

**PROPOSED SUBSTITUTE TO FILE 19-5803
(Zoning and Building Committee 10/23/2019)**

Sponsored by: TONI PRECKWINKLE, President, and PETER N. SILVESTRI, County Commissioner.

PROPOSED ORDINANCE AMENDMENT

AMENDMENT TO THE FLOODPLAIN ORDINANCE

BE IT ORDAINED, by the Cook County Board of Commissioners that Chapter 106 – Floodplains, Sections 106-2, 106-5, 106-6, 106-7, and 106-8 is hereby amended to read as follows:

Sec. 106-2. - Definitions

Designated Floodway means the channel, including on-stream lakes, and that portion of the floodplain adjacent to a stream or watercourse as designated by IDNR/OWR, which is needed to store and convey the existing 100-year frequency flood discharge with no more than a 0.1 foot increase in stage due to the loss of flood conveyance or storage, and no more than a ten percent increase in velocities.

- (1) The floodways are designated on the countywide Flood Insurance Rate Map for Cook County number 17031C, panels 15-609, 616, 628, 637-701, 706, and 708-832, dated August 19, 2008, panels 611-614, 617-619, 636, 702-704, 707 dated November 1, 2019 prepared by FEMA.

Floodplain means that land typically adjacent to a body of water with ground surface elevations at or below the base flood or the 100-year frequency flood elevation. Floodplains may also include detached special flood hazard areas (SFHAs), ponding areas, etc. The floodplain is also known as the special flood hazard area (SFHA). The floodplains are those lands within the jurisdiction of the County that are subject to inundation by the base flood or 100-year frequency flood. The special flood hazard areas (SFHAs) of the County are generally identified on the Countywide flood insurance rate map (FIRM) for Cook County number 17031C, prepared by the Federal Emergency Management Agent[Agency], panels 15-609, 616, 628, 637-701, 706, and 708-832 ~~and~~ dated August 19, 2008, and panels 611-614, 617-619, 636, 702-704, 707 dated November 1, 2019.

~~*NGVD* means the National Geodetic Vertical Datum of 1929. Reference surface set by the National Geodetic Survey deduced from a continental adjustment of all existing adjustments in 1929.~~

NAVD88 means North American Vertical Datum of 1988. NAVD88 supersedes the National Geodetic Vertical Datum of 1929 (NGVD).

“Substantial improvement means any repair, reconstruction or improvement of a structure, where the cost of the improvements equals or exceeds 50 percent of the market value of the structure or increases the floor area by at least 20 percent, with the calculation of initial value or measurement of initial floor area to be taken at the latest point in time prior to the repair, reconstruction or improvement.” ~~Substantial improvement means any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either, before the improvement or repair is started, or if the structure has been damaged, and is being restored, before the damage occurred.~~

Sec. 106-5. - Base flood elevation.

- (3) The base flood or 100-year frequency flood elevation for the special flood hazard area (SFHA's) shall be as delineated on the 100-year flood profiles in the Countywide flood insurance study for the County prepared by FEMA, and dated ~~August 19, 2008~~ November 1, 2019, and such amendments to such study and maps as may be prepared from time to time.

Sec. 106-6 – Occupation and use of flood fringe areas.

- b. Application for a development permit shall be made on a form provided by the Department.
 1. The application shall be accompanied by plan drawings of the site, with graphic scale and north arrow showing property line dimensions. The plans shall include, existing and proposed contour elevations in ~~M.S.L. 1929~~ adj. NAVD88 datum depicting all proposed changes in grade resulting from excavation or filling, the location and dimensions of all buildings and proposed additions to buildings all necessary compensatory storage details including cross sections, earthwork volume calculation and erosion control plans signed and sealed by an Illinois licensed professional engineer. Permits or written waivers from the other regulatory agencies as determined necessary by the County Highway Department may also be required including Army Corps of Engineers, Illinois Environmental Protection Agency, United States Department of Agriculture Natural Resource Conservation Service (for permits affecting agricultural property), and Illinois Department of Natural Resources Endangered Species Consultation Program. A recent legal plat of survey (less than six months old) signed and sealed by an Illinois licensed land surveyor is also required.

Sec. 106-7. – Occupation and use of designated floodways

12. Plans signed and sealed by a licensed Illinois professional engineer of the proposed activity shall be provided which include as a minimum:

- (ii) A plan view of the project and engineering study each showing existing and proposed conditions including principal dimensions of the structure or work, elevations in ~~mean sea level (1929 adjustment)~~ NAVD88 datum ~~or N.G.V.D. or North American Vertical Datum~~ ~~mean sea level (1929 adjustment) datum or N.G.V.D. or North American Vertical Datum~~, adjacent property lines and ownership, drainage and flood control easements, location of any channels and any existing or future access roads, distance between proposed activity and navigation channel (when the proposed construction is near a commercially navigable body of water), designated floodway limit, floodplain limit, specifications and dimensions of any proposed channel modifications, location and orientation of cross-sections, north arrow, and a graphic scale;

Sec. 106-7. – Occupation and use of designated floodways.

- a. Application for a development permit shall be made on a form provided by the Department. The application shall include the following information:
16. The application for a structure shall be accompanied by plan drawings of the site, with graphic scale and north arrow showing property line dimensions. The plans shall include, existing and proposed contour elevations in ~~M.S.L. 1929 adj. Datum~~ NAVD88 datum depicting all proposed changes in grade resulting from excavation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 106-9, all necessary compensatory storage details including cross sections, earthwork volume calculations and erosion control plans all signed and sealed by an Illinois licensed professional engineer. Permits or written waivers from the other regulatory agencies, as determined necessary by the County Highway Department may also be required, including Army Corps of Engineers, Illinois Environmental Protection Agency, United States Department of Agriculture Nature Resources Endangered Species Consultation Program. A recent legal plat of survey is also required.

Sec. 106-8. - Occupation and use of special flood hazard areas (SFHA) where floodways are not identified.

- b. Application for a development permit shall be made on a form provided by the Department.
1. The application shall be accompanied by plan drawings of the site, with graphic scale and north arrow, showing property line dimensions. The plans shall include existing and proposed contour elevations in ~~M.S.L. 1929 adj.~~ NAVD88 datum depicting all proposed changes in grade resulting from excavation of the lowest floor (including basement) of all proposed buildings subject to the requirements of Section 106-9, all necessary compensatory storage details, including cross sections, earthwork volume calculations and erosion control plans all signed and sealed by an Illinois licensed

professional engineer. Permits or written waivers from the other regulatory agencies, as determined necessary by the County.

2. The application for a development permit shall also include the following information:

(iv) Plans signed and sealed by an Illinois licensed professional engineer of the proposed activity shall be provided which include as a minimum:

- A. A vicinity map showing the site of the activity, name of the waterway, boundary lines, names of roads in the vicinity of the site, graphic scale, and north arrow;
- B. A plan view of the project and engineering study each showing existing and proposed conditions including principal dimensions of the structure or work, elevations in ~~mean sea level (1929 adjustment) datum or N.G.V.D.~~ NAVD88 datum, adjacent property lines and ownership, drainage and flood control easements, distance between proposed activity and navigation channel (when the proposed construction is in or near a commercially navigable body of water), floodplain limit, location and orientation of cross-sections, north arrow, and a graphic scale;

EFFECTIVE DATE: This ordinance shall be in effect immediately upon adoption.