

St. Clair County
Illinois

The seal of St. Clair County, Illinois, is a circular emblem. It features a central figure, likely a person or a symbol, surrounded by a wreath. The text "ST. CLAIR COUNTY" is at the top and "OF ILLINOIS" is at the bottom of the seal.

Flood Plain Code Chapter 13

Effective May 23, 1977 (Ord. #117-77RO)
Revised Effective Date May 1, 2017 (Ord. 17-1163 April 24, 2017)

CHAPTER 13

FLOODPLAIN CODE

ARTICLE I - GENERAL REGULATIONS

13-1-1 **PURPOSE.** This Code is enacted pursuant to the police powers granted to this County by **Illinois Compiled Statutes, Chapter 55, Sections 5/5-1041 and 5/5-1063** in order to accomplish the following purposes:

- (A) to prevent unwise development from increasing flood or drainage hazards to others;
- (B) to protect new buildings and major improvements to buildings from flood damage;
- (C) to promote and protect the public health, safety, and general welfare of the citizens from the hazards of flooding;
- (D) to lessen the burden on the taxpayer for flood control, repairs to public facilities and utilities, and flood rescue and relief operations;
- (E) to maintain property values and a stable tax base by minimizing the potential for creating blighted areas;
- (F) to make federally subsidized flood insurance available; and
- (G) 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.

13-1-2 **DEFINITIONS.** For the purpose of this Code, the following definitions are adopted:

- **"100-YEAR FLOOD"** See **"BASE FLOOD"**
- **"500-YEAR FLOOD"** or **"0.2% ANNUAL CHANCE FLOOD"** means the flood having a **zero point 2 percent (0.2%)** probability of being equaled or exceeded in any given year. The base flood is also known as the 500-year flood. The 500-year flood elevation at any location is as delineated in the St Clair County Flood Insurance Study.
- **"ACCESSORY STRUCTURE"** means a detached subordinate building or structure, the use of which is customarily incidental to that of the main use of land and which is located on the same lot with the main building.
- **"BASE FLOOD"** means the flood having a **one percent (1%)** probability of being

equaled or exceeded in any given year. The base flood is also known as the 100-year flood. The base flood elevation at any location is as defined in **Section 13-1-3** of this Code.

- **"BASE FLOOD ELEVATION" (BFE)** means the elevation in relation to mean sea level of the crest of the base flood.
- **"BASEMENT"** means that portion of a building having its sub-grade (below ground level) on all sides.
- **"BUILDING"** means a structure that is principally above ground and is enclosed by walls and a roof 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 **one hundred eighty (180) days** per year.
- **"COMPENSATORY STORAGE"** means an artificially excavated, hydraulically equivalent volume of storage within the Special Flood Hazard Area (SFHA) used to balance the loss of natural flood storage capacity when fill or structures are placed within the floodplain.
- **"CRITICAL FACILITY"** means any public or private facility which, if flooded, would create an added dimension to the disaster or would increase the hazard to life and health. Examples are public buildings, emergency operations and communication centers, health care facilities and nursing homes, schools, and toxic waste treatment, handling, or storage facilities.
- **"DEVELOPMENT"** means any man-made change to real estate including, but not necessarily limited to:
 - (A) demolition, construction, reconstruction, repair, placement of a building, or any structural alteration to a building;
 - (B) substantial improvement of an existing building;
 - (C) installation of a manufactured home on a site, preparing a site for a manufactured home, or installing a travel trailer on site for more than one hundred eighty (180) days per year;
 - (D) installation of utilities, construction of roads, bridges, culverts or similar projects;
 - (E) construction or erection of levees, dams, walls, or fences;
 - (F) drilling, mining, filling, dredging, grading, excavating, paving, or other alterations of the ground surface;
 - (G) storage of materials including the placement of gas and liquid storage tanks; and
 - (H) channel modifications or any other activity that might change the direction,

height, or velocity of flood or surface waters.

"DEVELOPMENT" does not include routine maintenance of existing buildings and facilities; resurfacing roads; or gardening, plowing, and similar practices that do not involve filling, grading, or construction of levees.

- **"FEMA"** means Federal Emergency Management Agency.
- **"FLOOD"** means a general and temporary condition of partial or complete inundation of normally dry land areas from the overflow, the unusual and rapid accumulation, or the runoff of surface waters from any source.
- **"FLOOD FRINGE"** means that portion of the floodplain outside of the regulatory floodway.
- **"FLOOD INSURANCE RATE MAP"** means a map prepared by the Federal Emergency Management Agency 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 base flood elevations.
- **"FLOOD INSURANCE STUDY"** means an examination, evaluation, and determination of flood hazards and, if appropriate, corresponding water surface elevations of the base flood, provided by FEMA in an official report.
- **"FLOODPLAIN"** AND **"SPECIAL FLOOD HAZARD AREA (SFHA)"** are synonymous. Those lands within the jurisdiction of the County that are subject to inundation by the base flood. The floodplains of the Ash Creek, Canteen Creek, Catawba Creek, Douglas Creek, Engel Creek, Engel Creek Ditch, Hog River, Kaskaskia River, Little Canteen Creek, Little Silver Creek, Loop Creek, Mississippi River, Ogels Creek, Ogels Creek Tributary, Prairie Du Pont Diversion Channel, Richland Creek, Schoenberger Creek No. 1, Schoenberger Creek No. 2, Silver Creek, West Fork of Richland Creek, and Wolf Branch are generally identified as such on the Flood Insurance Rate Maps of St. Clair County prepared by the Federal Emergency Management Agency and dated **November 5, 2003**. Floodplain also includes those areas of known flooding as identified by the community that may not be identified on the Flood Insurance Rate Maps of St. Clair County.
- **"FLOODPROOFING"** means 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"** means a form published by the Federal Emergency Management Agency that is used to certify that a building has been designed and constructed to be structurally dry floodproofed to the flood protection elevation.
- **"FLOOD PROTECTION ELEVATION"** or **"FPE"** means the elevation of the base flood plus two (2) feet of freeboard at any given location in the floodplain.

- **"FLOOD-RESISTANT MATERIAL"** means any building product capable of withstanding direct and prolonged contact with floodwaters without sustaining significant damage. "Prolonged contact" means at least 72 hours, and "significant damage" is any damage requiring more than low-cost cosmetic repair (such as painting). For clarification of what materials are considered flood-resistant material refer to FEMA Technical Bulletin 2 "Flood Damage-Resistant Materials Requirements" (2008).
- **"FLOODWAY"** means that portion of the floodplain required to store and convey the base flood, and that must be kept free of encroachment so that the base flood can be carried without an increase in flood heights of more than 0.1 foot. The floodway for the floodplains of Ash Creek, Canteen Creek, Catawba Creek, Douglas Creek, Engel Creek, Engel Creek Ditch, Hog River, Kaskaskia River, Little Canteen Creek, Little Silver Creek, Loop Creek, Mississippi River, Ogels Creek, Ogels Creek Tributary, Prairie Du Pont Diversion Channel, Richland Creek, Schoenberger Creek No. 1, Schoenberger Creek No. 2, Silver Creek, West Fork of Richland Creek and Wolf Branch shall be as delineated on the Flood Insurance Rate Maps prepared by FEMA and dated **November 5, 2003**. The floodways for each of the remaining floodplains of St. Clair County shall be according to the best data available from Federal, State, or other sources.
- **"FREEBOARD"** means an increment of elevation, usually expressed in feet added to the base flood elevation, to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as uncertainties in calculations, unknown localized condition, unpredictable effects such as those caused by ice or debris jams, wave action, clogged bridge openings, and the hydrological effects of future watershed development. St Clair County's standard for freeboard is **2 feet** above the base flood elevation.
- **"HISTORIC STRUCTURE"** means any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary of the Interior to qualify as a registered historic district; or (c) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior.
- **"IDNR/OWR"** means Illinois Department of Natural Resources/Office of Water Resources. The Illinois Department of Natural Resources Office of Water Resources has jurisdiction over any stream serving a tributary area of 640 acres or more in an urban area, or in the floodway or any stream serving a tributary area of 6,400 acres or more in a rural area. Construction on these streams requires a permit from the Department (Ill Admin. Code tit. 17, pt. 3700.30). The Department may grant approval for specific types of activities by issuance of a statewide permit which meets the standards defined in Section 13-1-6 (A) of this ordinance.
- **"LOWEST FLOOR"** means 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.

- **"MANUFACTURED HOME"** means a structure 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"** means a parcel (or contiguous parcels) of land divided into two or more lots for rent or sale on which manufactured homes are to be placed.
- **"NEW CONSTRUCTION"** means any structure for which the start of construction commenced on or after the effective date of this Ordinance and includes any subsequent improvements of such structures.
- **"NEW MANUFACTURED HOME PARK OR SUBDIVISION"** means 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 the 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 this Ordinance.
- **"NFIP"** means National Flood Insurance Program.
- **"REPETITIVE LOSS"** means flood related damages sustained by a structure on two (2) separate occasions during a ten (10) 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.
- **"SFHA"** See definition of floodplain.
- **"STRUCTURE"** means anything constructed or erected which requires permanent or temporary location on the ground or is attached to something having a permanent or temporary location on the ground. The term "structure" includes buildings, manufactured homes, tanks, dams, sewers, constructed channels, outfalls, parking lots, driveways, roads, sidewalks, and concrete patios. The term does not include poles, lines, cables, and other transmission related equipment.
- **"SUBSTANTIAL DAMAGE"** means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damage condition would equal or exceed forty percent (40%) 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.
- **"SUBSTANTIAL IMPROVEMENT"** means any reconstruction, rehabilitation, addition, or improvement of a structure, the cost of which equals or exceeds forty percent (40%) of the market value of the structure before the improvement or repair is started, or increases the floor area of the structure by more than 20%. "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. The term does not, however, include either (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.

- **“TRAVEL TRAILER”** (or Recreational Vehicle) means a vehicle which is:
 - (A) built on a single chassis;
 - (B) four hundred (400) square feet or less in size;
 - (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.

13-1-3 BASE FLOOD ELEVATION. This Code 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 any development of the site.

- (A) The base flood elevation for the floodplains of Ash Creek, Canteen Creek, Catawba Creek, Douglas Creek, Engel Creek, Engel Creek Ditch, Hog River, Kaskaskia River, Little Canteen Creek, Little Silver Creek, Loop Creek, Mississippi River, Ogels Creek, Ogels Creek Tributary, Prairie Du Pont Diversion Channel, Richland Creek, Schoenberger Creek No. 1, Schoenberger Creek No. 2, Silver Creek, West Fork of Richland Creek and Wolf Branch shall be as delineated on the 100-year flood profiles in the Flood Insurance Study of St. Clair County prepared by the Federal Emergency Management Agency and dated November 5, 2003.
- (B) The base flood elevation for each floodplain delineated as an “AH Zone” or “AO Zone” shall be that elevation (or depth) delineated on the Flood Insurance Rate Map of St. Clair County.
- (C) The base flood elevation for each of the remaining floodplains delineated as an “A Zone” on the Flood Insurance Rate Map of St. Clair County 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 base flood elevations.

St Clair County must “reasonably utilize” the data from any draft or preliminary Flood Insurance Rate Map or Flood Insurance Study covering the county.

13-1-4 **DUTIES OF THE ZONING DIRECTOR.** The Zoning Director shall be responsible for the general administration of this Code and ensure that all development activities within the floodplains under the jurisdiction of St. Clair County meet the requirements of this Code. Specifically, the Zoning Director shall:

- (A) Process development permits in accordance with Section 13-1-5;
- (B) Ensure that all development in a floodway (or a floodplain with no delineated floodway) meets the damage prevention requirements of Section 13-1-6;
- (C) Ensure that the building protection requirements for all buildings subject to Section 13-1-7 are met and maintain an Elevation Certificate or floodproof certificate;
- (D) Assure that all subdivisions and annexations meet the requirements of Section 13-1-8;
- (E) Ensure that water supply and waste disposal systems meet the Public Health standards of Section 13-1-9;
- (F) If a variance is requested, ensure that the requirements of Section 13-1-10 are met and maintain documentation of any variances granted;
- (G) Inspect all development projects and take any and all actions outlined in Section 13-1-12 as necessary to ensure compliance with this Code;
- (H) Assure that applicants are aware of and obtain any and all other required local, state, and federal permits;
- (I) Notify IDNR/OWR and any neighboring communities prior to any alteration or relocation of a watercourse;
- (J) Provide information and assistance to citizens upon request about permit procedures and floodplain construction techniques;
- (K) Cooperate with state and federal floodplain management agencies to coordinate base flood data and to improve the administration of this Code;
- (L) Maintain for public inspection base flood data, floodplain maps, copies of state and federal permits, and documentation of compliance for development activities subject to this Code;
- (M) Perform site inspections to ensure compliance with this Code and make substantial damage determinations for structures within the floodplain; and
- (N) Maintain the accuracy of floodplain maps including notifying IDNR/OWR and/or submitting information to FEMA within six (6) months whenever a modification of the floodplain may change the base flood elevation or result in a change to the

floodplain map.

13-1-5 DEVELOPMENT PERMIT. 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 Zoning Director. The Zoning Director shall not issue a development permit if the proposed development does not meet the requirements of this Code.

(A) The application for development permit shall be accompanied by the following when applicable:

- (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;
- (4)** the elevation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 13-1-7 of this Code;
- (5)** cost of project or improvements as estimated by a licensed engineer or architect. A signed estimate by a contractor may also meet this requirement;
- (6)** for development in the un-delineated floodway, computation of the floodway required to convey the base flood without a measurable increase in flood heights. Computations of increases in flood heights caused by encroachment are to be based upon the reasonable assumption that there will be an equal degree of encroachment on both sides of the stream within that reach. Generally any increase in flood stages attributable to encroachments on the flood plain or any river or stream shall not exceed 0.1 feet in any one reach or for the cumulative effect of several reaches.

applicant must obtain a permit from the Illinois Department of Natural Resources Office of Water Resources for all development in the floodway;

- (7)** a copy of the effective Flood Insurance Rate Map drawn to scale and showing the limits of the floodplain, floodway, and the boundaries of the development site. If available, a FIRMette (a full-scale section of a Flood Insurance Rate Map) should be provided for the development site;
- (8)** a description of the extent to which any watercourse or floodplain will be altered or relocated as a result of the proposed development;
- (9)** certification from a licensed professional engineer or architect that any proposed non-residential floodproofed structure will meet the floodproofing in Section 13-1-6 (E);

- (10) all other required local, state, and federal permits;
- (11) engineering calculations and designs that demonstrate the proposed development meets the floodplain requirements of this Ordinance. All calculations and designs shall be prepared, signed, and sealed by a licensed professional engineer; and
- (12) other information as may be required by the Zoning Director.
- (B) **Permit Review:** Upon receipt of an application for a development permit, the Zoning Director shall compare the elevation of the site to the base flood elevation as defined in Section 13-1-2 . Any development located on land that can be shown by survey data to be higher than the current base flood elevation, and which has not been filled after the date of the site's first Flood Insurance Rate Map identifying the subject site as in the Special Flood Hazard Area, is not in the floodplain and therefore not subject to the requirements of this Code. Conversely, any development located on land shown to be below the base flood elevation and hydraulically connected, but not shown on the current Flood Insurance Rate Map is subject to the provisions of this Code. The Zoning Director 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 Zoning Director **shall not** issue a permit unless all other required local, state, and federal permits have been obtained.
- (C) **POSTING A PERMIT:** A copy of the floodplain development permit shall be posted in a conspicuous place on the premises, in plain view from a public road, during the execution of the work and until completion of the same. If fill is authorized by the development permit, the property owner shall post a sign listing the types of material that have been approved, as determined by the St Clair County Zoning Director, to be deposited on the property.
- (D) **EXPIRATION OF A PERMIT:** A floodplain development permit under which no work has commenced within six (6) months after issuance shall expire by limitation and a new floodplain development permit shall be secured before work is commenced.
- (E) **REVOCAION OF PERMIT:** The Zoning Director may revoke a permit in case there has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit was based. The Zoning Director may revoke a permit when work is performed contrary to the provisions of the application or plans on which the permit is based. Upon a permits revocation, the Zoning Director shall inform the permittee in writing as to the specific steps that must be taken in order to have the permit reissued. It shall be unlawful to continue any work authorized by a permit after revocation of said permit until the permit is reissued or a new permit is issued.

- (F) **CONSENT FOR INSPECTIONS:** All work for which a permit is required shall be subject to inspection by the Zoning Director or a duly authorized representative. It shall be unlawful to refuse to permit the Zoning Director or his or her representative to enter such premises or structure at any reasonable time to make an inspection. It shall be unlawful to interfere, attempt to interfere, or hinder the Zoning Director or representative when in performance of their duties. Any work involving fill shall be subject to inspection by the St Clair County Health Department to assure all fill materials are in compliance with Public Health regulations. It shall be unlawful to refuse to permit an employee of the St Clair County Health Department to enter such premises to make an inspection, or to interfere with or hinder such an inspection.
- (G) **COMPLETION OF PRIOR AUTHORIZED WORK:** Nothing in this ordinance shall require changes in the plans, construction, or designated use of a building or other development project, or portion thereof, which has been otherwise lawfully authorized prior to the effective date of this ordinance, or the construction of which shall have been actually initiated before and which the entire building or development project shall be completed within one year of the effective date of this ordinance.

13-1-6 PREVENTING INCREASED FLOOD HEIGHTS AND RESULTING DAMAGES. No development in the SFHA shall be allowed which, acting in combination with existing and anticipated development, will cause any increase in flood heights or velocity, a threat to public health and safety, or an adverse impact on other property.

Within the floodway identified on the Countywide Flood Insurance Rate Map, and within all other floodplains where a floodway has not been delineated, the following standards shall apply:

- (A) Except as provided in Section 13-1-6(B) of this ordinance, no development shall be allowed which, acting in combination with existing and anticipated development will cause any increase in flood heights or velocities or threat to public health and safety. The following specific development activities shall be considered as meeting this requirement:
- (1) barge fleeting facilities meeting the conditions of IDNR/OWR Statewide Permit No. 3;
 - (2) aerial utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 4;
 - (3) minor boat docks meeting the conditions of IDNR/OWR Statewide Permit No. 5;
 - (4) minor, non-obstructive activities meeting the conditions of IDNR/OWR Statewide Permit No. 6;
 - (5) outfall structures and drainage ditch outlets meeting the conditions of

IDNR/OWR Statewide Permit No. 7;

- (6)** underground pipeline and utility crossings meeting the conditions of IDNR/OWR Statewide Permit No. 8;
 - (7)** bank stabilization projects meeting the conditions of IDNR/OWR Statewide Permit No. 9;
 - (8)** accessory structures and additions to existing residential buildings meeting the conditions of IDNR/OWR Statewide Permit No. 10;
 - (9)** minor maintenance dredging activities meeting the conditions of IDNR/OWR Statewide Permit No. 11;
 - (10)** bridge and culvert replacement structures and bridge widenings meeting the conditions of IDNR/OWR Statewide Permit No. 12;
 - (11)** temporary construction activities meeting the conditions of IDNR/OWR Statewide Permit No. 13; and
 - (12)** any development determined by IDNR/OWR to be located entirely within a flood fringe area.
- (B)** Other development activities not listed in (A) may be permitted only if:
- (1)** a permit has been issued for the work by IDNR/OWR (or written documentation is provided that an IDNR/OWR permit is not required); and
 - (2)** sufficient data has been provided to FEMA when necessary, and approval obtained from FEMA for a revision of the regulatory map and base flood elevation.
- (C)** Encroachment into floodway:
- (1)** all new construction of residential structures in the mapped floodway of St Clair County is prohibited.
- (D)** Compensatory Storage Volume Standards:
- (1)** the placement of fill, structures, or any other material above natural grade in the floodplain shall require compensatory storage equal to at least the volume of floodplain storage displaced.
 - i. when floodplain storage is lost below the 10-year flood elevation the compensatory storage must be below the 10-year flood elevation.
 - ii. grading and any other soil disturbing activities in wetland or riparian buffer areas shall be executed in such a manner that the existing

effective floodplain storage is maintained at all times.

iii. excavation for the purpose of compensatory storage directly adjacent to streams and other watercourses shall be made opposite or directly adjacent to the areas to be filled.

(2) for areas where there is not a delineated floodway and the tributary has a drainage area of less than 640 acres, the aforementioned compensatory storage requirements shall be waived for development that meets either of the following criteria:

i. the cross-sectional floodplain area, as defined by cross-sections through the development site, is not reduced by more than 0.5% at any one cross-section; or

ii. the total fill volume does not exceed 100 cubic feet.

(E) In addition to the above requirements, drainage in AO and AH Zones: In AO and AH Zones, grading of the subject site shall allow for adequate drainage paths around structures on slopes to guide floodwater around and away from the proposed structure: furthermore, said drainage shall not adversely affect any adjacent property.

13-1-7 PROTECTING BUILDINGS. In addition to the damage prevention requirements of Section 13-1-6, all buildings located in the floodplain shall be protected from flood damage below the flood protection elevation. This building protection requirement applies to the following situations:

(1) construction or placement of a new building valued at more than One Thousand Dollars (\$1,000.00) or larger than seventy (70) square feet;

(2) repairs made to a substantially damaged building. These repairs shall be figured cumulatively beginning with any repairs which have taken place subsequent to the adoption of this Code;

(3) structural improvements and alterations made to an existing building that increase the floor area by more than twenty percent (20%) or equal or exceed the fair market of the structure by forty percent (40%). This alternation shall be figured cumulatively beginning with any alteration which has taken place subsequent to the adoption of this Code;

(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 13-1-2(P);

- (7) when a non-conforming use in an existing structure is discontinued for twelve (12) consecutive months; or
- (8) when the structural use or adjuncts thereof become a nuisance.

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

(A) The building may be constructed on a permanent land fill in accordance with the following:

- (1) the lowest floor (including basement) and all mechanical equipment shall be located at or above the flood protection elevation;
- (2) the fill shall be placed in layers no greater than six (6) inches before compaction and should extend at least fifteen (15) feet beyond the foundation before sloping below the flood protection elevation;
- (3) the fill shall be protected against erosion and scour during flooding by vegetative cover, riprap, or other structural measure;
- (4) the fill shall be composed of rock or soil and not incorporate debris or refuse material. Only clean fill materials as defined by the Illinois Environmental Protection Agency shall be used in any fill project;
- (5) 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; and
- (6) footings shall be placed either on undisturbed earth or a licensed professional engineer shall certify in writing that the building shall be relatively safe from flooding;

(B) The 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 flood waters;
- (2) the lowest floor and all electrical, heating, ventilating, plumbing, and air conditioning equipment and utility meters shall be located at or above the flood protection elevation;
- (3) if walls are used, all enclosed areas below the flood protection elevation shall address hydrostatic pressures by allowing the automatic entry and exit of flood waters. Designs must either be certified by a registered professional engineer or by having a minimum of one permanent opening

on each wall no more than one (1) foot above 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 base flood elevation;

- (4)** 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;
 - (5)** the finished interior grade shall not be less than the finished exterior grade;
 - (6)** all components below the flood protection elevation shall be constructed of materials resistant to flood damage as outlined in FEMA Technical Bulletin 2 "Flood Damage-Resistant Materials Requirements" (2008);
 - (7)** water and sewer pipes, electrical and telephone lines, submersible pumps, and other service facilities may be located below the flood protection elevation provided they are floodproofed and certified as such by a registered professional engineer; and
 - (8)** the area below the flood protection elevation shall be used solely for parking or building access and not later modified or occupied as habitable space,
 - (i)** For all enclosed areas with a height of four (4) feet or more, the property owner must sign and submit a non-conversion agreement. The agreement shall state that the space shall only be used for parking and building access, and that the area will not be converted into habitable space. The agreement must be filed in the St Clair County Recorder of Deed's Office and a copy of the recorded document shall be submitted with the building permit.
- (C)** Manufactured homes or travel trailers to be permanently installed on site shall be:
- (1)** elevated to or above the flood protection elevation; 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 IL Adm. Code 870.
- (D)** Travel trailers and recreational vehicles on site for more than one hundred eighty (180) days shall meet the elevation requirements of Section 13-1-7(C) unless the following conditions are met:
- (1)** the vehicle must be either self-propelled or towable by a light duty truck. The hitch must remain on the vehicle at all times; and

- (2) the vehicle must not be attached to external structures such as decks and porches; and
 - (3) the vehicle must be designed solely for recreation, camping, travel, or seasonal use rather than as a permanent dwelling; and
 - (4) the vehicles largest horizontal projections must be no larger than four hundred (400) square feet; and
 - (5) the vehicle's wheels must remain on axles and the tires inflated; and
 - (6) air conditioning units must be attached to the frame so as to be safe for movement out of the floodplain; and
 - (7) propane tanks and electrical connections must be quick-disconnect and above the 100-year flood elevation; and
 - (8) the vehicle must be licensed and titled as a recreational vehicle or park model; and
 - (9) the vehicle must be either (a) entirely supported by jacks rather than blocks or (b) have a hitch jack permanently mounted, have the tires touching the ground, and be supported by blocks in a manner that will allow the blocks to be easily removed by use of the hitch jack.
 - (10) travel trailers and recreational vehicles located in floodplains must be equipped with self-contained water and sewage disposal systems.
- (E) Non-residential buildings may be structurally dry floodproofed (in lieu of elevation) provided a registered professional engineer or architect certifies that:
- (1) below the flood protection elevation 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; and
 - (3) floodproofing measures will be incorporated into the building design and 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.**
- (F) Garages or sheds constructed ancillary to a residential use may be permitted provided the following conditions are met:

- (1)** the garage or shed must be non-habitable; and
 - (2)** the garage or shed must be used only for the storage of vehicles and tools and cannot be modified later into another use; and
 - (3)** the garage or shed must be located outside of the floodway; and
 - (4)** the garage or shed must be on a single family lot and be accessory to an existing principal structure on the same lot; and
 - (5)** below the base flood elevation, the garage or shed must be built of materials not susceptible to flood damage; and
 - (6)** all utilities, plumbing, heating, air conditioning, and electrical must be elevated above the flood protection elevation; and
 - (7)** the garage or shed must have at least one permanent opening on each wall no more than one (1) foot above grade with one (1) square inch of opening for every square foot of floor area; and
 - (8)** the garage or shed must be less than Seven Thousand Five Hundred Dollars (\$7,500.00) in market value or replacement cost whichever is greater and less than five hundred (500) square feet; and
 - (9)** the structure shall be anchored to resist flotation and overturning; and
 - (10)** all flammable or toxic materials (gasoline, paint, insecticides, fertilizers, etc.) shall be stored above the flood protection elevation; and
 - (11)** the lowest floor elevation should be documented and the owner advised of the flood insurance implications.
- (G)** A building may be constructed with a crawlspace 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 (1) square inch per one (1) square foot of enclosed area. The openings shall be no more than one (1) foot above grade; and
 - (3)** the interior grade of the crawlspace below the flood protection elevation

must not be more than two (2) feet below the lowest adjacent exterior grade; and

- (4) the interior height of the crawlspace measured from the interior grade of the crawl to the top of the foundation wall must not exceed four (4) 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.

13-1-8 **SUBDIVISION REQUIREMENTS.** The St Clair County Board shall take into account flood 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 protection standards of Sections 13-1-6, and 13-1-7 of this Code. Any proposal for such development shall include the following data:
 - (1) the base flood elevation and the boundary of the floodplain (where the base flood elevation is not available from an existing study, the applicant shall be responsible for calculating the base flood elevation);
 - (2) the boundary of the floodway when applicable; and
 - (3) a signed statement by a Registered 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).
 - (4) before recording, all subdivision plats must include an engineer's or surveyor's statement as to which lots, if any, are partially or completely located in the SFHA. These statements must be recorded with the plat.

13-1-9 **PUBLIC HEALTH AND OTHER STANDARDS.**

- (A) Public health standards must be met for all floodplain development. In addition to the requirements of Sections 13-1-6 and 13-1-7, 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 flood protection elevation 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 13-1-7 of this Code.

- (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 flood protection elevation shall be watertight.
- (5) critical facilities shall be protected to the 500-year flood elevation. In addition, all ingress and egress from any critical facility must be protected to the 500-year flood elevation.
- (6) public roadways constructed after the adoption of this ordinance must be elevated at or above the Base Flood Elevation.

All other activities defined as development shall be designed so as not to alter flood flows or increase potential flood damages.

13-1-10 **VARIANCES.** Whenever the standards of this Code place undue hardship on a specific development proposal, the applicant may apply to the County of St. Clair Zoning Board of Appeals for a variance. The County of St. Clair Zoning Board of Appeals shall review the applicant's request for a variance and shall submit its recommendation to the County Board. The County Board may attach such conditions to granting of a variance as it deems necessary to further the intent of this Code.

- (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 floodplain;
 - (2) an exceptional hardship would result if the variance were not granted;
 - (3) the relief requested is the minimum necessary;
 - (4) there will be no additional threat to public health or safety, or creation of a nuisance;
 - (5) there will be no additional public expense for flood protection, rescue or

relief operations, policing, or repairs to roads, utilities, or other public facilities;

- (6) the applicant's circumstances are unique and do not establish a pattern inconsistent with the intent of the NFIP;
 - (7) all other required state and federal permits have been obtained; and
- (B) The County of St. Clair Zoning Board of Appeals shall notify an applicant in writing that a variance from the requirements of the building protection standards of Section 13-1-7 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 (\$25.00) per One Hundred Dollars (\$100.00) of insurance coverage;
 - (2) increase the risks to life and property; and
 - (3) require that the applicant proceed with the knowledge of these risks and that the applicant acknowledge in writing the assumption of the risk and liability.
- (C) Variances to the building protection requirements of Section 13-1-7 of this Code requested in connection with the reconstruction, repair, or alteration of a site or building included on the National Register of Historic Places or the Illinois Register of Historic Places may be granted using criteria more permissive than the requirements of subsection 13-1-10(A)(1-5).
- (D) The variance must be recorded in the St Clair County Recorder of Deed's office.

13-1-11 DISCLAIMER OF LIABILITY. The degree of protection required by this 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 Code does not imply that development either inside or outside of the floodplain will be free from flooding or damage. This Code 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 Code or any administrative decision made lawfully thereunder.

13-1-12 PENALTY. Failure to comply with this code or 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 Code. Upon due investigation, the St. Clair County State's Attorney may determine that a violation of the minimum standards of this Code exist. The St. Clair County State's Attorney shall notify the owner in writing of such violation.

- (A) If such owner fails after ten (10) days notice to correct the violation:

- (1) the St. Clair County State's Attorney shall make application to the circuit court for an injunction requiring conformance with this Code or make such other order as the court deems necessary to secure compliance with the Code;
 - (2) any person who violates this Code shall upon conviction thereof be fined not less than Fifty Dollars (\$50.00) nor more than Five Hundred Dollars (\$500.00) for each offense; and
 - (3) a separate offense shall be deemed committed upon each day during or on which a violation occurs or continues.
 - (4) St. Clair County shall record a notice of violation on the title to the property.
- (B) The St. Clair County State's Attorney 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.

Nothing herein shall prevent the County from taking such other lawful action to prevent or remedy any violations. All costs connected therewith shall accrue to the person or persons responsible.

13-1-13 ABROGATION AND GREATER RESTRICTIONS. This Code repeals and replaces other ordinances adopted by the County Board to fulfill the requirements of the National Flood Insurance Program including Ord. No. 91-259; 04-29-91. However, this Code does not repeal the original resolution or ordinance adopted to achieve eligibility in the Program. Nor does this Code repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. Where this Code and other ordinance easements, covenants, or deed restrictions conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

13-1-15 AMENDMENTS. The regulations, restrictions, and boundaries set forth in this Ordinance may from time to time be amended, supplemented, changed, or repealed to reflect any and all changes to the National Flood Disaster Act of 1973, provided however, that no such action may be taken until after a public hearing in relation thereto, at which parties of interest and citizens shall have an opportunity to be heard. Notice of the time and location of such hearing shall be published in a newspaper of general circulation in St Clair County. At least twenty (20) days shall elapse between the date of publication and the public hearing. A copy of such amendments will be provided to the Illinois Department of Natural Resources Office of Water Resources and to the FEMA Region V office.

13-1-16 FEES. An application fee of twenty five (\$25) dollars must be submitted with all standalone floodplain development permits. Permits submitted as part of a building permit shall be exempt from this fee. In the event development commences prior to the issuance of a permit the fee will increase to two hundred fifty (\$250) dollars.

13-1-17 SEPARABILITY. The provisions and sections of this Code shall be deemed separable and the invalidity of any portion of this Code shall not affect the validity of

the remainder.

13-1-18 **EFFECTIVE DATE.** This ordinance shall be in full force and effect from and after its passage, approval, and publication as required by law.