveys little or no flood flows and is also called the flood fringe. The **floodway** is that portion of the floodplain required to store and convey the 100-year flood. The floodway is where the water's "current" normally is during a flood.

9. *If I'm building in the floodplain, do I need some type of formal Village approval?*

Yes, you may need to submit up to three forms. If your construction is located in the floodway, you will need to submit a joint application entitled, "Protecting Illinois Waters" to the three agencies that oversee floodway development projects. The other two forms are the Elevation Certificate and the Floodplain Development Permit. In order to complete the Elevation Certificate, you will need to hire a licensed engineer, architect or surveyor to provide you with the information you will need. You will also need to fill out a Village Construction Permit Application (See [UTICA CONSTRUCTION PERMIT FAQs](#)). Assuming everything is correct with your building plans, you will be issued a Construction Permit and a Floodplain Development Permit and you must have **both** before you start building.

10. *What kind of paperwork do I need to fill out for a Floodplain Development Permit?*

Depending on your situation, you may need to fill out 3 forms.

The first form is the joint application to the 3 agencies (Department of natural Resources, Environmental Protection Agency and the U.S. Army Corps of Engineers) when building in a **floodway**. It is entitled, "Protecting Illinois Waters".

The next form is the Elevation Certificate. This form verifies, from a professional, how high the Base Flood Elevation is on your property and how high your new structure needs to be. A licensed engineer, architect or surveyor must fill out and sign (stamp) the Elevation Certificate once construction is finished. He/She will also need to sign the Floodplain Development Permit.

The third form is the Village's Floodplain Development Permit. This form asks for general, basic information and is the Village's Permit that you will post on your property once everything is approved.

You will also need to submit:

- (1) drawings of the site, drawn to scale showing property line dimensions;
- (2) existing grade elevations and all changes in grade resulting from excavation or filling;
- (3) the location and dimensions of all buildings and additions to buildings; and
- (4) the elevation of the lowest floor (including basement) of all proposed buildings subject to floodplain requirements.

11. *Where do I get all these forms?*

**A. "Protecting Illinois Waters"**

- i. Contact the Village Building Inspector or go to [www.dnr.state.il.us/owr/reman/index.htm](http://www.dnr.state.il.us/owr/reman/index.htm) to download a version of it to print. You can also call the Illinois Department of Natural Resources/Office of Water Resources at (217) 782-3862 and request a copy of the permit application form.

**B. Elevation Certificate**

- i. Go to [www.fema.gov/nfip/elvinst.shtm](http://www.fema.gov/nfip/elvinst.shtm) (FEMA Form #81-31) to download a version of it to print.
- ii. The professional you hire may (should) have this form.
- iii. Contact the Village Building Inspector.

**C. Village Floodplain Development Permit**

- i. Can be downloaded from this site by going to [LINK].
- ii. Contact the Village Building Inspector.
- iii. A copy is available at the Village office.

12. *How much do Utica Floodplain Development Permits cost?*

\$50.00 for a dwelling and any development that requires 3 inspections. \$25.00 for all other types of development.

13. *Do I need to submit blueprints for my building?*

Not necessarily, but you should know what types of materials will be used and the heights of different portions of your structure. You will need drawings and site locations for any proposed development activities.

14. *Do I have to buy flood insurance for my new structure?*

Not necessarily. If you are funding the construction of your new structure with a loan (or other device) from a Federally regulated/insured bank, you will be required to purchase flood insurance. If you are using your own money to fund a project, you are not required to purchase flood insurance, however, it would be wise to do so when you are in the 100-yr. floodplain. For other Flood Insurance questions, please visit [www.fema.gov/nfip/qanda.htm](http://www.fema.gov/nfip/qanda.htm).

15. *I know a flood will never affect me, but I'm shown on the maps to be in the floodplain. What happens if I don't follow the floodplain rules and just build the way I want to?*

You will be cited for a violation of the Village Floodplain Development Ordinance and be required to make your project comply with current regulations. Most likely, it will cost you additional money you didn't plan on spending by doing it the wrong way and then having to change it in order to comply with the Ordinance. You will not be able to get flood insurance.

If you are in violation of the Ordinance, the Village can impose fines and legal action against you. You may also hurt everyone else in town. Every year, the Village gets the floodplain files audited by IDNR. If a violation is found, the Village may be suspended from the National Flood Insurance Program. If this happens, flood insurance premiums in the Village go up significantly. Now, the Village has a lot of people calling wondering why their insurance rates are so high. If the violation persists and is not remedied, the Village will be taken completely out of the program and flood insurance in town will not be available to anyone, nor will disaster relief monies from the Federal government.