

## TECHNICAL INTERPRETATION

Date: February 20, 2014

To: DuPage County Website for application within DuPage County

From: Anthony J. Charlton, P.E., Director, Stormwater Management

Re: Flood Depths on Parking Lots

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- Issue:** An application was received for construction of a new non-residential building to serve as a restaurant, along with a new asphalt parking lot. The location of the development is within a partial waiver community under the DuPage County Countywide Stormwater and Flood Plain Ordinance (CSFPO). The development is proposing fifty four (54) parking spaces in the parking lot. A regulatory flood plain (Zone AE) encroaches into the footprint of the parking lot. Thirty six (36) of the fifty four (54) spaces are below the elevation of the regulatory base flood elevation (BFE). Twenty four (24) of the thirty six (36) spaces flood to a depth of one (1) foot or less. The remaining twelve (12) parking spaces flood to a depth greater than one (1) foot. The building will not be located within the limits of the regulatory BFE. The municipality is requesting authorization of the application based upon their definition of permanent and temporary parking. The parking lot is outside the regulatory floodway.
- Ordinance Section:** Article X, Section 15-81.A.6 of the CSFPO effective April 23, 2013 states: “In areas outside the regulatory floodway but within the flood plain, maximum flow depths on new parking lots that are used for permanent parking shall not exceed one foot during the base flood condition and shall be designed for protection against physical flood damages. Parking areas that are used solely for the purpose of overflow, temporary, or short-term parking may allow flood depths greater than one foot. Parking in areas below the base flood elevation shall be clearly posted with Flood Hazard signs.”
- Ordinance Sub-Sections:** Article V, Section 15-47.C “An informational note acknowledging the presence of ... flood plains... shall be recorded against the title to alert all future owners and shall reference the Stormwater Management Certification number.”

**Applicable History:**

The CSFPO adopted and effective April 23, 2013 includes Section 15-81.A.6 to reduce the potential for stormwater damage to public health, safety, life, and property. Prior versions of the CSFPO prevented flooding in excess of one (1) foot for new parking lots. The CSFPO effective April 25, 2012 created a new provision that parking areas that are used solely for the purpose of overflow, temporary, or short-term (OTS-T) parking may allow flood depths greater than one (1) foot. The CSFPO does not define the term “permanent” or “temporary”, therefore, pursuant to Appendix A of the CSFPO these terms shall have the meanings indicated by common dictionary definition.

**Discussion:**

The partial waiver community maintains that the twelve parking spaces that flood in excess of one foot will be solely used for temporary, overflow, or short-term use. Furthermore, the municipality has identified that the OTS-T parking will not exceed 3 hours. The municipality will assure that flood hazard signs are posted for all parking below the BFE prior to issuance of a certificate of occupancy for the restaurant. The owner of the property should have the ability to control the OTS-T parking before, during, and after flooding events such that the area is not used for permanent parking at any time. Subsequent owners of the property will need to control the OTS-T parking in an equally restrictive manner.

**Director Interpretation:**

The Director interprets that each municipality within DuPage County may distinguish the difference between permanent parking, and parking used solely for the purpose of overflow, temporary, or short-term parking. Furthermore, limiting OTS-T parking to 3 hours is reasonable, as is the requirement to have the owner of the property control the OTS-T parking before, during, and after flooding events such that the area is not used for permanent parking at any time. OTS-T parking that floods in excess of one foot shall not exceed 25% of required parking. Signs identifying the flood hazard and temporary parking restrictions will be required to be posted for each OTS-T parking spot that floods in excess of one foot. These criteria meet the intent of 15-81.A.6. Flood depths in new parking lots will be determined in accordance with these criteria as well as the provisions of Article X and other relevant sections of the CSFPO. For instance, it is important that the owner of the property install and maintain flood hazard signs in accordance with this technical interpretation and the CSFPO. Furthermore, in accordance with 15-47.C and 15-81.A.6 of the April 23, 2013 CSFPO, the municipality must require that the applicant record against the title appropriate information about the flood condition in new parking areas, as well as any relative maintenance requirements and permit conditions prior to issuance of a certificate of occupancy. For any parking areas that are proposed to flood in excess of one foot, the municipality with permit jurisdiction must designate the parking spaces that are not permanent and stipulate that the parking spaces are to be used solely for overflow, temporary, or short-term use, and the property owner at any time after issuance of a permit must maintain control over parking areas that flood in excess of one foot such that said parking spaces will not be used as permanent parking. All other provisions of the CSFPO still apply to the development.