

12-O-18

AN ORDINANCE

**Amending Portions of Title 4, Chapter 13 of the Evanston City Code,
“Floodplain Regulations”**

**NOW BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
EVANSTON, COOK COUNTY, ILLINOIS, THAT:**

SECTION 1: Subsection 4-13-1(A), “Purpose,” of the City Code of 2012,
as amended, is hereby amended to read as follows:

- (A)** *Purpose.* This Chapter is enacted pursuant to the police powers granted to the City of Evanston by 65 ILCS 5/1-2-1, 5/11-12-12, 5/11-30-2, 5/11-30-8, and 5/11-31-2. The purpose of this Chapter is to maintain this City's eligibility in the national flood insurance program; to minimize potential losses due to periodic flooding including loss of life, loss of property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare; and to preserve and enhance the quality of surface waters, conserve economic and natural values and provide for the wise utilization of water and related land resources. This Chapter is adopted in order to meet the requirements of 615 ILCS 5/18, rivers, lakes and streams act and accomplish the following specific purposes:
1. To ensure that new development does not increase the flood or drainage hazards to others, or create unstable conditions susceptible to erosion;
 2. To protect new buildings and major improvements to buildings from flood damage;
 3. To protect human life and health from the hazards of flooding;
 4. To lessen the burden on the taxpayer for flood control projects, repairs to flood damaged public facilities and utilities, and flood rescue and relief operations; and
 5. To make federally subsidized flood insurance available for property in the City of Evanston by fulfilling the requirements of the national flood insurance program;
 6. To comply with the rules and regulations of the national flood insurance program codified as 44 CFR 59-79, as amended;

7. To protect, conserve, and promote the orderly development of land and water resources; and
8. To preserve the natural characteristics and functions of watercourses and floodplains in order to moderate flood and storm water impacts, improve water quality, reduce soil erosion, protect aquatic and riparian habitat, provide recreational opportunities, provide aesthetic benefits and enhance community and economic development.
9. To prohibit the unlawful conversion of public waters to private land pursuant to Title 17, Part 3704, §3704.70 and all other applicable regulations and requirements of joint agencies. Provisions of this Chapter do not prevent private measures to preserve, restore, and protect littoral properties.

SECTION 2: Subsection 4-13-6(A)(1), "Application," of the City Code of 2012, as amended, is hereby amended to read as follows:

1. *Application.* Application for a development permit shall be made on a form provided by the city engineer. The application shall be accompanied by drawings of the site, drawn to scale, showing property line dimensions and legal description for the property and sealed by a licensed engineer, architect or land surveyor; existing grade elevations, using the North American vertical datum of 1988, and all changes in grade resulting from excavation or filling; the location and dimensions of all buildings and additions to buildings. The applicant must also submit an accurate plat of survey of the subject property. For all proposed buildings, the elevation of the lowest floor (including basement) and lowest adjacent grade shall be shown on the submitted plans and the development will be subject to the requirements of section 9 of this chapter. The applicant must provide notice to all property owners abutting Lake Michigan within six hundred twenty-five (625) feet of the proposed project.

SECTION 3: Subsection 4-13-6(D), "Other Agency Permits," of the City Code of 2012, as amended, is hereby amended to read as follows:

- (D) *Other Agency Permits.* All applicants must provide to the City copies of all other federal, state, and local permits, approvals or waivers that may be required for this type of activity. The city engineer shall not issue a permit unless all other federal, state, and local permits have been obtained. All applicants must submit their application to the City of Evanston within ten (10) business days of submitting an application to any other joint agency regarding the same subject matter.

SECTION 4: Subsection 4-13-6 of the City Code of 2012, as amended, is hereby further amended by adding Subsection 4-13-6(I), "Post-Construction Requirements," which shall read as follows:

- (I) *Post-Construction Requirements.* Upon completion of all construction, the City requires all applicants to submit to the City Engineer a copy of the final plat of survey.

SECTION 5: Subsection 4-13-7(A)(1), "Application," of the City Code of 2012, as amended, is hereby amended to add the following Subsections:

- r. The applicant must submit an accurate plat of survey of the subject property.
- s. The applicant must provide notice to all property owners abutting Lake Michigan within six hundred twenty-five (625) feet of the proposed project.

SECTION 6: Subsection 4-13-7(B), "Other Agency Permits," of the City Code of 2012, as amended, is hereby amended to read as follows:

- (B) *Other Agency Permits.* All applicants must provide to the City Engineer copies of all other federal, state, and local permits and approvals that may be required for this type of activity. The city engineer shall not issue the development permit unless all required federal and state permits have been obtained. The city engineer or a licensed professional engineer, under the employ or contract of the City of Evanston shall review and approve applications reviewed under this section. All applicants must submit their application to the City of Evanston within ten (10) business days of submitting an application to any other joint agency regarding the same subject matter.

SECTION 7: Subsection 4-13-7 of the City Code of 2012, as amended, is hereby further amended by adding Subsection 4-13-7(J), "Post-Construction Requirements," which shall read as follows:

- (J) *Post-Construction Requirements.* Upon completion of all construction, the City requires all applicants to submit to the City Engineer a copy of the final plat of survey.

SECTION 8: All ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 9: If any provision of Ordinance 12-O-18 or application thereof to any person or circumstance is held unconstitutional or otherwise invalid, such invalidity shall not affect other provisions or applications of this Ordinance that can be given effect without the invalid application or provision, and each invalid application of this Ordinance is severable.

SECTION 10: The findings and recitals contained herein are declared to be prima facie evidence of the law of the City and shall be received in evidence as provided by the Illinois Compiled Statutes and the courts of the State of Illinois.

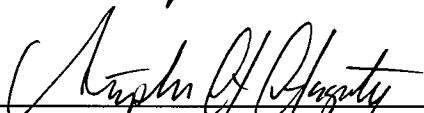
SECTION 11: Ordinance 12-O-18 shall be in full force and effect after its passage, approval, and publication in the manner provided by law.

Introduced: March 12, 2018

Approved:


Adopted: April 9, 2018

April 24, 2018



Stephen H. Hagerty, Mayor

Attest:



Devon Reid, City Clerk

Approved as to form:



Michelle L. Masoncup, Interim
Corporation Counsel